

The Waitangi Tribunal and the Motun

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The Claim Made to the Waitangi Tribunal

In 1981, the Te Atiawa people of Taranaki made a claim to the Waitangi Tribunal. The claim said that:

- the discharge of sewage and industrial waste into the sea without proper controls had badly affected their tribe;
- the pollution was killing the reefs they relied on for seafood; and
- the pollution was not in line with the principles of the Treaty of Waitangi, which allowed their tribe full, exclusive, and undisturbed possession of their fisheries.

1983

Te Atiawa also pointed out that the existing pollution was unacceptably bad by environmental standards. If the new industries being built along the Taranaki coast were allowed to empty their waste into the sea, the situation would only worsen. The hearings took place during 1982 and the Tribunal's findings and recommendations were released in a report in 1983.

The Treaty of Waitangi

The Treaty of Waitangi gave Maori people 'te tino rangatiratanga o o ratou wenua o ratou kainga me o ratau taonga katoa'. This translates as 'the unqualified exercise of their chieftainship over their lands, villages, and all their treasures'.¹ The English version promised Maori 'the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession'.²

See 1983.

Others who Spoke at the Tribunal Hearings

Other people who spoke at the Tribunal hearings were:

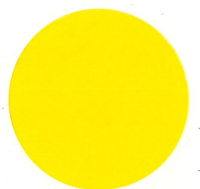
- a representative of Borthwicks;
- a representative of the methanol plant;
- a representative of the synthetic fuels plant; /DIV>
- representatives of a number of Government departments and organisations;
- a representative of the Commission for the Environment; and
- a representative of the Department of Scientific and Industrial Research.

Borthwicks

Borthwicks Freezing Works was the biggest employer in the town of Waitara. It used to pour its sewage straight into the Waitara River, but when the pollution of the river got to be a problem, a pipeline was built to discharge the waste 1200 metres out to sea. This pipeline was called the Waitara Borough outfall and had been used since 1979.

The only treatment the sewage received before being pumped out to sea was a kind of 'mincing up' process. There were no secondary or tertiary treatment processes and no programmes to convert the waste into fertiliser. The pipeline leaked near the shore because it was damaged when it was first put into the sea. Consequently, the river mouth area and the surrounding coastal waters were being badly polluted.

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The pipeline was also overloaded, carrying more sewage than it was designed for. It was in a bad position because it was near the river, close to the town of Waitara, and ran between two reefs. No shellfish could be taken from the reefs, and there was evidence to suggest that the pollution level was higher than that permitted by water regulations laid down by the Taranaki Catchment Commission.

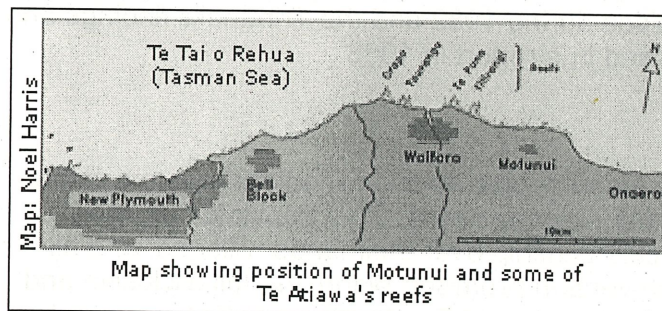
The Methanol Plant

In 1980, Petralgas (Petralgas Chemicals New Zealand Limited) applied for a water right to discharge treated sewage and industrial waste into the Waitara River from its proposed methanol plant. The permit was refused and so the company arranged to discharge the waste through the Waitara Borough outfall.

By the end of 1980, the pipeline was discharging freezing-work wastes from Borthwicks, sewage from Waitara, and industrial waste from the methanol plant.

The Synthetic Fuels Plant

In 1981, Syngas applied for a water right to build a second pipeline for the synthetic fuels plant at Motunui and to discharge sewage and industrial waste into the sea just north of Waitara. Te Atiawa opposed this proposal but Syngas's application was approved



by the Planning Tribunal, though it was subject to strict terms and conditions. However, neither Syngas nor the Planning Tribunal could guarantee that there would be no pollution of the remaining Motunui Reef.

Both these projects provided lots of jobs in an area where there was not much work.

Government Departments and Organisations

People from a number of Government departments and organisations spoke at the Tribunal hearings, including representatives of:

- the Taranaki Catchment Commission and the Regional Water Board (which were responsible for water resources);
- the Ministry of Works (which was responsible for public health works);
- the Department of Health (which was responsible for public health);
- the Ministry of Agriculture and Fisheries (which was responsible for fishing resources); and
- the Taranaki United Council (which was responsible for regional and maritime plans for the Taranaki region).

These representatives all said that they had no particular instructions to look after Maori interests or to take account of the Treaty of Waitangi when they made decisions. When they did make decisions, they sometimes recognised that Maori people would be affected, but Maori interests were only one of the many public interests they considered.

The Commission for the Environment

The Commission for the Environment acted as an adviser and a researcher

for the Government on environmental matters. It identified areas where there was an environmental problem, researched the problem, and then made suggestions to the Government about how the problem could be fixed.

The commission thought both cultural and scientific factors were an important part of the value that people give the environment. Their reports to the Government emphasised the value that Maori people place on the parts of the environment of special importance to them.

The commission, however, was only an adviser to Government. It did not have the final decision, and its advice could be ignored.

The Department of Scientific and Industrial Research

The Department of Scientific and Industrial Research (the DSIR) outlined a number of options for treating and disposing of the waste at Waitara and gave the advantages and disadvantages of disposing of the waste on land compared with discharging it into the sea.

The DSIR estimated that the cost of repairing the outfall and putting in chlorination and milliscreening stages to treat the waste before it went out to sea was about the same as the cost of building a brand-new land disposal system. However, the DSIR also said that more research was needed on land disposal options before it could be sure of the cost.

Next: Summary of The Waitangi Tribunal's Recommendations

Footnotes

1. The Maori text is taken from the Treaty of Waitangi Act 1975 and the English translation was done by former Tribunal member Professor Sir Hugh Kawharu.
2. The English text is taken from the Treaty of Waitangi Act 1975.

