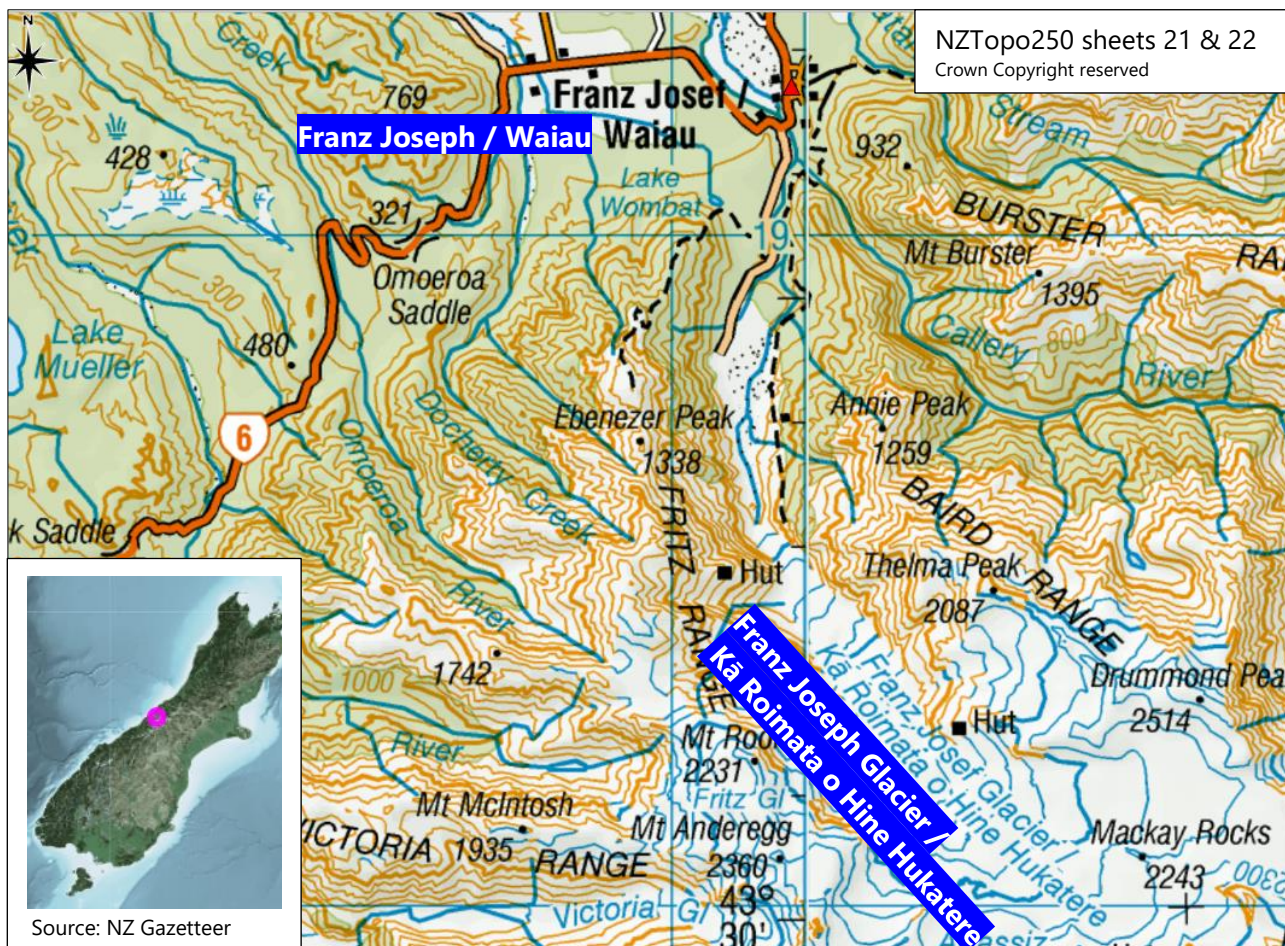


Proposals considered by the Board on 3 October 2023 for:

Franz Josef / Waiau [altered from Franz Josef/Waiiau] (for the village)

Franz Josef Glacier / Kā Roimata o Hine Hukatere [altered from Franz Josef Glacier/Kā Roimata o Hine Hukatere] (for the glacier)



Summary

At its hui on 26 April 2023 the Board declined proposals to alter the spelling of 'Josef' to 'Joseph' in the non-Māori part of the official dual place names:

- Franz Josef/Waiiau to Franz Joseph / Waiau (for the village), and
- Franz Josef Glacier/Kā Roimata o Hine Hukatere to Franz Joseph Glacier / Kā Roimata o Hine Hukatere (for the glacier),

The Board's decision was based on it being unable to amend place names in [Schedule 96 of the Ngāi Tahu Claims Settlement Act 1998](#) through the process set out in sections 16-21 of the [New Zealand Geographic Board \(Ngā Pou Taunaha o Aotearoa\) Act 2008](#).

That decision was informed by a 2006 Toitū Te Whenua LINZ¹ legal opinion that the place names in the Ngāi Tahu Claims Settlement Act 1998 couldn't be amended through the place naming processes in the New Zealand Geographic Board Act 1946.

¹ Land Information New Zealand

The Board did agree that the proposals had comprehensive and compelling supporting evidence that the correct spelling is 'Joseph' not 'Josef', for Kaiser Franz Joseph (1830-1916) Emperor of Austria.

After a request from the proposer to reconsider its decision, the Board sought another opinion from the Toitū Te Whenua LINZ Legal team. This updated opinion, based on the NZGB Act 2008, concludes that place names in the Ngāi Tahu Claims Settlement Act 1998 can in fact be proposed to be altered through sections 16-21 of the NZGB Act 2008 – refer below.

A positive consequence of this updated opinion is that there is now a path for altering other names in the Ngāi Tahu Claims Settlement Act 1998 and other early Treaty settlements that have no clauses protecting the subsequent alteration of place names in settlements. This 'subsequent alteration' clause only became part of Treaty settlement legislation from 2008.

Te Rūnanga o Ngāi Tahu previously confirmed that they have no issues with correcting the non-Māori parts of the dual names, ie Josef to Joseph, and advised on 4 August 2023 that they have no further comment.

Te Arawhiti (Office for Māori Crown Relations) has commented that in the interests of a good working Treaty partnership the Board should seek the written consent of the Ngāi Tahu Trust Board regardless.

The Board's expert translator has advised that Ka Roimata o Hine Hukatere should be Kā Roimata-o-Hinehukatere and Waiau is correct. As per the Board's practice, a space has also been applied to either side of the solidus (forward slash) in these dual names.

Two options are provided to the Board:

1. Proceed to notify the proposals with the updated orthography² for the Māori part of the dual name for the glacier. Noting the potential for objections to either or both parts of the dual names, and that the final outcome may differ from the original proposal depending on the outcome of public consultation.
2. Decline the proposals based on the spelling 'Josef' on official maps – 52 years for the village and 89 years for the glacier. Noting that until the early 1970s the village was named Waiho Gorge (a corruption of Waiau) on official maps.

Secretariat recommendations

At its 3 October 2023 hui the Board resolved Option 1 but changed the length of public notification from three months to one month.

Option 1

Decline the proposal to **alter** the official dual name Franz Josef Glacier/Kā Roimata o Hine Hukatere to **Franz Joseph Glacier / Kā Roimata o Hine Hukatere** based on expert advice that Kā Roimata-o-Hinehukatere is the correct orthography of the Māori part of the dual name.

AND

Accept a different proposal from the Board to **alter** the official dual name Franz Josef Glacier/Kā Roimata o Hine Hukatere to **Franz Joseph Glacier / Kā Roimata-o-Hinehukatere**,

² The conventions and rules of how to write a language

and

Accept the proposal to **alter** the official dual name of the village Franz Josef/Waiau to **Franz Joseph / Waiau** based on:

- the updated legal opinion of 7 July 2023 that place names in the Ngāi Tahu Claims Settlement Act 1998 can be proposed to be altered through the process set out in sections 16-21 of the NZGB Act 2008,
- the Board's statutory obligation under sections 11(1)(b) and 10(1)(c) of the NZGB Act 2008 to examine and correct the spelling of the names, and
- Te Rūnanga o Ngāi Tahu confirming they have no issues with correcting the non-Māori parts of the dual names, ie Josef to Joseph.

and

Notify as proposals to alter for one month ~~three months~~.

Subject to TRONT confirming the updated orthography, Kā Roimata-o-Hinehukatere, noting that *Kā Huru Manu* has the spelling Kā Roimata-a-Hinehukatere.

Noting the potential for objections to either or both parts of the dual names and advice from Te Arawhiti that in the interests of a good working Treaty partnership the Board seek the written consent of the Ngāi Tahu Trust Board regardless.

OR

Option 2

Decline the proposals to alter:

~~— the official dual name of the village Franz Josef/Waiau to **Franz Joseph / Waiau**, and~~

~~— the official dual name of the glacier Franz Josef Glacier/Kā Roimata o Hine Hukatere to **Franz Joseph Glacier / Kā Roimata o Hine Hukatere**.~~

~~Based on long term use of the spelling 'Josef' on official maps (52 years for the village and 89 years for the glacier).~~

~~**Noting** that until the early 1970s the village was named Waiho Gorge (a corruption of Waiau) on official maps.~~

Board minutes
26 April 2023
[abridged]

The proposal has comprehensive and compelling supporting evidence that the correct spelling is 'Joseph' not 'Josef', for Kaiser Franz Joseph (1830-1916) Emperor of Austria. Due to both names being included in the Ngāi Tahu Claims Settlement Act 1998, the Board doesn't have the power to correct the names. To ensure the efforts of the proposer are not wasted, the Gazetteer entries should be amended to note that the Board considers 'Joseph' to be correct but is it not able to alter the names. Legal advice previously provided regarding other amendments to the Ngāi Tahu Treaty settlement legislation confirmed that the names scheduled in that Act could only be changed by an amendment to that Act. Because of this issue with early Treaty settlement legislation, later Treaty settlement legislation includes a clause allowing names to be altered with the consent of the claimants.

The Board resolved to decline the proposals based on it being unable to amend place names in Schedule 96 of the Ngāi Tahu Claims Settlement Act 1998 through the process set out in sections 16-21 of the NZGB Act 2008. The substantial evidence that the proposer had provided indicates that 'Joseph' is

the correct spelling and the Board agreed to enter as a 'note'³ in the New Zealand Gazetteer. The Board will inform Te Arawhiti that it agrees that the spelling should be Joseph, noting that it may be possible to add the spelling corrections as part of legislative amendments under the Statutes Amendment Bill.

Legal opinion
[privileged]

Crown confidential

Te Arawhiti

On 4 August 2023 the Board sought the views of Te Arawhiti from a post-settlement commitments perspective. The Board advised that whatever its decisions are on these proposals, there is now a path for altering other names in the Ngāi Tahu Claims Settlement Act 1998 and other early Treaty settlements that have no clause protecting the subsequent alteration of place names in settlements. This 'subsequent alteration' clause only became part of Treaty settlement legislation from 2008 onwards (clause 61 in ['Clauses for standard elements of Treaty settlement Bills 2021-03-31'](#) refers).

Noting the Ngāi Tahu Claims Settlement Act 1998 doesn't have the clause requiring the written consent of the trustees to alter a place name made through Treaty settlement, Te Arawhiti recommended 'seeking the written consent of the Ngāi Tahu Trust Board trustees regardless, in the interests of working in good Treaty partnership'.

Consultation
with TRONT⁴

At its hui on 26 April 2023 the Board noted that TRONT wasn't concerned about the non-Māori parts of the dual names being altered.

On being advised that the Board would be reconsidering the proposals based on the updated legal opinion, which means there could potentially be objections to either or both parts of the names, TRONT advised on 4 August 2023 that it had no further comments.

A small risk for TRONT is that the Māori part of the dual names are objected to, even though they are not the subject of the proposals. TRONT itself could make submissions to drop the non-Māori parts of the dual names.

Advice on
orthography

A Te Taura Whiri i te Reo Māori licensed translator has advised that:

- Ka Roimata o Hine Hukatere, which *Kā Huru Manu* records as [Kā Roimata-a-Hinehukatere](#) meaning as 'The tears of Hinehukatere', should be Kā Roimata-o-Hinehukatere, as tears are in the [possessive] 'o' category.
- Waiau is perfect as it is.

The dual place names in [Schedule 96 of the Ngāi Tahu Claims Settlement Act 1998](#) don't have a space either side of the solidus (forward slash). However, the Board's practice is to include a space, so if the proposals proceed, this practice will be applied.

³ This note was subsequently added to the Gazetteer: At its hui on 26 April 2023 the NZ Geographic Board noted that 'Josef' should correctly be spelled 'Joseph' based on a large number of Austrian and German historical sources provided to verify that the correct spelling of the emperor's name is 'Franz Joseph'.

⁴ Te Rūnanga o Ngāi Tahu

Relevant sections from the [NZGB Act 2008](#) and the [Standard for New Zealand place names](#)

Under sections 10(1)(c) and 11(1)(b) of the Act the Board has a responsibility to examine cases of doubtful spelling.

1.6 Altered names

A name may be altered when:

- it is culturally inappropriate,
- the location of a feature or place is unclear,
- there are compelling reasons for safety,
- it corrects a significant wrong or grievance,
- it is confusing or ambiguous,
- it does not follow established long-term local or common use,
- it standardises the orthography.

Any alteration should balance the cultural and historical significance of the name against long-term use and the practical need for location identification.

There are no compelling reasons for safety to alter the spelling of 'Josef' nor would it correct a significant wrong or grievance. The current spelling 'Josef' is well established, widely recognised and has been in use on official maps since 1934 (89 years) for the glacier and 1971 (52 years) for the village, although Julius von Haast⁵ used the spelling 'Joseph' on his 1866 sketch of The Glaciers of Mount Cook and Mount Tasman.⁶

Concerns or issues for emergency services

The features are in a remote but significant recreational area that is well known both nationally and internationally. Noting that the current spelling 'Josef' and proposed spelling 'Joseph' are pronounced the same, there would be no issues when identifying the features in an emergency.

Waka Kotahi and council road signs

There is evidence that some very early road signs have still not been updated to even the current dual names. With these proposals comes an opportunity for the Board/Secretariat to liaise again with the agencies responsible for road signs at this location.

Cost implications

If the proposals proceed there should be no concerns because of cost. Updates to promotional material, maps, databases etc would be done over time during routine maintenance.

Media

There is likely to be media coverage if the Board accepts the proposals.

⁵ Peter B Maling. 'Haast, Johann Franz Julius von', Dictionary of New Zealand Biography, first published in 1990, updated October 2017. Te Ara – the Encyclopaedia of New Zealand, <https://teara.govt.nz/en/biographies/1h1/haast-johann-franz-julius-von>. Accessed 12 September 2023.

⁶ In Ferdinand von Hochstetter. *New Zealand, Its Physical Geography, Geology and Natural History: With Special Reference to the Results of Government Expeditions in the Provinces of Auckland and Nelson*. Stuttgart: JG Cotta, 1867.

Supporting information

1. Board report – Franz Joseph / Waiau and Franz Joseph Glacier / Kā Roimata o Hine Hukatere – 2023-04-26
2. Letter from proposer – request to reconsider proposals – 2023-05-11
3. Email from TRONT – no further comments – 2023-08-04
4. Email to Te Arawhiti – seeking views – 2023-08-08
5. Letter from Te Arawhiti – advice to the Board – 2023-09-01
6. Email from orthographic expert – orthographic advice – 2023-09-13