

WAITANGI TRIBUNAL

Wai 187

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Awataha Land Claim

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER

The Registrar is directed to add to Wai 187 an amended statement of claim received on 28 November 2017, and to record its date of receipt in the register of claims.

This amendment seeks to further particularise the original statement of claim for Wai 187, specifically in relation to the land that Awataha Marae is situated on in Northcote, Auckland (the land). The claimants allege the Crown has breached the principles of the Treaty of Waitangi by:

- Pressuring the claimants into accepting a lesser interest than freehold in the land;
- Failing to inform the claimants when Cabinet Directions preventing the transfer of the freehold to the land changed or were no longer being followed;
- Failing to consult the claimants on decisions relating to the land;
- Failing to offer the claimants a lease of the land under the Land Act 1948;
- Negotiating a settlement with Te Rūnanga o Ngāti Whātua which may deprive the claimants of the opportunity to acquire freehold interest in the land;
- Failing to support and assist Awataha as an urban Māori organisation to provide facilities and services to Māori;
- Failing to offer the claimants an interest in the land that would allow them to develop it; and
- Failing to assist the claimants to create a permanent and financially sustainable economic base from the land.

The claimants also seek the following further recommendations:

- That the Crown offer Awataha a first right to purchase the land from the Crown; or
- That the Crown offer Awataha a replacement or varied perpetually renewable 33-year term lease under s 63 of the Land Act 1948, in replacement or variation of its present lease.

The Ngāti Whātua Ōrākei Claims Settlement Act 2012 settles the historical aspects of this claim as far as they relate to Ngāti Whātua Ōrākei or a representative entity. The Tribunal is therefore barred from inquiring into any historical allegations relating to Ngāti Whātua Ōrākei or a representative entity. This amendment is registered only to the extent that the Tribunal has jurisdiction to inquire.

The amendment is to be entered on the records of inquiry for:

- Wai 187, the Awataha Land Claim, as document #1.1(a); and
- Wai 1040, the combined record for the Te Papanahi o Te Raki inquiry, as document #1.1.21(a).

The Registrar is to send a copy of this direction to the claimants and give notice of the amendment to those on the notification list for:

- Wai 187, the Awataha Land Claim; and
- Wai 1040, the combined record for the Te Paparahi o Te Raki inquiry.

DATED at Taupō this 4th day of December 2017

A handwritten signature in black ink, appearing to read 'C. T. Coxhead', written in a cursive style.

Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL