OFFICIAL

WAITANGI TRIBUNAL

Wai 757

CONCERNING the Treaty of Waitangi Act 1975

AND the Fisheries (Kaimoana Customary Fishing) Regulations 1998 Claim

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER

The Registrar is directed to add to Wai 757 an amended statement of claim received on 9 August 2019, and to record its date of receipt in the register of claims.

This amendment seeks to add further allegations to the claim concerning Crown actions and inaction against Ngāti Raukawa te Au ki te tonga. These allegations include that the Crown breached the principles of the Treaty of Waitangi by:

- failing to recognise and actively protect the distinct identity of Ngāti Raukawa te Au ki te tonga, stripping them of their tino rangatiratanga;
- facilitating, permitting and frequently failing to prevent the permanent alienation of Ngāti Raukawa te Au ki te tonga lands and resources;
- permitting its Maori allies to threaten hapū of Ngāti Raukawa te Au ki te tonga to actively destroy their property to facilitate the acquisition of land in the Horowhenua by those allies;
- introducing legislation, namely the Native Lands Act, to fulfil its land acquisition objectives of acquiring as much of the district from Māori to enable mass settlement of the district;
- failing to actively protect Ngāti Raukawa te Au ki te tonga and provide adequate title options to reflect Maori communal ownership;
- adopting unfair purchasing practices to acquire land from Ngāti Raukawa te Au ki te tonga;
- targeting and exerting pressure on Ngāti Raukawa te Au ki te tonga to sell their lands;
- failing to protect the claimants' ability and obligations under tikanga to exercise kaitiakitanga over their lands, waterways, the environment and its resources;
- failing to provide Ngāti Raukawa te Au ki te tonga with the same economic development and sustainability opportunities, access to government benefits, employment opportunities, health services, and educational opportunities as Pākehā citizens;
- failing to consult with and uphold the tino rangatiratanga and local autonomy of Ngāti Raukawa te Au ki te tonga when delegating powers and functions to local government; and
- introducing and operating a public works regime which allowed land and resources to be compulsorily taken from Ngāti Raukawa te Au ki te tonga for public works without compensation or adequate consultation.

The amendment is to be entered on Wai 757, the Fisheries (Kaimoana Customary Fishing) Regulations 1998 Claim, as document #1.1(c).

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 757, the Fisheries (Kaimoana Customary Fishing) Regulations 1998 Claim; and
- Wai 2200, the combined record for the Porirua ki Manawatu inquiry.

DATED at Gisborne this 11th day of September 2019

Deputy Chief Judge C J Fox
Presiding Officer
WAITANGI TRIBUNAL