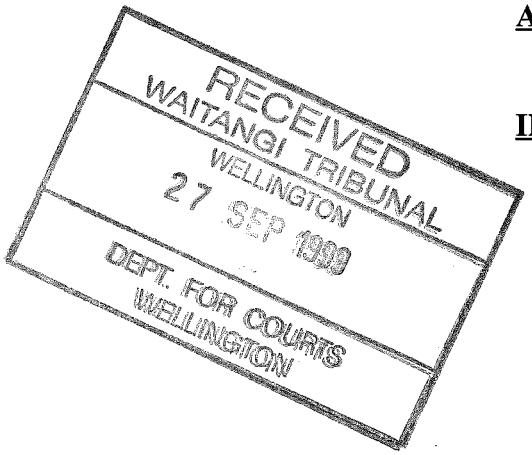
C1999/09/01163

OFFICIAL

IN THE MATTER of the Treaty of Waitangi Act 1975

CLAIM #1.1
WAI 805

AND



IN THE MATTER of BRIAN HEKE, Chairperson of Te Rawhitiroa Community Revival Society Inc. on behalf of the descendants of Kingi Hori and the hapu of Ngati Torotoroa

#1.31
WAI 45

Applicant

1. **I, BRIAN HEREPETE** of Owhata Northland, Chairperson of Te Rawhitiroa Community Revival Society Inc.

   ON behalf of the descendants of Kingi Hoori and the hapu of Ngati Torotoroa

2. **CLAIM** to be prejudicially affected or likely to be prejudicially affected by the following Acts:
   The Native Land Courts Act 1865 and its subsequent amendments
   Wastelands Act 1870
   Immigration and Public Works Act
   Lands Administration Act 1879
   Wastelands Administration Act 1876
   Lands Act 1877
   Public Works Act 1927

3.

RAWHITIROA 1 AND 2

3.. **IN** 1882 the Crown purchased Rawhitiroa No 1.

4. **IN** or about 1900 Rawhitiroa No 2 was alienated from Maori ownership.

RARATONGA A

5. **IN** 1897 the Crown purchased Rarotonga A.

RESERVES

6. **IN** the early 1900s the Omaku and Owhata Reserves were alienated.

7. **IN** the 1930s our tupuna whaea, Marae HEKE (nee HEREPETE) was arrested for her direct action she took in protest against survey work being done to create a road on Owhata.

GROUNDS FOR THE CLAIM

7. **THE** Treaty of Waitangi imposed upon the Crown an obligation to act in the interests of the hapu in respect of our ancestral lands. The Native Lands Act, the Wastelands Act (insert any others) were acts which prejudicially affected the claimants as descendants of the original owners of the said ancestral lands and were in breach of the Crown's obligation under the Treaty.

8. **THE** aforementioned acts and their attendant regulations and subsequent amendments and resulting policies and practices were and are inconsistent with the principles of the Treaty of Waitangi.

REMEDIES SOUGHT:

9. **THE** recommendation is sought from the Tribunal pursuant to Sections 8A and 88J of the Treaty of Waitangi Act 1975 for the recovery of the lands referred to in this Claim to the descendants of Kingi Hori and the hapu of Ngati Torotoroa.

10. **A** recommendation that the actions of the Crown in respect of the hapu lands was wrong and contrary to the spirit of the Treaty of Waitangi and that compensation determined by the Tribunal should be awarded to the descendants of Kingi Hori accordingly.

11. **A** recommendation that the actions of the New Zealand Government in respect of the hapu lands was wrong and contrary to the spirit of the Treaty of Waitangi and that compensation determined by the Tribunal should be awarded to the descendants of the hapu accordingly.

12. **A** recommendation that the Crown and the New Zealand Government apologise for the hurt and wrong done to the descendants of Kingi Hori.

13 **COSTS** of this action.

14. **SUCH** further or other relief as this Tribunal thinks fit.

15 **THE** Tribunal is asked to commission a researcher to report on the claim before any hearing. We ask that we may be allowed to nominate our own research worker and with the greatest respect ask at least that we be granted leave to amend this claim following our researchers' reports.

16. **WE** nominate presently Brian HEREPETE, Chairperson of Te Rawhitiroa Community Revival Society Inc. of Owhata to act as our researcher.

17. **WE** nominate presently TOM BENNION, Barrister of Wellington to act on our behalf in terms of this Claim and with respect further reserve the right to seek further legal assistance and aid in the event that this is necessary.

18. **NOTICES** to the Claimant should be sent to:

Tom Bennion
P O Box
WELLINGTON and

Brian HEKE
P O Box 541
KAITAIA

19. **OTHER PERSON(S) / BODIES AFFECTED BY THIS CLAIM**:

(a) Messrs Peter and Mike Hammond
(b) Far North District Council

DATED THIS **DAY OF** **199**

SIGNED by the said)
BRIAN HEREPETE on)
behalf of the Claimants)

ment 9,455 acres, more or less. Bounded on the North by the Manawatu-Kukutauaki No. 2D Block; on the East by the Kahiuu No. 2 Block; on the South by Subdivision No. 2; and on the West by Subdivisions Nos. 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Manawatu-Kukutauaki No. 2E Block aforesaid.

Given under the hand of His Excellency Sir James Prendergast, Knight, Chief Justice, the Administrator of the Government of Her Majesty's Colony of New Zealand and its Dependencies; and issued under the Seal of the said Colony, at the Government House, at Wellington, this twenty-second day of August, in the year of our Lord one thousand eight hundred and eighty-two.

JOHN BRYCE.

GOD SAVE THE QUEEN!

Making Rules for Surveys, and Fees to be paid by Applicants for Land, under the Homestead System, Auckland District.

JAMES PRENDERGAST,
Administrator of the Government.

ORDER IN COUNCIL.

At the Government House, at Wellington, this seventh day of August, 1882.

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL.

WHEREAS by the one hundred and sixty-ninth section of "The Land Act, 1877," it is, among other things, enacted that the Governor shall have power from time to time to make rules, regulations, and orders providing for the mode by which any land or allotment shall be surveyed and boundaries adjusted, and for imposing any reasonable charge for surveys:

And whereas it is expedient that the charges to be made for the survey of rural lands to be occupied within the Land District of Auckland under the provisions set forth in clauses two and three, Appendix A, of the said Act should be amended:

Now, therefore, I, James Prendergast, the Administrator of the Government of the Colony of New Zealand, in pursuance and exercise of the powers vested in me by the said Act, do hereby make the rules, regulations, and orders set forth in the Schedule hereto, providing the mode in which surveys may be made, and for imposing the fees to be paid by persons making application for land to be occupied under the provisions set forth in clauses two and three of the Appendix A to the said Act.

SCHEDULE.

	£	s.	d.		£	s.	d.
Under 30 acres ...	6	0	0				
From 30 to 50 acres	0	3	6	per acre, but not less than	6	0	0
„ 50 to 100 „	0	3	0	„ „	8	15	0
„ 100 to 200 „	0	2	6	„ „	15	0	0
„ 200 to 300 „	0	2	0	„ „	25	0	0

Surveys shall be made by surveyors authorized by the Surveyor-General, and in accordance with instructions to Settlement Surveyors issued or which may be issued by him; and these rates further imply that all boundary-lines are to be cut and marked on the ground.

FORSTER GORING,
Clerk of the Executive Council.

Telephone Exchange Charges.

JAMES PRENDERGAST,
Administrator of the Government.

ORDER IN COUNCIL.

At the Government House, at Wellington, fourteenth day of August, 1882.

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL.

IN pursuance and in exercise of the powers in him by "The Electric Telegraph and "The Electric Telegraph Act 1875 Act, 1881," and of all other powers en that behalf, His Excellency the Admi the Government of the Colony of New Z with the advice and consent of the Execut of the said colony, make the regulations the Schedule hereto in relation to the c made for the use of telephones wherever in this colony, and doth further order that such regulations shall take effect on the date of the gazetting hereof.

SCHEDULE.

A FEE of £17 10s. per annum, payable advance, shall be payable for hire of each instruments and wire from office or re dence for any distance within half a m telegraph office.

When more than one instrument is h same firm or person, the charge shall be every instrument after the first for the tance.

An additional fee of £2 for every quarter or portion of a quarter of a mi payable upon each set of instruments.

FORSTER GORING,
Clerk of the Executive Council.

Vesting Reserves in the Corporation of

JAMES PRENDERGAST,
Administrator of the Government.

ORDER IN COUNCIL.

At the Government House, at Wellington twenty-first day of August, 1882.

Present:

HIS EXCELLENCY THE ADMINISTRATOR GOVERNMENT IN COUNCIL.

WHEREAS the lands mentioned in the hereto were reserved for purpo nection with the protection of river-ban whereas, in the opinion of the Administra Government, it is expedient to vest the the Corporation of the Borough of Picton

Now, therefore, His Excellency the Ad of the Government of the Colony of New and with the advice and consent of the Council of the said colony, and in exer powers and authorities vested in him by section of "The Public Reserves Act, hereby declare that, from and after the date hereof, the said reserves shall beco the Mayor, Councillors, and Burgesses of of Picton, in trust for purposes in con the protection of river-banks.

SCHEDULE.

ALL that parcel of land situated in Picton, Provincial District of Marlboro ing by admeasurement 2 roods, more

... of the Bor... Auckland.

...RENDERGAST, ... the Governme...

...AMATION. ...ise of the pow... ...al Corporation ... ...he same, I, Jam... ...of the Goverm... ... do hereby, ...he boundaries ... ...schedule here... ...ough of the C... ... a separate ... the Ponsonby ... ...he said boro... ...ond Schedule ...

...HEDULE. ...incial District ... ...North-east by ... ...original high-... ...anklin Road; ... ...by the middle ... ...ie s... side o... ...by ... ions ... ...bank ... Cox... ...k to Waitemat... ...North-west by ...

...HEDULE. ...in the middle o... ...-water mark o... ...ards the We... ...wards the Nor... ...inks, 4300 link... ...ks, 1350 link... ...nks, 200 link... ...the East by ... ...ice along the S... ...Section No. ... ...from the south... ...the City of A... ...reet with Gra... ...Road from th... ...it opposite the ... Suburban Sectio... ...ngle ... h Stan... ...ndary ... aid Lo... Lot N... 8 of S... ...side of Symon... ...le of said Lot ... ...hape Road; ... ...ide of the Ka... ...to the junctio... ...ions Nos. 36, 3... ...of Cox's Cree... ...he Waitemata ... ...rds the North... ...gh-water mark ... ...f commencem... ...l of His Exc... ...st, Knight, C... ...r of the Gove... ...olony of N... ...icies; and ... ...said Colon... ...ise, at Wellin... ...of August, ...housand eight...

THOMA... QUEEN!

...to be Waste Lands of the Crown.

JAMES PRENDERGAST, ...dministrator of the Government.

A PROCLAMATION.

...AS the lands described in the Schedule ...have been purchased out of the sums ...under "The Immigration and Public ... 1870," and Acts amending the same, to ...and expended in the purchase of lands in ...land of New Zealand, and it is expedient ...lands should be declared to be waste ... Crown:

...Therefore, I, James Prendergast, the Ad... ...of the Government of the Colony of ...being satisfied that the lands described ...dule hereto are free from Native claims ...ficulties in connection therewith, in pur... ...exercise of the power and authority ...me by the seventeenth section of "The ...nds Administration Act, 1876," and the ...ighth section of "The Land Act 1877 ...ner Act, 1879," and all other authorities ...me in that behalf, do hereby proclaim and ...the said lands to be waste lands of the ...bject, except as in the first-mentioned Act ...to be sold and dealt with according to the ...s of the laws regulating the sale and dis... ...aste lands of the Crown in force in the land ...in which they are respectively situated.

SCHEDULE.

RAWHITIROA No. 1.

...parcel of land at Herekino, in the District of ...a, in the Provincial District of Auckland, ...by the name of Rawhitiroa No. 1, contain... ...measurement 1,482 acres, more or less. ...towards the North by the Herekino River, ...Omaku Block 1781 links, 1580 links, and 2024 ...and by the Herekino River aforesaid; towards ...the east by the Rarotonga Block, 17670 links; ...the South-east by the Rawhitiroa No. 2 ...6100 links; and towards the South-west by ...*save and excepting* one surrounded space ...by the name of Remonga, containing 8 acres ...more or less.

WAITAHA.

All that parcel of land at Waitaha, in the District ...Hokianga, in the Provincial District of Auckland, ...known by the name of Waitaha, containing by ...measurement 344 acres 2 roods, more or less. ...Bounded towards the North by a line, 1496 links; ...towards the North-east by a line, 3297 links; towards ...the South-east by the Waikare Block, 6505 links; ...towards the South-west by the sea; and towards the ...North-west by the Hauturu Block, 6950 links.

OIKURA No. 1.

All that parcel of land at Waima, in the District ...Hokianga, in the Provincial District of Auckland, ...known by the name of Oikura No. 1, containing by ...measurement 2,071 acres, more or less Bounded ...towards the North by the Whataipu Block 10431 ...links, and by the Mangataraire Block 6913 links; ...towards the East and North-east by the Pukewha... ...Block, 17030 links; towards the South-east ...and South by the Punakitere Block, 603 links and ...links; towards the South-west and West by ...Punakitere Block aforesaid 2576 links, and by ...18581 links; and towards the North-west by ...Oikura No. 2 Block, 7500 links. (*Substituted for ...cription of Oikura Block, 2,106 acres, as published ...Proclamation in* Gazette *No. 34, of the 8th April,* ...80.)

RANGIWHAKAOMA No. 1.

All that parcel of land at Tauranga, in the District of Bay of Plenty, in the Provincial District of Auckland, known by the name of Rangiwhakaoma No. 1, containing by admeasurement 2 acres 1 rood, more or less. Bounded towards the North by the Rangiwhakaoma No. 2 Block, 630 links; towards the East by the sea, 450 links; towards the South by a line, 585 links; and towards the West by a line, 346 links.

RANGIWHAKAOMA No. 4.

All that parcel of land at Tauranga, in the District of Bay of Plenty, in the Provincial District of Auckland, known by the name of Rangiwhakaoma No. 4, containing by admeasurement 2 acres 1 rood, more or less. Bounded towards the North by the Rangiwhakaoma No. 5 Block, 775 links; towards the East by the sea, 300 links; towards the South by the Rangiwhakaoma No. 3 Block, 810 links; and towards the West by a line, 279 links.

MANAWATU-KUKUTAUAKI No. 2A.

All that parcel of land in the Mount Robinson and Arawaru Survey Districts, in the Manawatu County, in the Provincial District of Wellington, being Subdivision No. 3 of the Manawatu-Kukutauaki No. 2A Block, containing by admeasurement 7,152 acres, more or less. Bounded on the North by unsurveyed Crown lands; on the East by Kahinu No. 1 Block; on the South by Subdivision No. 2 of the Manawatu-Kukutauaki No. 2A Block; and on the West by Subdivision No. 11 of the last-mentioned block.

MANAWATU-KUKUTAUAKI No. 2B.

All that parcel of land in the Mount Robinson and Arawaru Survey Districts, in the Manawatu County, in the Provincial District of Wellington, being Subdivision No. 1 of the Manawatu-Kukutauaki No. 2B Block, containing by admeasurement 6,860 acres, more or less. Bounded on the North by Subdivision No. 2 of the said Manawatu-Kukutauaki No. 2B Block; on the East by Kahinu No. 1 Block; on the South by Manawatu-Kukutauaki No. 2C Block; and on the West by Subdivision No. 12 of the Manawatu-Kukutauaki No. 2B Block aforesaid.

MANAWATU-KUKUTAUAKI No. 2C.

All that parcel of land in the Mount Robinson and Arawaru Survey Districts, in the Manawatu County, in the Provincial District of Wellington, being Subdivision No. 1 of the Manawatu-Kukutauaki No. 2C Block, containing by admeasurement 7,716 acres, more or less. Bounded on the North by Manawatu-Kukutauaki No. 2B Block; on the East by Kahinu Nos. 1 and 2 Blocks; on the South by Subdivision No. 2 of the Manawatu-Kukutauaki No. 2C Block; and on the West by Subdivision No. 11 of the last-mentioned block.

MANAWATU-KUKUTAUAKI No. 2D.

All that parcel of land in the Mount Robinson, Waiopehu, and Arawaru Survey Districts, in the Manawatu County, in the Provincial District of Wellington, being Subdivision No. 1 of the Manawatu-Kukutauaki No. 2D Block, containing by admeasurement 8,666 acres, more or less. Bounded on the North by the Manawatu-Kukutauaki No. 2C Block; on the East by the Kahinu No. 2 Block; on the South by the Manawatu-Kukutauaki No. 2E Block; and on the West by Subdivision No. 12 of the Manawatu-Kukutauaki No. 2D Block aforesaid.

MANAWATU-KUKUTAUAKI No. 2E.

All that parcel of land in the Mount Robinson, Arawaru, and Waiopehu Survey Districts, in the Manawatu County, in the Provincial District of Wellington, being Subdivision No. 1 of the Manawatu-Kukutauaki No. 2E Block, containing by admeasure-