

WAITANGI TRIBUNAL

Wai 3509

CONCERNING

the Treaty of Waitangi Act 1975

AND

a claim by Louisa Te Matekino Collier, Rihari Richard Takuira Dargaville and Arthur John Mahanga, on behalf of themselves and Ngāpuhi-nui-tonu

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 18 June 2025.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Louisa Te Matekino Collier, Rihari Richard Takuira Dargaville and Arthur John Mahanga, on behalf of themselves and Ngāpuhi-nui-tonu, and concerns the destruction and dilution of the claimants' right to culture and identity. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by:

- severing the claimants' culture and identity from their whenua through the illegal, historical takings of the claimants' whenua, including pito burial sites and tūpāpaku burial sites;
- removing and/or restricting the right of Māori to speak their reo;
- imposing a foreign education system;
- making tohunga practices illegal;
- imposing foreign systems of adoption and custody, resulting in harmful family and social structures, for instance, via the Adoption Act 1955, the Adult Adoption Information Act 1985 and the Adoption (Intercountry) Act 1997;
- removing children from their mothers, and their whānau, hapū and iwi;
- imposing foreign and spiritually harmful death and burial practices;
- imposing a Court and justice system which, contrary to tikanga, was focused solely on individual rights and responsibilities, leading to the destruction of communal whānau and hapū support systems;
- failing to remedy and/or actively protect Māori culture and identity when it became obvious to the Crown that their imposed laws, acts and omissions were resulting in significant and irreversible harm to Māori whānau, hapū and iwi; and
- interfering with whānau, hapū and iwi structures and dynamics by, contrary to tikanga, selecting iwi as the only recipients of historical redress, thus causing hostilities and tension between iwi, hapū and whānau.

The claimant seeks a variety of relief, including recommendations that the Crown engage with and obtain the approval of the claimants and interested Māori organisations, in relation to redress sufficient to restore Māori culture and identity.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to identity and culture and as such may be best suited for consideration in Wai 3500, the Identity and Culture Kaupapa Inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

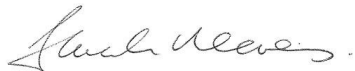
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakataua (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri;
- Ministry for Culture and Heritage; and
- all those on the notification list for Wai 3500, the Identity and Culture Kaupapa Inquiry.

DATED at Wellington this 15th day of July 2025

A handwritten signature in cursive script, appearing to read "Sarah Reeves".

Judge Sarah Reeves
Deputy Chairperson

WAITANGI TRIBUNAL