Wai 3555, #2.5.10
Wai 87, #2.105
Wai 274, #2.144
Wai 283, #2.151
Wai 558, #2.38
Wai 864, #2.49
Wai 1781, #2.5.10
Wai 2160, #2.5.10

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Wai 814
Wai 900
Wai 87
Wai 274
Wai 283
Wai 558
Wai 864
Wai 1781
Wai 2160

CONCERNING the Treaty of Waitangi Act 1975

AND claims to the Waipaoa Blocks

MEMORANDUM-DIRECTIONS OF JUDGE STEPHANIE MILROY CONCERNING FIRST STEPS FOR CLAIMS TO THE WAIPAOA BLOCKS

24 March 2025

Procedural history

1. On 10 March 2023, the Ngāti Ira o Waiōweka Rohe (Wai 558) claim filed submissions in the North-Eastern Bay of Plenty District (Wai 1750) Inquiry claiming interests in the Mangatū Crown Forest Licensed Lands (CFLL), including the Waipaoa blocks. Since then, the Tribunal received submissions from the following claims participating in the Wai 1750 Inquiry (Wai 1750 Claims) that also supported an inquiry into the Mangatū CFLL:

    (a) the Whakatōhea Raupatu (Wai 87) claim;

    (b) the Ngāti Ira o Waiōweka Rohe (Wai 558) claim;

    (c) the Moutohora Quarry (Wai 864) claim;

    (d) the Ngāi Tamahaua (Biddle) (Wai 1781) claim; and

    (e) the Whakatōhea and Ngāti Muriwai of Ōmarumutu Lands and Resources (McMurtie) (Wai 2160) claim.

2. Following a judicial conference in the North-Eastern Bay of Plenty District (Wai 1750) Inquiry, these claims were referred to the Chairperson for consideration (Wai 1750, #2.5.8).

3. On 11 October 2024, the Chairperson referred these claims to me as Presiding Officer, and Dr Paul Hamer, Emeritus Professor David Williams and Prue Kapua as members of the Tribunal panel (Wai 558, #2.31). Professor Susy Frankel and Kevin Prime were subsequently appointed as additional members to the panel (Wai 558, #2.34). In memorandum-directions dated 14 February 2025, the Chairperson confirmed that Prue Kapua's membership to this panel ceased on the expiry of her warrant (Wai 558, #2.35). Philip Crump and Tipene Chrisp were appointed to this panel (Wai 558, #2.35).

4. In memorandum-directions dated 20 March 2025, the Chairperson confirmed that Tipene Chrisp has recused himself from this panel and Kingi Kiriona was accordingly appointed to this panel (Wai 558, #2.37).

5. The Chairperson has also confirmed that if an inquiry were to be granted, the panel would only inquire into that portion of the Mangatū CFLL situated inside the East Coast (Wai 900) inquiry district (i.e. the Waipaoa blocks) (Wai 558, #2.34).

6. On 6 December 2024, the Tribunal received an application for resumption of the Waipaoa Blocks pursuant to section 8HB of the Treaty of Waitangi Act 1975 on behalf of the Mangatū State Forest (Wai 274) claim and the East Coast Raupatu (Wai 283) claim (Te Aitanga a Māhaki) (Wai 274, #2.140).

7. As the application for resumption concerns the same land blocks, the Chairperson also referred Te Aitanga a Māhaki's application for resumption to this same panel.

Claims made to the Waipaoa Blocks

Wai 1750 Claims

8. Pursuant to section 6(3) of the Treaty of Waitangi Act 1975, the Tribunal may only make recommendations to the Crown if it finds a claim to be well-founded. The claims participating in the North-Eastern Bay of Plenty District Inquiry have not yet been fully inquired into and reported on by the Tribunal, and therefore have not yet met the threshold of a well-founded claim for the purposes of applying for a remedies inquiry.

9. I also note that during the course of submissions being made to the North-Eastern Bay of Plenty District (Wai 1750) Inquiry, a number of jurisdictional issues were identified.

10. These two issues will need to be addressed in any inquiry that may be granted.

11. Since these claims were referred to the Chairperson and subsequently me as Presiding Officer, counsel for the Wai 1750 Claims have not yet been provided the opportunity to make submissions to this panel around their intended participation in any inquiry that may take place.

12. I accordingly invite submissions from the Wai 1750 Claims to be made by **5pm Monday, 7 April 2025.**

Te Aitanga a Māhaki

13. As part of the Tūranga-a-Kiwa (Wai 814) Inquiry, the claims made by Te Aitanga a Māhaki were found to be well-founded by the Tribunal. In *The Mangatū Remedies Report 2021*, the Tribunal made binding recommendations on the basis of their well-founded claims, for the Mangatū CFLL, accumulated rentals and compensation be returned to a mandated group that comprised of Te Aitanga a Māhaki, Ngāriki/Ngā Ariki Kaipūtahi and Te Whānau a Kai.

14. I note that at this stage, whilst Te Aitanga a Māhaki have well-founded claims, research is still required to show their relationship to the Waipaoa blocks.

Next Steps

15. I now invite all parties, and any other parties who may have interests in the Waipaoa blocks, to file any further amendments to their statements of claim by no later than **5pm, Monday, 7 April 2025.**

16. I also direct the Crown and any interested parties to respond to the substantive submissions concerning the applications for resumption by **5pm, Monday, 21 April 2025.**

17. A new Wai number and record of inquiry will be established if an inquiry to the Waipaoa blocks is granted.

The Registrar is to send this direction to all those on the notification list for the:

- Wai 87, the Whakatōhea Raupatu (Wai 87) claim;
- Wai 558, the Ngāti Ira o Waiōweka Rohe claim;
- Wai 864, the Moutohora Quarry claim;
- Wai 1781, the Ngāi Tamahaua (Biddle) claim;
- Wai 2160, the Whakatōhea and Ngāti Muriwai of Ōmarumutu Lands and Resources (McMurtie) claim;
- Wai 814, the Tūranga-a-Kiwa Inquiry; and
- Wai 900, the Combined Record of Inquiry for the East Coast claims.

DATED at Hamilton this 24th day of March 2025

Judge Stephanie Milroy
Presiding Officer
WAITANGI TRIBUNAL