

WAITANGI TRIBUNAL

Wai 575



CONCERNING

the Treaty of Waitangi Act  
1975

# 2.1 Wai 575.

AND

a claim by Sir Hepi Te  
Heu Heu relating to land  
and resources in the Ngati  
Tuwharetoa rohe

MEMORANDUM-DIRECTIONS OF TRIBUNAL

The Registrar will please enter this matter on the Register of claims and register it as Wai 575. The register should note that the claim was received on 30 April 1996.

The claim, described as a "comprehensive claim", is made by Sir Hepi Te Heuheu and the Tuwharetoa Maori Trust Board for the hapu of Ngati Tuwharetoa (which are listed at the commencement of the claim). The claim states that it has been lodged for administrative reasons, namely to meet funding criteria of the Crown Forestry Rental Trust, and the Tribunal is advised that administrative responsibility for the claim will pass to the Ngati Tuwharetoa Comprehensive Claim Charitable Trust once the trust is registered. However, by a letter dated 9 May 1996 from Mr Harvey Karaitiana, claimant for Wai 500 and secretary for Ngati Tutemohuta hapu which is one of the claimant hapu listed at the commencement of this claim, the Tribunal is advised that "Ngati Tutemohuta has opted not to nominate a candidate for the Tuwharetoa Trust Board's Comprehensive Treaty Claim Charitable Trust".

The claim raises grievances in respect of lands, forests, geothermal and other resources, environmental and conservation matters and intellectual property rights to fauna and flora in the Ngati Tuwharetoa rohe.

Although it is stated that the claim has been lodged for administrative reasons, the claimant hapu have requested an urgent hearing into the disposal of surplus Crown and state-owned enterprise land in the Ngati Tuwharetoa rohe. In order to consider the application, counsel for the claimants should file the grounds on which the application is made, including instances of how the current Crown protection mechanisms have proved to be ineffective.

The claim outlines a wide variety of relief sought by the claimant hapu. To the extent, if at all, that the claimants are seeking the return of land which is private land (as defined by section 2 of the Treaty of Waitangi Act 1975), the Tribunal notes that, under section 6(4A) of the same Act, it is prevented from recommending the return to Maori ownership of any private land or the acquisition by the Crown of any private land. This restriction, however, is qualified by sections 8A to 8JH of the same Act.

In regards to Crown forest lands, the claimants ask that the Tribunal exercise its powers to make binding recommendations under section 8HB of the Treaty of Waitangi Act 1975 for the return

to Maori ownership of Crown forest land in their rohe.

The claim requires research to be completed before it can go to a hearing. A research proposal has been submitted with the claim which the Tribunal is currently considering.

The claimant may amend the claim at a later stage, if necessary.

A copy of this direction should be sent to the claimant and notification should go to:

The Prime Minister, the Rt Hon JB Bolger  
The Minister of Finance, the Rt Hon WF Birch  
The Minister of State Owned Enterprises, the Hon Philip Burdon  
The Minister in Charge of Treaty Negotiations, the Hon Douglas Graham  
The Minister of Conservation, the Hon Simon Upton  
The Minister of Lands, the Hon Denis Marshall  
The Minister of Forestry, the Hon John Falloon  
The Minister of Justice, the Hon Douglas Graham  
The Minister of Defence, the Hon Warren Cooper  
The Minister of Maori Affairs, the Hon John Luxton  
Crown Law Office  
Maori Land Information Office  
Office of Treaty Settlements  
Department of Survey and Land Information  
Crown Forestry Rental Trust  
Registrar, Maori Land Court, Rotorua  
Registrar, Maori Land Court, Whanganui  
Claimant/Counsel for:

Wai 48 Whanganui Ki Maniapoto Land claim  
Wai 57 Rotokawa claim  
Wai 61 Kaimanawa to Rotoaira Land claim  
Wai 75 Hauhungaroa & Other Blocks claim  
Wai 80 Waihaha & Other Lands claim  
Wai 81 Mount Ruapehu claim  
Wai 170 Wairakei Lands claim  
Wai 212 Ika Whenua Lands & Waterways claim  
Wai 226 Tuwharetoa Geothermal Areas claim  
Wai 269 Kaingaroa Forest claim  
Wai 288 Kaingaroa Forest claim  
Wai 319 Kaingaroa Forest claim  
Wai 358 Tatua West/Tuhingamata West Forestry claim  
Wai 359 Hautu & Rangipo Prison Farms claim  
Wai 376 Paeroa Te Akau Lands claim  
Wai 382 Kaweka Forest Park claim  
Wai 389 Te Rohe Potae Land & Resources claim  
Wai 398 Tauhara Middle Block claim  
Wai 445 Tauhara Middle Block (Claim No 2) claim  
Wai 461 Mokai Geothermal Resource claim  
Wai 478 Pukepoto A6 Block claim  
Wai 480 Tongariro/Taupo Conservancy claim  
Wai 500 Tauhara Middle No 1 Block claim  
Wai 502 Tongariro National Park claim  
Wai 524 Ruawahia & Other Blocks claim

Wai 538 Ngati Whaita Land claim  
Wai 555 Taumatahoe Block claim  
Wai 570 Tauranga Taupo No 1B & No 2B Block claim

Claimant/Counsel for those claims consolidated or grouped for inquiry with the following claims:

Wai 367 Lake Taupo South Taupo Lands claims  
Wai 48 Whanganui Ki Maniapoto Land claim

Carter Holt Harvey Limited  
Electricity Corporation of New Zealand Limited  
Fletcher Challenge Limited  
Forestry Corporation of New Zealand Limited  
Land Corporation Limited  
Maniapoto Maori Trust Board  
Ngati Raukawa Trust Board  
Tainui Maori Trust Board  
Te Arawa Trust Board  
Te Runanganui O Ngati Kahungunu  
Te Runanganui O Te Arawa  
Tuhoe Tuawhenua Maori Trust Board  
Tuhoe Waikaremoana Trust Board  
Tuwharetoa Maori Trust Board  
Rangitikei District Council  
Ruapehu District Council  
Taupo District Council  
Whakatane District Council  
Bay of Plenty Regional Council  
Manawatu-Wanganui Regional Council  
Waikato Regional Council

**DATED** at Wellington this 31<sup>st</sup> day of May 1996



Deputy Chief Judge NF Smith  
Deputy Chairperson  
**WAITANGI TRIBUNAL**