OFFICIAL

Wai 2157, #1.1.1(b)
Wai 2180, #1.1.44(a)

IN THE WAITANGI TRIBUNAL

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Taihape Inquiry – **WAI 2180**

AND

IN THE MATTER of a claim brought by Heeni Jayne Ranginui and Jenny Ranginui-Tamakehu for and on behalf of the descendants of Heeni Matene and Pokairangi Ranginui.

WAI 2157

RECEIVED
Waitangi Tribunal
28 JUL 2011
Ministry of Justice
WELLINGTON

AMENDED STATEMENT OF CLAIM
DATED 20 March 2011

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MAY IT PLEASE THE TRIBUNAL

The claimants

1. This statement of claim is filed on behalf of the following claimants: Jenny Ranginui-Tamakehu and Heeni Jayne Ranginui.

2. The claimants are grandchildren of Heeni Matene alias Heeni Tunganekore; Heeni Manson ("Heeni") and Pokairangi Ranginui alias Pokairangi Tamaikuku; Po Ranginui ("Pokairangi"). Heeni Matene was the granddaughter of Hohi Matene, who, with her whanau had customary interests in the Te Kapua, Awarua, Rangipo Waiu and Motukawa blocks. ("The claim area").

3. The claimants have taken a limited part in the Whanganui District Inquiry, and seek to have their claim aggregated in the Taihape District Inquiry.

The claim

4. The claimants say they have been, are, or are likely to be prejudicially affected by the ordinances, Acts, regulations, proclamations, notices and other statutory instruments, and the policies, practices, actions or omissions of the Crown as further set out in this statement of claim.

5. The claimants further claim that all of the Acts, regulations, orders, policies, practices and action taken, omitted or adopted by or on behalf of the Crown referred to are and remain inconsistent with the terms and principles of the Treaty of Waitangi.

First Cause of Action.

6 **The Crown failed to protect the interests of the owners of the Motukawa block by acquiring and enabling the acquisition of such land that the owners were left insufficient lands and resources for their present and future needs.**

Particulars:

6.1 Title orders for the Motukawa block were made by the Native Land Court on the 31st July 1886.

6.2 Hohi Matene and her 6 children were included in the list of owners for Motukawa 2, as descendants of the tupuna Tutakaroa.[1]

6.3 On every page of the title orders the court had written that the land was to be 'absolutely inalienable by sale, lease or mortgage'.[2]

6.4 Despite the land being 'absolutely inalienable' the Crown began purchasing individual interests in Motukawa 2.

6.5 When the Motukawa 2 block was partitioned 10 years later, over 550 acres was awarded to the Crown.[3]

6.6 Hohi Matene and her children- including Hori Kingi Matene, father of Heeni Matene- were allocated 200 acres in the 2,500 acre Motukawa 2D block.[4]

6.7 Of that 2,500 acres only 10 ¼ acres of Motukawa 2D remains as Maori land.

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[1] WMB 11 –p 50

[2] WMB 11-p 47-52

[3] WMB 28- p331

[4] WMB 28- p 311

Second Cause of Action

7 **The Crown established, by various Native Land Acts, a Native Land Court which failed to recognise the proper customary interests of Maori.**

Particulars

7.1 Hohi Matene and her whanau had customary interests in Te Kapua, as their elders had been buried on the block. Hohi Matene was part of a claimant group when the block was before the Native Land Court for title to issue.

7.2 The Court failed to recognize the proper customary interests of Hohi and her whanau, and they were excluded from the ownership lists.[5]

Third Cause of Action.

8 **The Crown used Public Works Acts and other legislation to acquire Maori land in the claim area for railway purposes.**

Particulars

8.1 The Crown, through Native Affairs Minister John Ballance promised Maori to pay for every acre of land taken for the construction of the North Island Main Trunk Railway.(NIMT)

8.2 By proclamations under the Public Works Acts the Crown took Maori land from within the claim area for construction of the NIMT.

8.3 On 3rd August 1905 over 176 acres was taken from the Motukawa 2 block for this purpose. [6] Land was also taken from the Awarua block for construction of the NIMT. No compensation was paid to the owners for these takings.

8.4 The Crown compulsorily acquired Maori land within the claim area, for scenic reserves along the route of the NIMT.

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[5] WMB7- p468-478

[6] New Zealand Gazette 1905 – p1914

8.5 The Crown acquired over 61 acres from Motukawa 2B7 for the Maungakaretu Scenic Reserve, and 25 acres from the Motukawa 2D1 block for the Turangarere Scenic Reserve.[7] There was no consultation or agreement with the owners for these takings.

8.6 The Crown purchased, for a low price, a huge swathe of Maori land in the claim area for re-sale to settlers to fund construction of the NIMT.

8.7 Using Railway loan funds the Crown purchased 164,463 acres of Maori land in the Awarua and Te Kapua blocks between 1886 and 1894.[8]

8.8 By the provisions of the North Island Main Trunk Railway Loan Application Act 1886 and the Amending Act of 1889 ("Railway Loan Acts") profits from the resale of this land to settlers could be used for only one purpose - construction of the NIMT and associated infrastructure.

8.9 The Crown raised hundreds of thousands of pounds for railway purposes by the resale of Maori land subject to the Railway Loan Acts.[9]

Amendments to the Claim

9 The claimants seek to be able amend their claim when further research has been undertaken.

Relief Sought

10 The claimants will particularise the relief sought at a later date, but will seek recommendations that their claim is well founded and that the Crown compensate the claimants for proven breaches of the principles of the Treaty.

Parties to be Notified.

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[7] The taking of Maori land for public works purposes in the Whanganui Inquiry District P Cleaver WAI 903 #A57- p 92-93

[8] AJHR 1894 - G 3

[9] Details of receipts and expenditure of these funds as at 31 March 1899- AJHR 1899- G-3A

11 We consider the following parties should be notified of this claim: other claimants to the Taihape District Inquiry; and Central and Local government organizations in the district.

Legal Representation and Contact Details.

12 Our legal representative is Mark McGhie, Barrister and Solicitor- contact address is PO Box 91, Whakatane.

Jenny Tamakehu-Ranginui

Heeni Jayne Ranginui