

OFFICIAL

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1.1 Wai 620

Reference 1.1 (a)

TE WAIARIKI / NGATI KORORA HAPU

To : The Registrar
Waitangi Tribunal
P.O. Box 5022
WELLINGTON

IN THE MATTER of the Treaty of Waitangi Act 1975.

IN THE MATTER of a claim to the Waitangi Tribunal by the descendants of and rightful successors, to the Chiefs and people specified in the claim and collectively brought before the Tribunal through Te Waiariki / Ngati Korora Hapu.

THE CLAIMANTS

A) We, the claimants being descendants from and rightful successors to the Chiefs and people hereunder specified beside the name of the claimants make this claim for ourselves and on behalf of the Te Waiariki / Ngati Korora Hapu as follows :

Hapu
Te Waiariki / Ngati Korora

Claimant
Collin Malcom
Haane Kingi
Louise Collier
Haki Mahanga
Romer Mahanga
SHAYNE MAHANGA
WINI-WINI KINGI
MITAI R. PARACONE KAWITI

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STATEMENT OF CLAIM

1. That all or any of the aforementioned claimants are likely to be prejudicially affected:
 - (a) by the ordinances and Acts referred to in Appendix A
 - (b) by the regulations, orders, proclamations, notices and other statutory instruments referred to in Appendix B
 - (c) by the policies or practices adopted by or on behalf of the Crown or proposed to be adopted by or on behalf of the Crown recorded in Appendix C
 - (d) by the Acts done or omitted or proposed to be done or omitted by or on behalf of the Crown recorded in Appendix D

and that such ordinances, Acts, regulations, orders, proclamations, notices, statutory instruments, policies and practices, acts and omissions were and are inconsistent with the principles of the Treaty of Waitangi and that appropriate relief by way of statutory and other amendments, change of policies and practices as proposed in such appendices and compensation or otherwise should be awarded.

2. That in the area traditionally possessed by the claimant Hapu, being generally that area commencing at Kauri, Waikare, Taiharuru, Tarounui, Tahere, Whanui, Pataua, Pukahakaha, Dhuatahi, Horahora, Ngunguru, Kiripaka, Maruata east of Whangarei and including all lands North to Ruapekapeka, including Waikare in the Bay of Islands, the claimants are entitled to recognition and enforcement of their customary rights and for compensation or other relief in respect of their breach.
- 2A That the claimants make claim to the whole of the lands in regions referred to in paragraph 2.

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3. That the geographic area described in paragraph 2 and the activities performed or able to be performed upon or in respect of it by way of legislation regulations and Crown policy, practice, acts and omissions required to be examined within the perspective of the Treaty of Waitangi, to be altered as a result of the past and continued failure to comply with it and that compensation be provided in respect of such failures of compliance as are not now capable of rectification.
4. That the customary title and other rights of the claimants lands, estates, forests, rivers, lakes, coal and other minerals in the area described in paragraph 2 together with all other rights and interests recognised by the Treaty of Waitangi in respect of the claimants Tribal areas be recognised and confirmed and either restored by changes of legislation and other public documents and practices or made the subject of appropriate compensation (including compensation for past breaches) or both.
5. That in recognising the proprietary and other claims of the claimants and in determining the appropriate method of affording compensation for loss of or impairment to customary rights and the concept of guardianship by the claimants be considered.
6. That the impairment to wildlife by past policies and the failure to recognise Maori interests and rights be recognised and rectified for the future by appropriate policies with compensation for past or continuing breaches.
7. That the quality of the water of the streams, lakes, waterfalls, and rivers of the area described in paragraph 2 be reviewed and that impairment of such quality permitted by legislation or resulting from legislation regulations policies or practices, acts, or omission be rectified and that compensation be provided for past losses caused by breach of principles of the Treaty of Waitangi and for such continuing loss as cannot be avoided.

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8. That the existing structure of administration, legislation, and institutions including the Local Government Act, The Town and Country Planning Act, the Reserves Act, the Land Act, the Water and Conservation Act and the other statutes referred to in the First Schedule be reviewed to determine the extent to which they fail to comply with the principles of the Treaty of Waitangi and that they be appropriately amended to take its principles and values into account and in order to bring Maori values into account in New Zealand life.
9. That the Historic Places Trust, Antiquities and other legislation at present in force be reviewed so as to recognise the Maori interest in Pa sites, burial sites and other features of significance, including those recorded in regulation 36 (3) of the Survey Regulations 1972 (SO 1972/264).
10. That the legislation as to Maori land tenure be reviewed and amended so as to :
 - (a) give effect to Maori Custom and Practice :
 - (b) facilitate the investigation of Maori land issues.
11. That the title of geographical features in the area referred to in paragraph 2 be reviewed and that any necessary amendment to the Geographic Board Act 1946 be made to facilitate such procedure.
12. That the nature of land tenure in those areas within paragraph 2 be reviewed to give due effect to Maori values and the principles of the Treaty of Waitangi and any necessary statutory and other amendments be made in consequence.
13. That by reason of breach of the principles of the Treaty of Waitangi, lack of authority, breach of duty, unlawful or improper conduct affecting the claimants, inadequacy of consideration the following parcels of land or shares should be restored to the claimants and / or they be compensated for such breaches :
 - (a) The area of Crown Land known as Kauri / Ohuatahi / Pukepoto Pa, and

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(b) Puhipuhi / Maruata / Kahokaharoa / Russell State Forests.

14. That there be an enquiry as to the extent to which and the circumstances in which the original land of the claimants and their taonga passed into other and particularly Crown hands, for restoration of such land that ought properly to be restored to the claimants and for compensation for the deficiency and for past exclusion from the area of difference.
15. The claimants claim return of the forestry lands, that the vesting of such lands in the Forestry Corporation and the policy of the Crown leading to such vesting, are prejudicial to the claimants and should be reversed.
16. The claimants claim compensation in respect of the disruption of their Hapu, the social dislocation which has occurred as a consequence of legislation and government policies, and for the taking of measures dealing with the social issues of loss of Mana, and for compensation by way of policies, practices, and funding appropriate to restore the Mana, the Ihi and the Wehi of the Hapu, the Education, Housing, Health, and the Social Economic wellbeing needed to establish status to all.
17. The claimants claim compensation for the costs of preparing and submitting the present claim.
18. If the Waitangi Tribunal lacks the jurisdiction to make appropriate orders as to costs and disbursements the claimants claim by way of relief amendment to the Treaty of Waitangi Act to empower such provision to be made.
 - B) We ask for permission to amend this claim, if necessary.
 - C) We wish the claim to be heard at Ngunguru Marae.
 - D) We believe the following persons and organisations should be notified of this claim.

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- * The Government
- * Department of Survey and Land Information
- * Ngati Wai Trust Board
- * Te Runanga o Ngati Hine
- * Te Runanga o Taumarere
- * Ngati Hau Trust Board
- * Far North District Council
- * Northland Regional Council
- * Whangarei District Council
- * Department of Conservation
- * Te Ohi Kaimoana (Maori Fisheries Commission)
- * Ministry of Fisheries
- * Ngati Whatua Trust Board
- * Federated Farmers
- * Historic Places Trust
- * Maori Trustee
- * C.D.L.
- * Tranz Rail

APPENDIX A

Antiquities Act 1975
Burial and Crematorium Act 1964
Crown Grants Act 1908
Deeds Registration Act 1908
Fisheries Act 1983
Fisheries Amendment Act 1986
Forestry Encouragement Act 1962
Historic Places Act 1980
Land Act 1948
Land Drainage Act 1908
Land Transfer Act 1962
Local Government Act 1974
Maori Affairs Act 1953
Maori Vested Lands Administration Act 1954
The Mining Act 1971
Ministry of Agriculture and Fisheries Act 1953
Nature Conservation Council Act 1962
New Zealand Constitution Act 1852
New Zealand Geographical Boards Act 1946
New Zealand Planning Act 1982
New Zealand Walkways Act 1975
Public Works Act 1928 & 1981
Reserves Act 1977
Rivers Board Act 1908
Soil Conservation & Rivers Control Act 1941
Surveyors Act 1966
Swamp Drainage Act 1915
Town & Country Planning Act 1977
Water & Soil Conservation Act 1967
Animals Protection & Game Act 1921 - 1922
Crown Grants Act 1866
Land Acts of 1892 and 1908
Native Lands Act 1862, 1865, 1867, 1873, 1886, 1894, 1909
New Zealand Government Act 1846
New Zealand Land Claims Ordinance Act 1841 and Victoria Session 1 No. 2
Native Land Court Acts of 1862, 1865, 1867, 1873, 1880, 1886 and 1894
Native Lands Frauds Prevention Act 1870
Reserves and Domains Act 1953
Waste Lands Act 1858, 1875
State Owned Enterprises Act

APPENDIX B

1. **Lack of enforcement and lack of recognition of the provisions of the Native Lands Frauds Prevention Act 1870 and Improper care and duty by Crown Commissioner appointed under the Act.**
2. **Registration of land transactions in title system by the Crown and its agents when such transactions were invalid due to lack of jurisdiction by the Crown.**

APPENDIX C

1. **New Zealand Forest Service**

As to future management and utilisation options and land tenure options for the forests and associated lands and facilities under the control of the Service and / or its successor.

2. **Ministry of Agriculture and Fisheries**

As to the issuing of licences for catching fish, gathering seaweed and other products of the sea and to the issuing of shell fish licences.

3. **Other Government Departments or Agencies.**

As to the issuing of licences in terms of minerals including coal.

APPENDIX D

1. Any acts or omissions relevant to the matters pleaded being 1 to 18 inclusive in the Statement of Claim.

DATED This 26th Day Agust 1996

Mitani R. Paraone Kawiti

NAME

MITANI R. PARAONE-KAWITI

WINI WINI KINGI

COLIN MALCOM

HAANE KINGI

LOUISA COLLIER

ROMER MAHANGA

SHAYNE MAHANGA

HAKI MAHANGA

E) Should you have further enquiries concerning this claim please contact:

LOUISA COLLIER
22 KORAU ROAD
TIKIPUNGA
WHANGAREI
(09) 437-5991 ph/fax

W Kingi
Malcolm
Haane Kingi
Louisa Collier
Romer Mahanga
Haki Mahanga

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6. RE		7. DELIVERY MODE & SERVICE INSTRUCTIONS <input type="checkbox"/>		9. FROM NAME: S.M. Mahanga - R. Mahanga ADDRESS: Patana North R.D.5. Whangarei PHONE NUMBER: 025 716993	

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10. MESSAGE (If this space is insufficient more paper can be obtained from Post Shop retail officer)

Dear Sir / Madam due to unforeseen circumstances we the undersigned request that our names be deleted from the 620/number application filed on behalf of the hapu O te Whangarei (Blanket claim) for any further information regarding this matter please do not hesitate to correspond to above address.

Regards
S.M. Mahanga
R. Mahanga

11. I accept the conditions printed on the reverse hereof. SENDER'S SIGNATURE:

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