OFFICIAL

Wai 898, #1.1.21
Wai 538, # 1.1

BEFORE THE WAITANGI TRIBUNAL

RECEIVED
Waitangi Tribunal
4 Aug 1995
Ministry of Justice
WELLINGTON

IN THE MATTER of the TREATY OF WAITANGI ACT 1975

AND

IN THE MATTER of claims to the Waitangi Tribunal by Ivy Waitangi Kapua on behalf of herself and on behalf of the Ngati Whaita Hapu of Ongaroto Marae.

STATEMENT OF CLAIM

THE CLAIMANT, Ivy Waitangi Kapua (nee Broughton) on behalf of herself an of the Ngati Whaita Hapu of Ongaroto Marae claim:

1. THAT Ngati Whaita Hapu of Ongaroto Marae have been prejudicially affected by policies and legislations enacted by the Crown which has been against the principles of the Treaty of Waitangi and have seen;

HISTORICAL CLAIM

* Tribal Lands taken under the South Kao Kao Roa O Patetere Proclamation
* Tribal Lands taken by the Crown by lien survey.
* Tribal Lands taken for a Railway line and Railway bridge.
* Tribal Lands taken for the Atiamuri, Whakamaru and Mangakino Dam
* Tribal lands taken as a result of other members of the marae selling remaining shares to a private company which exchange shares out tha belong to Ivy Waitangi Kapua tupuna, unlawfully to build a public sta highway.
* Tribal Lands taken for Crown forest, leasehold, reserves parks, water ways, lakes, rivers, catchment control, recreational fishing, shellfish,

wetlands, Endowment lands for, Schools and churches.

* Tribal Lands taken by the Crown, under the Public Works Act for hospital,Tokoroa, Atiamuri and Whakamaru Townships, the war effort, Ministry of Works, Schools, roads, Post Office, Police Stations,radio communication, radar, television and radio broadcasting.

* Tribal Lands taken for water, hydro dams, themo gas, petroleum oil an gas,minerals, coal, gold, silver and mining rights below the land and water surface.

* Tribal and Marae urupa being desecrated.

* The Crown taking away Ngati Whaita Hapu of Ongaroto Marae fish and shellfish and there fishing and shellfish gathering rights in there ancestral Marae rohe and boundaries where exist waterways, lakes, and rivers, in the area described in Appendix A.

* The Crown destroying the Ngati Whaita Hapu of Ongaroto Marae indigenous forest by allowing its settlers policy to develop un-check an without proper supervision to ensure it complies with the rights granted to Ngati Whaita Hapu of Ongaroto Marae under the Treaty of Waitangi

* The Crown Settlers policy which destroyed wild game, bird life and insects indigenous to Aotearoa and to the Rohe of Ngati Whaita Hapu of Ongaroto Marae.

CONTEMPORARY CLAIM

* The Crown recent legislation and Policies such as the;

  + The Crown selling off its Surplus Lands.

  + State Owned Enterprise Act

  + The Crown Protection Policy On Crown Surplus Lands

  + Resource Management Act.

  + Education, Health, Social Services, Housing, Employment, Armed Services, Justice.

2. RESERVATION. This claim is made with the express reservation in respects of further and additional elements, particulars of which will be supplied.

3. RELIEF SOUGHT BY THE CLAIMANT.

1. That the Crown stay the sale of all its Surplus property so that it may form part of the Settlement package to assist Ngati Whaita Hapu of Ongaroto Marae to rebuild there iwi to full status as a sovereign nation of people recognised in the Declaration of Independence 1835 and the Treaty of Waitangi signed by nga tupuna of Ngati Whaita Hapu of Ongaroto Marae.

3. That the exclusive title to its portion of the Waikato River be returned to them.

4. That reparations be made by the Crown for the affront to the mana of the Rivers and Lakes and its pollution and depletion an for the depletion of the fisheries of the Waikato River.

5. That compensation for the wrongful withholding of those lands and titles described in paragraph 1, be made by the Crown to Ngati Whaita Hapu of Ongaroto Marae.

6. That the exclusive title to possession, use and control of our portion of the Waikato River be granted to Ngati Whaita Hapu Ongaroto Marae and that to the extent that they have not been given effect to in the past and are now depleted, that compensation be provided to the Claimant.

7. Recognition of the exclusive rights of Ngati Whaita Hapu of Ongaroto Marae to the fisheries referred to in paragraph 1.

8. In sofar as such as exclusive rights have been interfered with an cannot be restored sufficient compensation in conformity with Maori customs and tradition.

9. Compensation in respects of the disruption to Ngati Whaita Hap of Ongaroto Marae and in particular the social dislocation which has occurred as a consequence of the acts, omission and policies of the Crown set out above.

10. That the Waitangi Tribunal further provide funds to do research in support of this Claim.

11. Compensation for the cost of preparing and submitting the present claims.

DATED at Hamilton this 5th day of August 1995

Ivy Waitangi Kapua

Ivy Waitangi Kapua (Nee Broughton

This Statement of Claim is filed by Whititera Kaihau whose address for servi is at the offices of Edwind Consultancy Ltd, 29 Greensboro Street, Hamilton.

WAI 538 #1.1

EDWIND CONSULTANCY LTD

29 Greensboro Street,
Hamilton

Tel/Fax 07 8567 273

4 August 1995

The Registrar,
Waitangi Tribunal Division,
Justice Department
P.O. Box 5022,
Wellington.

Dear Sir,

Re: Ngati Whaita Hapu of Ongaroto Marae Claim.

We hereby lodge a claim for Mrs Ivy Waitangi Kapua (nee Broughton) on behalf of the Ngati Whaita Hapu of Ongaroto Marae.

The Claimant request a receipt as an acknowledgement that it has been received by the Tribunal.

The Claimant request funds for research work.

The Claimant request full copies of other Iwi Waitangi Tribunal Claims which will, or have or proposes to cross our tribal boundary lines attached as Appendix A.

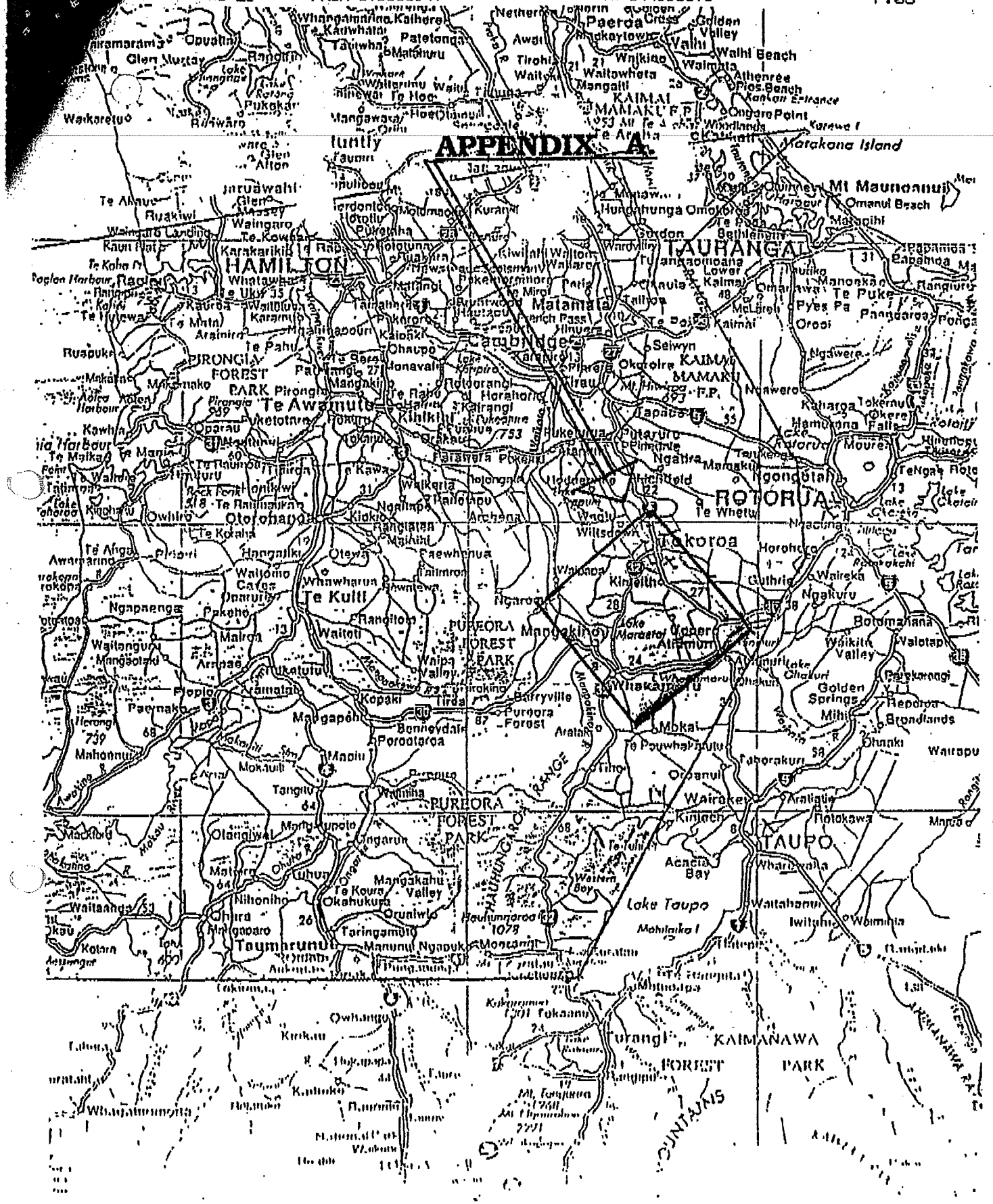
The Claimant ask that the following organisation be informed of the Claim;

Raukawa Trust Board
John Paki of the Titiraupenga Trust Board and Kaumatua Kaunihera
All Crown Agencies operating in the locality.
South Waikato District Council
Ngati Tahu Waitangi Claim

Yours faithfully

W Kaihau
Managing Director

APPENDIX A


HAMILTON
TAURANGA
ROTORUA
TAUPO
Te Awamutu
Cambridge
Matamata
Te Kuiti
Taumarunui
Putaruru
Tokoroa
Turangi
KAIMANAWA FOREST PARK
PUREORA FOREST PARK
PIRONGIA FOREST PARK
KAIMAI MAMAKU F.P.
Lake Taupo
Mt Maunganui
Matakana Island
Whakatane
Kawerau
Opotiki
Te Puke
Paeroa
Waihi
Thames
Coromandel
Raglan
Huntly
Ngaruawahia
Waitomo Caves
Otorohanga
Kawhia
Te Kauwhata
Tauwhare
Matahuru
Waitoa
Tirohia
Waitakaruru
Waihi Beach
Athenree
Omokoroa
Te Puna
Katikati
Waihi
Waitawheta
Mangatti
Waiomata
Ongare Point
Matakana Island
Omanu Beach
Papamoa
Maungatapu
Tauranga
Kaimai
Oropi
Pyes Pa
Paengaroa
Rangiuru
Manoeka
Te Puke
Kaimai
Lower Kaimai
Tauriko
Omanawa
Gordon
Bethlehem
Te Puna
Omokoroa
Hungahunga
Matapihi
Mt Maunganui
Omanu Beach
Papamoa
Kaharoa
Tokerau
Okere Falls
Hamurana
Mourea
Ngongotaha
Rotoiti
Rotorua
Te Whetu
Ngakuru
Waiteti
Waiteti Valley
Waiteti Springs
Golden Springs
Repora
Brunlands
Ohaaki
Wairapu
Waiotapu
Waikite Valley
Waiotapu
Waiotapu
Waiotapu