OFFICIAL

BEFORE THE WAITANGI TRIBUNAL

IN THE MATTER of The Treaty of Waitangi Act 1975

AND

IN THE MATTER of Claims by Mr Hardie Peni on behalf of himself and on behalf of Rangitoto Tuhua Inc., Ngati Rereahu - Maniapoto Iwi.

STATEMENT OF CLAIM

THE CLAIMANT on behalf of himself, Rangitoto Tuhua Inc Ngati Rereahu - Maniapoto

CLAIMS THAT Rangitoto Tuhua Inc., Ngati Rereahu - Maniapoto Iwi have been prejudicially affected by policies enacted by the Crown which has been against the principles of the Treaty of Waitangi and have seen

HISTORICAL CLAIM

1.1 That the intention of the Queen was clear and made known to Crown agents acting in New Zealand to seize on the island of New Zealand or to govern them as part of Great Britain, unless the free and intelligent consent of the natives shall be first obtained.

1.2 That the Government sought to survey the land and to have the Native Land Court settle the ownership of titles so that land might be purchased by the Crown from individual Maori.

1.3 That the unauthorised survey and individualisation of blocks within the Rangitoto - Tuhua rohe breached the expressed guarantee in the Treaty of "undisturbed possession" of the lands of Hapu residing within the rohe.

1.4 That the purchase or acquisition of any land other than that contemplated in the agreement between the Crown and the tribes of the Rohe Potae was contrary to the guarantee in the Treaty of undisturbed possession of land, estates and forests that those hapu wished to retain.

1.5 That included amongst the lands wrongfully acquired are Crown Forest lands in respect of which return and compensation is sought pursuant to the Crown Forest Assets Act 1989.

1.6 That the policy of shifting Maori from their land and Papakainga was contrary to Articles 2 and 3 of the Treaty. Article 2 because it was the wish of Maori to retain that land, and Article 3 because this was not the policy exercised in relation to other non Maori British subjects.

1.7 That the legislative executive and land court actions enabling and / or leading to the fragmentation of the Rangitoto - Tuhua rohe were in breach of the Treaty of Waitangi.

1.8 That the Crown purported to legislate for and acquire the interests of the individual owners without the sanction of the tribal group as a whole.

1.9 That the effect of land sales was to leave some hapu landless.

1.10 That the purchase price, if paid, was in any event, inadequate.

1.11 That Maori were confined to reserves of unsold and usually the most inhospitable lands away from their Turangawaewae, and were and have since been substantially excluded from access to the economy and resources of the area.

1.12 That tribal lands were taken through the Pouakani Supreme Court decision.

1.13 That tribal lands titles known as the Rohe Potae being distorted by Crown agencies and courts causing it under Maori tikanga to be destroyed for all time.

More details of breaches will be provided in the final report

2. WE SEEK THE FOLLOWING RELIEF

2.1 The return of the lands, forests and resources wrongfully acquired.

2.2 The return of other Crown lands, forests and resources by way of compensation.

2.3 Compensation for exclusion from the Lands and resources wrongfully acquired.

2.4 As an interim measure, the Claimant group seek a recommendation that until the claims have been properly inquired into, no Crown land in the disputed area will be disposed of without a prior agreement with the proper representatives of the tribe.

2.5 And such additional or alternative interim relief and compensation as may be proposed by the Claimants.

2.6 Such further relief as the tribunal considers appropriate.

2.7 Direct negotiation with the Crown is desired by the Claimant using its nominated representatives.

2.8 Compensation for the costs of preparation and submitting the present Claim.

3. PROCEDURE

The purpose of this statement of Claim is to identify in general terms the grievances and Treaty breaches in respect of the acquisition by the Crown of large areas of land within and near Te Rohe Potae.

We wish the Tribunal to commission a researcher to report on the Claim.

It will be further amended on the basis of further information and research to be undertaken, as the Claims and requirements of Claimant are made known.

4. **THE TRIBUNAL IS ADVISED THAT OUR LEGAL REPRESENTATIVE IS**

Mr Joseph Victor Williams
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5. **HEARINGS**

The Claimants request that the hearings for this Claim be held at Marae within the rohe of Ngati Rereahu - Maniapoto as shall be decided by those hapu.

6. **NOTIFICATION OF CLAIM**

The Claimant asks that this statement of claim be served on the following parties:

6.1 Carter Holt Harvey
6.2 Crown Agencies and Ministers
6.3 Crown Forestry Rental Trust
6.4 Crown Law Office
6.5 ECNZ
6.6 King Country Lands Wai 146
6.7 Maniapoto Maori Trust Board
6.8 Ministry of Forestry
6.9 Ngati Rora Wai 616
6.10 Otorohanga Borough Council
6.11 Pouakani B9B Trust
6.12 Raukawa Kaumatua Kaunihera
6.13 Raukawa Maori Trust Board
6.14 Rayonier
6.15 Rohe Potae Claims Wai 329

6.16 Tranzrail
6.17 Tukoroirangi Morgan, MP
6.18 Tuwharetoa Maori Trust Board
6.19 Umukaimata Block Wai 556
6.20 Waimarino Block Wai 48
6.21 Waipa County Council
6.22 Waitomo District Council
6.23 All other relevant parties...

7. CONTACT DETAILS

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