

Wai 898, #2.1.53  
Wai 972, #2.1

WAITANGI TRIBUNAL

CONCERNING

the Treaty of Waitangi Act  
1975

AND

a claim by Edward Penetito  
relating to surplus Crown and  
local government lands within  
the Ngati Kauwhata ki Te  
Tonga rohe

MEMORANDUM-DIRECTIONS OF DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available wai number. The register should note that the claim was received on 7 January 2002.

The claim relates generally to the erosion of rights to, and the loss of, lands and other resources in the tribal area of Ngati Kauwhata ki Te Tonga. However, the claim's primary focus appears to be on local government legislation and Crown policies, acts and omissions in relation to the disposal of surplus Crown and local government lands.

The claimant has asked that the claim be heard urgently "due to current Policy of the Manawatu District Council sale of properties on their Website". At the moment, the Tribunal does not have sufficient information about the sale or the lands in question for it to be able to decide whether or not to grant the claim urgency. The Tribunal's *Guide to the Practice and Procedure of the Waitangi Tribunal* sets out the information that the applicant needs to provide to the Tribunal and explains the factors that the Tribunal takes into account when considering urgency applications. The Registrar is directed to send a copy of the guide to the claimant. Until the claimant provides the further information required, the Tribunal is not able to take the request for urgency any further. The claimant should note, however, that the Tribunal grants urgency in exceptional circumstances only.

It is also important that the claimant is aware that land owned by local authorities comes within the definition of "private land" contained in the Treaty of Waitangi Act 1975 and that the Tribunal's ability to make recommendations in respect of "private land" is restricted in that it may not recommend:

- the return to Maori ownership of private land; or
- the acquisition by the Crown of private land;

(see sections 2 and 6(4A) of the Act). However, this restriction is qualified by the resumption provisions contained in sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

The claimant is granted leave to amend the claim at a later stage.

The Registrar is to send a copy of this direction to the claimant and to give notice of the claim to:

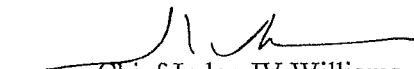
Crown Law Office  
Office of Treaty Settlements  
Maori Land Information Office  
Land Information New Zealand  
Crown Forestry Rental Trust

Claimants or their counsel for:

Wai 52, Muaupoko Land claim  
Wai 108, Muaupoko Lands and Fisheries claim  
Wai 113, Ngati Raukawa Lands claim  
Wai 182, Rangitane ki Manawatu claim  
Wai 237, Horowhenua Block claim  
Wai 238, Hough Whanau claim  
Wai 265, Ngati Apa Lands claim  
Wai 267, Palmerston North Hospital Land claim  
Wai 407, Parikawau-Ohau Lands claim  
Wai 437, Koha Ora and Church Mission Society Land claim  
Wai 443, Ngati Raukawa claim  
Wai 476, Ohau 3 claim  
Wai 493, Hokio Maori Native Township, Hokio Boys School and Waitarere Forest claim  
Wai 581, Ngati Hauiti claim  
Wai 609, Paraparaumu Airport claim  
Wai 612, Paraparaumu Airport (No 2) claim  
Wai 623, Mua Te Tangata and Muaupoko claim  
Wai 624, Kemp Hunia Trust claim  
Wai 651, Te Reu Reu Land claim  
Wai 767, Moutere Tahuna No 2 Block and Other Otaki Lands claim  
Wai 784, Kauwhata Lands and Resources claim  
Wai 873, Rangitane Ki Manawatu Rohe (No.2) claim  
Wai 875, Paraparaumu Airport No. 3 claim  
Wai 876, Paraparaumu Airport No. 4 claim  
Wai 877, Paraparaumu Airport Claim No. 5

Manawatu District Council  
Palmerston North City Council  
Horowhenua District Council  
Manawatu-Wanganui Regional Council

DATED at Wellington this 14<sup>th</sup> day of May 2002

  
Chief Judge JV Williams  
Deputy Chairperson  
WAITANGI TRIBUNAL

2001/2002/246