OFFICIAL

WAITANGI TRIBUNAL

Wai 1046, #2.1

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Te Waru Hill relating to the land and resources of Ngati Whatua Tuturu

MEMORANDUM-DIRECTIONS OF ACTING 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 by facsimile on 21 October 2002.

The claim concerns the lands and resources of Ngati Whatua Tuturu O Te Taou, whose tribal rohe is said to include "the entire Southern Kaipara, Mahurangi, Raki Paewhenua (North Shore) Tamaki Makaurau, Central Auckland, Papakura, Manukau Heads, Waitakere and other areas". The claim also relates to the status and identity of Ngati Whatua Tuturu.

The claimant is seeking a variety of relief, including the return of land in Crown ownership, the return of "Puketapu (Woodhill) Forest, Riverhead State Forest and Waitakere Forest" and the return of lands that are liable to resumption in the area to which the claim relates. To the extent, if at all, that the claimant is seeking the return of land that is private land (as defined by section 2 of the Treaty of Waitangi Act 1975), the Tribunal notes that, under section 6(4A) of the same Act, it is prevented from recommending the return to Maori ownership of any private land or the acquisition by the Crown of any private land. This restriction, however, is qualified by the resumption provisions of the Treaty of Waitangi Act 1975 (see sections 8A to 8HJ of the Act).

To the extent that the claim relates to commercial fishing or commercial fisheries, the Tribunal advises that it does not have jurisdiction to inquire into, or to make any finding or recommendation in respect of:

(a) Commercial fishing or commercial fisheries (within the meaning of the Fisheries Act 1983); or
(b) The Deed of Settlement between the Crown and Maori dated the 23rd day of September 1992; or
(c) Any enactment, to the extent that it relates to such commercial fishing or commercial fisheries.

(See section 6(7) of the Treaty of Waitangi Act 1975.)

At this stage, it appears that the claim will be heard in the Mahurangi & Gulf Islands, Central Auckland and South Auckland inquiry districts. In due course, the Tribunal will convene conferences to deal with research planning and other preliminary matters in each of these districts and the claimant will have the opportunity to attend and be involved in those conferences. However, the Tribunal has already completed its inquiry into Kaipara claims, including claims that relate to southern Kaipara. The Tribunal will not inquire into those claims again, unless it can be persuaded that there are compelling reasons to do so. It should be noted that that is a high test and it can be expected that there would have to be exceptional circumstances before the Tribunal could find that such compelling reasons existed.

The claimant may amend the claim at a later stage, if necessary. In any event, the claimant will be required to fully particularise his grievances before they can be heard.

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
Crown Forestry Rental Trust
Claimants or their counsel for:

- Wai 100 Hauraki claim
- Wai 186 Hurstmere Road, Takapuna, claim
- Wai 187 Awataha Land claim
- Wai 261 4 Domett Ave, Auckland, claim
- Wai 276 Sylvia Park claim
- Wai 279 Te Taou Reweti Charitable Trust claim
- Wai 280 Little Barrier Island claim
- Wai 303 Te Runanga O Ngati Whatua claim
- Wai 312 Ngati Whatua o Kaipara ki te Tonga claim
- Wai 330 Auckland-South Auckland- Waikato Lands claim
- Wai 340 Newmarket Land claim
- Wai 345 Fairburn Block claim
- Wai 346 Fairburn Purchase claim
- Wai 354 Tai Tokerau Land claim
- Wai 357 Ngai Tai ki Tamaki Trust claim
- Wai 364 Tamaki-Hauraki (Tooke) claim
- Wai 374 Auckland Central Railways Lands claim
- Wai 388 Tamaki Makaurau claim
- Wai 392 Te Runanga o Ngati Paoa claim
- Wai 393 Te Uri-o-Hau Auckland Lands claim
- Wai 394 Central Auckland Railway Lands claim
- Wai 423 Ngai tai ki Tamaki Rohe claim
- Wai 454 Marutuahu Tribal Region claim
- Wai 468 Ngapuhi Lands claim
- Wai 470 Kawerau-a-Maki Tribal Territory claim
- Wai 495 Marutuahu Tribal Lands claim

Wai 496 Tamaki Girls College & Other Lands within Tamaki Makaurau claim
Wai 508 Ngati Te Ata claim
Wai 532 Mangawhai Lands & Hauraki Gulf Islands claim
Wai 720 Mahurangi-Omaha (Hauraki Gulf) claim
Wai 721 Ngati Tahinga ki Kaipara Lands & Resources claim
Wai 733 Otakanini Lands & Resources (Kaipara) claim
Wai 756 Southern Kaipara Lands & Resources claim
Wai 798 Kaipara ki Waitemata (Ngati Rango) claim
Wai 887 Ngawaka Tautari Lands (Auckland/Kaipara) claim
Wai 914 Te Atatu Lands (Auckland) claim
Wai 961 Waiohua ki te Aakitai Land & Resources claim

Te Ruihi Louis Netana (who has submitted a claim, which has yet to be allocated a Wai number, relating to the lands and resources of Ngati Marua o Te Taou)
Ngati Whatua O Orakei Maori Trust Board
Rodney District Council
Manukau City Council
North Shore City Council
Auckland City Council
Auckland Regional Council

DATED at Wellington this 28th day of February 2003

Chief Judge JV Williams
Acting Chairperson
WAITANGI TRIBUNAL