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Wai 1060 #2.1
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WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Eruera Taurua and others concerning the Wakelin block

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 on 23 December 2002.

The claim is lodged by Eruera Taurua, Hirihiri Parata, Himi Taituha and Renata Tane on behalf of Ngāti Kawa and Ngāti Rahiri of Ngapuhi nui Tonu. The claim concerns the granting of land known as the Wakelin block to James Busby in, and around 1867. The claim further concerns the proposal to sell the land granted to Busby and purchased by the Crown in 1948 by Land Information New Zealand to whom the land was transferred in 1991. The claimants have been advised of the urgent claim process by the Registrar and have advised the Tribunal that they wish to proceed with the claim as originally filed and not as an urgent claim.

The claimants seek a variety of relief including a recommendation that the Crown refrain from selling the land into private ownership. To the extent that the claimants are seeking the return of land which 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 Māori 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).

At this stage, it appears that the claim should be heard with other claims with which it overlaps in the proposed Bay of Islands Whangaroa district inquiry. In due course, the Tribunal appointed to hear those claims will convene conferences to deal with research planning and other preliminary matters in this district and the claimants will have an opportunity to attend and be involved in those conferences.

In respect of legal assistance, the claimant is advised that they may apply to the Legal Services Agency for the provision of legal aid for claims to the Waitangi Tribunal.

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The claimant may amend the claim at a later stage. In any event, the claimant will be required to submit a fully particularised statement of claim before the claim can be heard.

The Registrar is to send a copy of this direction and the Rangahaua Whanui report for the Auckland district to the claimants and to give notice of the claim to:

Crown Law Office
Office of Treaty Settlements
Māori Land Information Office
Crown Forestry Rental Trust
Claimants/counsel on the Notification List for:

Wai 58	Whangaroa Lands and Fisheries claims
Wai 230	Matauri and Putataua Bays claim
Wai 234	Motukawanui claim
Wai 258	Whangaroa Lands claim
Wai 375	Whakarara Mountain claim
Wai 421	Puketotara Block claim
Wai 492	Kororipo Pa claim
Wai 520	Kerikeri Lands claim
Wai 549	Ngapuhi Land and Resources claim
Wai 861	Tai Tokerau District Māori Council claim
Wai 869	Inland Kerikeri claim
Wai 902	Te Puna Inlet (Bay of Islands) Ratings claim
Wai 912	Ngāti Kahu Ki Whangaroa (Muriwhenua) claim
Wai 919	Ngatitupango Lands and Resources (Bay of Islands) claim
Wai 932	Kerikeri Ancestral Land claim

Te Tai Tokerau Electorate
Taitokerau Māori Trust Board
Te Runanga A Iwi O Ngapuhi
Te Runanga o Ngāti Whatua
Far North District Council
Northland Regional Council

DATED at Wellington this 27th day of June 2003

Chief Judge J V Williams
Acting Chairperson
WAITANGI TRIBUNAL