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Wai 1259

WAITANGI TRIBUNAL

CONCERNING	the Treaty of Waitangi Act 1975
AND	a claim by Pairama Tahere on behalf of himself and the descendants of Taepa Kiwa - Te Uri O Te Aho Hapu

MEMORANDUM-DIRECTIONS OF THE 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 29 March 2005.

The claim is lodged by Pairama Tahere on behalf of himself and the descendants of Taepa Kiwa – Te Uri O Te Aho Hapu. The claim concerns the failure of the Crown to protect large tracts of ancestral Maori land and the loss of hapu control over mineral quarries, forests and natural resources of Taepa Kiwa – Te Uri o Te Aho.

The claimants allege that Crown actions, omissions, policies, practices, legislative Acts, ordinances, regulations and proclamations have prejudicially affected them, in particular the:

- loss of hapu lands and resources within Maungataniwha, Kauriputeto and Omahuta Reserve lands;
- alienation of hapu land blocks including Kohumaru Station, Kohumaru A2, Kohumaru B2D2, Jacentho, Ferguson and the Kauhoehoe Reserve;
- loss of hapu economic assets including Pukenui No. 2 Quarry, Otangaroa Lime Works Quarry, Omahuta and Puketiti Forests and the logging of Native Forests; and
- installation of the transmission station on Maungataniwha has desecrated their sacred Maunga

It is alleged that these actions are in breach of the principles of the Treaty of Waitangi.

The claimants seek the removal of the transmission station, the immediate return of lands, resources and compensation as the Tribunal sees fit. However to the extent, if at all, that the claimant seeks 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 Māori ownership of any private land or the acquisition by the Crown of any private land. This restriction, however, is

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qualified by the resumption provisions of the Treaty of Waitangi Act 1975 (see sections 8A to 8HJ of the Act).

The claim is likely to be heard with other claims with which it overlaps in the Northland District Inquiry. In due course, the Tribunal will convene conferences to deal with research planning and other preliminary matters. The claimant will have the 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.

The claimant will be required to further particularise the statement of claim at a later stage and before the Tribunal inquires into the claim any further. As the claim falls within the Auckland Rangahaua Whanui district, the Registrar is asked to send to the claimant a copy of the report commissioned by the Tribunal on this district.

The Registrar is to send a copy of this direction to the claimant and to give notice of the claim to:
Crown Forestry Rental Trust
Crown Law Office
Māori Land Information Office
Office of Treaty Settlements
Te Puni Kōkiri
Legal Services Agency
Far North District Council
Northland Regional Council
Whangarei District Council

All those on the notification list for:

Wai 53	Parahirahi C1 Block and the Ngawha Geothermal Fields claim
Wai 68	Motatau 1B5B5 Block claim
Wai 82	Pingongo Pa – Parish of Omanaia claim
Wai 111	Te Raupo Railway Lands claim
Wai 120	Opua Lands and Waterways claim
Wai 123	Parahirahi (Geothermal) claim
Wai 128	Hokianga Lands and Waters claim
Wai 246	Puhipuhi State Forest claim
Wai 250	Hokianga Fisheries claim
Wai 273	Tapuwae Incorporation claim
Wai 341	Te Karae Block claim
Wai 371	Te Horo Block claim
Wai 421	Puketotara Block claim
Wai 450	Waireia Lands claim
Wai 452	Tapuwae-Motukaraka
Wai 462	Maungataniwha and Raetea Forests claim
Wai 466	Kerikeri Inlet Islands claim
Wai 492	Kororipo Pa claim
Wai 511	Matapouri Bay claim
Wai 605	Te Waimimiti Block claim

Wai 620	Te Waiariki/Ngati Korora Hapu Land and Resources
Wai 682	Ngati Hine Lands, Forests and Resources
Wai 700	Whirinaki Lands and Waters (Hokianga) claim
Wai 745	Patuharakeke Hapu Lands and Resources claim
Wai 981	The Ngaitupoto Hokianga Lands claim
Wai 985	The Hokianga Regional Lands claim

DATED at Wellington this 13th day of June 2005

Chief Judge J V Williams
Chairperson
WAITANGI TRIBUNAL