OFFICIAL

Wai 1341 #2.1.1

WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Remarie Kapa relating to Ngati Rehia lands and resources

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 26 January 2006.

The claim is lodged by Remarie Kapa for and on behalf of Ngati Rehia. The claim concerns various actions of the Crown that the claimant says have prejudicially affected her and those on whose behalf the claim is made. In particular, the claim concerns various crown practices and policies that have resulted in land alienation including, amongst other things, the findings of the 1854 Bell Commission, Crown confiscation practices, and the operation of the Native Land Courts. The claim also raises issues regarding management of the environment. The claimant alleges that the actions of the Crown are contrary to the principles of the Treaty of Waitangi.

To the extent that the claim relates to commercial fishing or commercial fisheries, the Tribunal notes that, pursuant to section 6(7) of the Treaty of Waitangi Act 1975, it no longer has jurisdiction to inquire into:

(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.

The claimants seek a variety of relief. 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 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 she 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

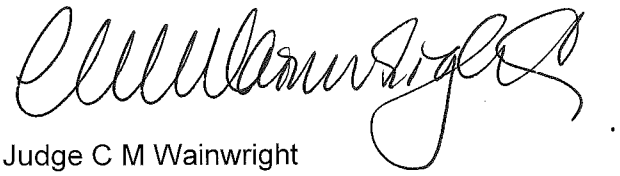
within the Auckland Rangahaua Whanui district, the Registrar is asked to send to the claimant a copy of the report commissioned by the Tribunal on this district.

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
Department of Conservation
Either the claimant, or claimant counsel for the following claims:

Wai 49	Taumarere River & Te Moana o Pikopiko-I-Whiti claim
Wai 53	Parahirahi C1 & Ngawha Geothermal Fields claim
Wai 58	Whangaroa Lands and Fisheries claim
Wai 68	Motatau 1B5B5 Block claim
Wai 76	Rangihamana X3A Block claim
Wai 109	Raurangi Lands claim
Wai 111	Te Raupo Railways Land claim
Wai 120	Opua Lands and Waterways claim
Wai 123	Parahirahi (Geothermal) claim
Wai 149	Te Horo Block Development Scheme claim
Wai 179	Whangaroa Burial claim
Wai 230	Matauri and Pututaua Bays claim
Wai 234	Motukawanui claim
Wai 251	Te Rawhiti 3B2 Investigating Trust claim
Wai 258	Whangaroa Lands claim
Wai 302	Kohewhata Block claim
Wai 304	Ngawha Geothermal claim
Wai 327	Tuhipa Motatau No. 4 Block claim
Wai 352	Kaikohe West Primary School Site claim
Wai 354	Tai Tokerau Land claim
Wai 371	Te Horo Block claim
Wai 375	Whakarara Mountain claim
Wai 421	Puketotara Block claim
Wai 435	Motatau No.5 Block claim
Wai 455	Pipiwai C and Pipiwai G claim
Wai 466	Kerikeri Inlet Islands claim
Wai 468	Nga Puhi Whanui Trust claim
Wai 492	Kororipo Pa claim
Wai 520	Kerikeri Lands claim
Wai 523	Kapiro Farm claim
Wai 565	Mount Hikurangi claim
Wai 593	Taraire 1E2 Block claim
Wai 605	Te Wai Mimititi Block claim
Wai 606	Te Pua 2B Block claim
Wai 642	Motatau 5A No.2 Block claim
Wai 654	Ngati Rahiri Rohe claim
Wai 682	Ngati Hine Lands, Forests and Resources claim
Wai 752	Otuhi 1C1 Block claim

Wai 774	Waitangi Lands and Resources claim
Wai 820	Lake Omapere Contamination claim
Wai 824	Wiremu Hau Whanau Lands claim
Wai 862	Te Waimate-Taiamai and Other Lands
Wai 869	Inland Kerikeri Lands claim
Wai 902	Te Puna Inlet (Bay of Islands) Rating claim
Wai 919	Ngai Tupango Lands and Resources (Bay of Islands) claim
Wai 932	Kerikeri Ancestral Land claim
Wai 966	The Ngapuhi Te Tiriti o Waitangi claim
Wai 974	Kaikohe Whenua Public Works claim
Wai 1060	The Ngati Kawa and Ngati Rahiri Wakelin Farm claim
Wai 1131	Kororipo Pa Land Alienation claim
Wai 1140	Patukeha land and Resources claim
Wai 1145	The Descendants of Tuaiwa Pere Netana Epiha claim
Wai 1148	Paremata Mokau A16 Land claim
Wai 1151	Waitangi 1 Block claim
Wai 1152	Waitangi 2 Block claim
Wai 1153	Waitangi 3 Block claim
Wai 1154	Waitangi 4 Block claim
Wai 1155	Waitangi 5 Block claim
Wai 1156	Waitangi 6 Block claim
Wai 1157	Waitangi 7 Block claim
Wai 1158	Waitangi 8 Block claim
Wai 1159	Waitangi 9 Block claim
Wai 1160	Waitangi 10 Block claim
Wai 1161	Waitangi 11 Block claim
Wai 1162	Waitangi 12 Block claim
Wai 1163	Waitangi 13 Block claim
Wai 1164	Waitangi 14 Block claim
Wai 1165	Waitangi 15 Block claim
Wai 1166	Waitangi 16 Block claim
Wai 1167	Waitangi 17 Block claim
Wai 1168	Waitangi 18 Block claim
Wai 1169	Waitangi 19 Block claim
Wai 1247	Kororipo Lands and Resources claim
Wai 1307	Ngati Kuta ki Te Rawhiti claim
Wai 1312	Whakaki claim
Wai 1314	Ngai Tawake claim

DATED at Wellington this 22nd day of May 2006



Judge C M Wainwright
Acting Chairperson
WAITANGI TRIBUNAL