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WAITANGI TRIBUNAL

Wai 1485

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Joseph Joyce on behalf of himself, his whānau, and Ngāti Kapotai, Ngāti Hine, Ngāti Rahiri and Ngapuhi

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 8 July 2008.

This claim is lodged by Joseph Joyce on behalf of himself, his whānau, and Ngāti Kapotai, Ngāti Hine, Ngāti Rahiri and Ngapuhi. The claimant alleges that the policies, practices, acts, and omissions of the Crown, in the hapū and iwi rohe of the claimant, failed to recognise and acknowledge Māori customary title and rights, including those relating to lands and the foreshore and seabed.

These actions of the Crown are alleged by the claimant to be in breach of the principles of the Treaty of Waitangi, and accordingly, the claimant alleges that he and the hapū and iwi on behalf of whom the claim is brought, have been prejudicially affected.

By way of relief, the claimant seeks recommendations including the return of land and monetary compensation. To the extent, if at all, that they seek 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 claimant may amend the claim at a later stage. In any case, the Tribunal will require that the claimant prepare a fully particularised statement of claim before the claim can be heard.

This claim may be heard with other claims with which it overlaps and may be consolidated within Wai 1040, the combined record of inquiry for Te Paparahi o Te Raki (Northland) claims, when that inquiry is consolidated.

Insofar as this new claim is concerned, the claimants are urged to consider clustering options and to identify whether they have research needs for their claims. Any questions regarding research or clustering issues should be directed to the Tribunal's inquiry facilitator for the Te Paparahi o Te Raki (Northland) inquiry, as soon as possible.

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 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
All those on the notification list for Wai 1040, the record of inquiry for Te Paparahi o Te Raki (Northland) claims.

DATED at Wellington this 16th day of July 2008

Chief Judge J V Williams
Chairperson
WAITANGI TRIBUNAL