

WAITANGI TRIBUNAL

CONCERNING

the Treaty of Waitangi Act
1975

AND

a claim by Elizabeth Mahara
on behalf of herself and
Ngāti Te Wehi

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER

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 7 August 2008.

This claim is lodged by Elizabeth Mahara on behalf of herself and Ngāti Te Wehi, and concerns allegations made against the Crown in relation to the acquisition of ancestral land under the Public Works Act 1981. In particular, the claimant alleges that part of this ancestral land, known as Moerangi 3G5A3, was acquired by the Crown under the Act to form Aotea Road without consultation or compensation. Accordingly, the claimant alleges that this action of the Crown has prejudicially affected Ngāti Te Wehi and is in breach of the principles of the Treaty of Waitangi.

The claimant does not seek any specific relief at this stage. 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).

This claim may be heard with other claims with which it overlaps, and may be provisionally consolidated within Wai 898, the combined record of inquiry for Te Rohe Pōtae claims. The claimant should contact the Tribunal's inquiry facilitator with any questions about the role of the Tribunal in the Te Rohe Pōtae Inquiry research programme.

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.

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 Registrar is to send a copy of this direction to:

Crown Law Office

Office of Treaty Settlements

Crown Forestry Rental Trust

Legal Services Agency

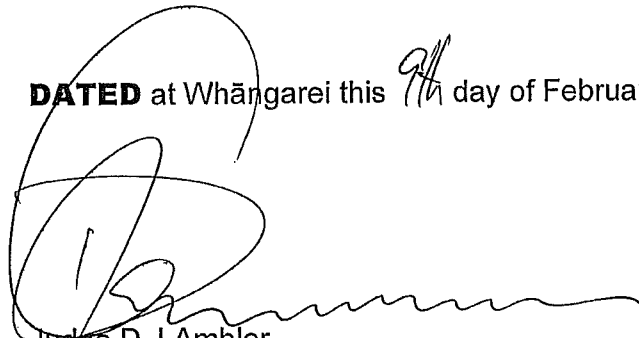
Te Puni Kōkiri

Māori Land Information Office

All those on the notification list for Wai 898, the combined record of inquiry for

Te Rohe Pōtae claims

DATED at Whāngarei this 9th day of February 2009



Judge D J Ambler
Presiding Officer

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