OFFICIAL

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email:pakirisands@xtra.co.nz

Te Paparahi o Te Raki Generic Statement Of Issues

RESPONSE ON SOME OF THE MAIN GENERIC ISSUES IN MAHURANGI

Te Raki Maori In The Mahurangi Sub-Region, Generic Issues That Are Most Important To Us –" That The Crown Did Not Comply With" In It's Treaty Obligations , To Our Claimant Group , And Whanau and Hapu with Treaty Claims.

Are as follows:

That The Crown has made concessions of main Treaty Breaches within the Te Raki Maori sub-region of Mahurangi and the Gulf Islands ,when it failed to investigate customary rights prior to its major purchases before 1865.

In particular , it concedes this omission with reguard to the 1841 Mahurangi and Omaha purchase.

The Crown also concedes as a Treaty breach ,its failure to reserve sufficient land for iwi and hapu and whanau, within these purchases.

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Waitangi Tribunal
30 July 2012
Ministry of Justice
WELLINGTON

My Response to this is:

That as a result of the Treaty breaches of The Crown in the Mahurangi And Gulf Islands sub-region that they have conceded to. Have left us as Te Raki Maori in the Mahurangi area severely disadvantaged, and virtually landless.

ThESE breaches also lead to The Mangawhai State Forest South being a part of the Pakiri North Native Reserve Land Block of 30,000 acres.

The Crown failed to survey and define the Pakiri North Block Native Reserve in the Mahurangi & Omaha purchase, and that this together with The Crowns subsequent timber licensing regime, caused confusion & uncertainty for Te Raki Maori in the Mahurangi sub-region, including the Ngati Manuhiri claimants.

This happened despite the Stout-Ngata Royal Commission's findings in 1907,

And the Maori Real Estate Management Act 1867.

This block of land was purchased by The Crown with Trustees who had no power to sell on behalf of minors , who were the owners of this land at that time.

As a result of these grave Treaty breaches admitted by The Crown a prejudice of In justice is about to rapidly occur if the Ngati Manuhiri Settlement Bill is not stopped,and gets passed into legislation

Therefore not having our claims extinguished in the Mahurangi Te Raki Maori sub-region is important to us ,so that we can be heard at the Stage 2 Inquiry hearings in Te Paparahi.

Not being heard to pursue the Pakiri North Native Reserve Block which the Mangawhai State Forest (south) lies on , would be justice denied ,and is absolutely crucial for its return, to the Mahurangi claimants, under the Crown Forest Assests Act 1989, and the Haronga Supreme Court Decision.

The Crown have admitted serious treaty breaches in the Generic Statement of issues , that to me are "wellfounded" grievances in the Mahurangi iwi and hapu, whanau.

The Pakiri North Native Reserve Block is good evidence that The Crown used its unrelenting "monopoly" powers to carry out such fraudulent land transactions in Mahurangi. It purchased land of people who had no rights of power to sell ,when the land was actually owned by minors . Even though there were laws put in place, to prevent this from happening at the time.

The Crown also acknowledged that the 1854 Mangawhai deed contained a provision that "ten per cent of the proceeds of the sale of this block is to be expended for the benefit of the Natives".

(Mahurangi claimants must be a part of this! It belongs to them as well.)

The Crown also failed to keep adequate records after 1874 and the vendors received no identifiable benefit under the "ten per cent" provision from that date onwards.

All this information is recorded & available in the Ngati Manuhiri Deed of Settlement and the Settlement Bill.

More information on this evidence is also available in Barry Rigbys Historical Tribunal Report ,The Crown,Maori ,And Mahurangi 1840-1881.dated in August 1998.

The Maurice Allemans Historical Report, that was done for the Te Uri o Hau evidence, for the Kaipara Inquiry & Kaipara Report 2006.

Something must be done about these Treaty Breaches admitted by The Crown. Because we don't need anymore surprises, creating more contemporary claims being filed, causing more breaches, headaches ,and heartaches , for the claimants and the Tribunal.

So I would like to seek justice and have it prevailed in the way of The Crown tabling to the House of Representatives ,that the present Ngati Manuhiri Bill, being proposed for legislation at the moment, be referred to this Tribunal to examine any proposed legislation referred to it , under subsection (2) of the Treaty of Waitangi Act 1975 , and shall report whether , in its opinion, the provisions of the proposed legislation, or any of them, are contrary to the principles of the Treaty at law.

From there we would be able to see if Mahurangi has a case to answer, and are able to carry on undisturbed with the Stage 2 hearings, to seek a fair and justified hearing.

As a result of The Crown conceding in the draft generic statement of issues.

There are number of other generic issues , such as water rights and the Takutai Moana issues within this broad environment, including other non-land resources, such as sand-minerals ,that are widely shared in many parts of the regions.

However these are our concerns for now, but these generic issues will not go away, until something is done to resolve them, before it is too late. And our claims in Mahurangi end up getting Extingushed, unfairly.

There is a provision in the Deed of Settlement of Ngati Manuhiri .

(Clause: Section 7.9 -7.10) Which provides for the Tribunal to have jurisdiction in respect of the Interpretation , implementation and enforcement of this deed.

The Settlement Bill also provides for the same jurisdiction, Under Section Clause 14(4)&(5).

But these provisional clauses must be used now, before the Settlement date, after this date it is too late .

The Crown and the Tribunal have a duty & obligation to act in good-faith towards the Mahurangi - Te Raki Maori Treaty claimants within this sub-region , and other sub-regions , in a honest, genuine and robust way.

My request to hold a Commission of Inquiry under Section 8 of the Treaty of Waitangi Act 1975, subsection (2) must be given priority before our claims of Mahurangi subregion are extinguished .

The second reading in Parliament is due soon, now that the Maori Affairs Select Committee have recently released their report.

The Crown or House of Representatives must receive such a request as soon as possible ,so that it can be considered and referred to the Tribunal.

MAHURANGI TE RAKI SUB- REGION RESOURCE CENTRE NEEDED

Mahurangi Te Raki Sub Region need a Resource Centre now like the other sub-regions already have, either in Auckland or in the Mahurangi District.

Derek Toia of CFRT sent me an email a couple of months ago to say that he had emailed the Tribunal & the Office of Treaty Settlements to seek an answer to whether Mahurangi Claimants affected by the Ngati Manuhiri Settlement , are still able to participate and be heard in the Stage 2 Inquiry hearings.

I have heard he is on leave and wont be back for another month or so. So can I ask the Tribunal for some assistance on the clarification for this matter , and the Resource Centre matter?

Yours Sincerely

Greg McDonald /Chair of the Mahurangi Te Raki Sub Region.

Mahurangi Claimant wai 532 & wai 1811