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IN THE WAITANGI TRIBUNAL

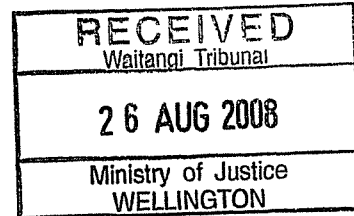
IN THE MATTER

of the Treaty of Waitangi Act 1975

A N D

IN THE MATTER

of a claim by Lewis Winiata, Ngahapeaparatuae Roy Lomax, Patricia Anne Te Kiriwai Cross and Christine Teariki on behalf of themselves and Ngāti Paki and Ngāti Hinemanu



STATEMENT OF CLAIM
Dated 25 August 2008

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MAY IT PLEASE THE TRIBUNAL

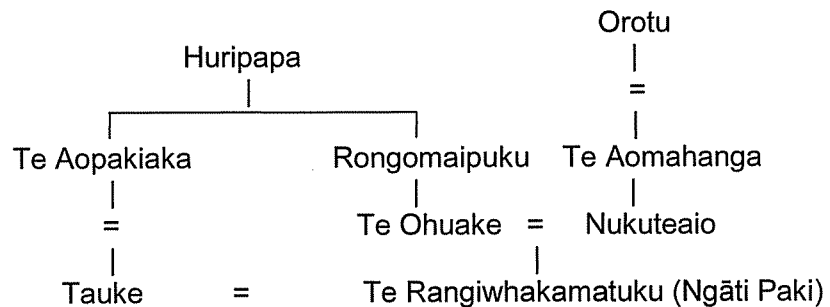
1 The Claimants

1.1 This Claim is filed by Lewis Winiata, Ngahapeaparatuae Roy Lomax, Patricia Anne Te Kiriwai Cross, Christine Teariki on behalf of themselves and Ngāti Paki and Ngāti Hinemanu.

1.2 The Claimants are of Maori descent.

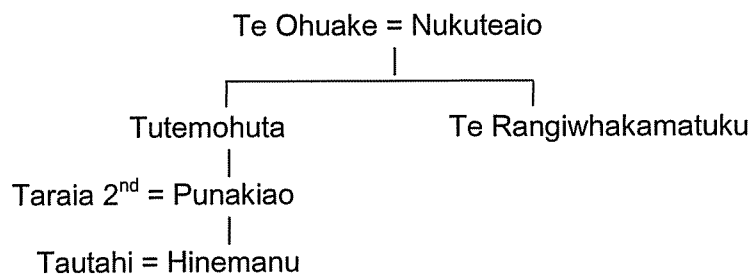
1.3 The Claimants are all descendents of:

a. Ngāti Paki, who derive the foundation of their Ngāti Paki origins from the following ancestors:¹



; and,

b. Ngāti Hinemanu, who derive the foundation of their Ngāti Hinemanu origins from the following ancestors:



1.4 Ngāti Paki and Ngāti Hinemanu exercised, and continue to exercise, mana whenua, mana tangata, mana tīpuna, mana atua and tino rangatiratanga over its ancestral lands. No other hapu could speak or make decisions for Ngāti

¹ Key to the Whakapapa: An = (equal mark) between two lines indicates there are other tīpuna in between and an = (equal mark) between two tīpuna indicates a marriage.

Pāki and Ngāti Hinemanu without first being authorised by Ngati Paki and Ngati Hinemanu to do so.

- 1.5 Ngāti Paki and Ngāti Hinemanu operated their affairs independently from other hapu in accordance with tikanga and occupied the lands within their rohe.
- 1.6 As at 1840 Ngāti Paki and Ngāti Hinemanu exercised mana whenua, mana tangata, mana tīpuna, mana atua and tino rangatiratanga over the Ngāti Paki and Ngāti Hinemanu rohe.
- 1.7 The Ngāti Paki and Ngāti Hinemanu rohe interests can be broadly described as extending in the north from the headwaters of the Hautapu River east of Waiouru, then in a north-east direction to the headwaters of the Moawhango River, then in an easterly direction to the headwaters of the Rangitikei River, carrying on in an easterly direction to the headwaters of the Ngaruroro River following the Ngaruroro River south to the Waitutaki Stream, hence to the Ruahine Range then following in a southerly direction to Maharahara, then in a westerly direction to where the Waitapu Stream falls into the Rangitikei River then in a northerly direction to Otairi and on to Te Whakauae o Tamatea Pokai Whenua ridge to the headwaters of the Mangaone, continuing in a northerly direction to the headwaters of the Hautapu River.
- 1.9 Ngāti Paki and Ngāti Hinemanu include core lands within the proposed Taihape Inquiry District and Hawke's Bay Inquiry district.
- 1.10 The core lands of Ngāti Paki and Ngāti Hinemanu include the following blocks:
 - a. Owhaoko;
 - b. Mangaohane;
 - c. Timahanga;
 - d. Te Koau;
 - e. Awarua o Hinemanu;

- f. Otumore;
- g. Mangoira;
- h. Rangatira;
- i. Otamakapua;
- j. Awarua;
- k. Otairi;
- l. Motukawa;
- m. Rangipo Waiu;
- n. Oruamatua-Kaimanawa; and
- o. Ngaurukehu.

1.11 It also includes core lands of interest in the Heretaunga-Tamatea claim set out in the Hawkes Bay inquiry district such as the Ruahine Forest Park and the Kaweka Forest Park.

1.12 The Ngāti Paki and Ngāti Hinemanu rohe includes areas that overlap with other hapu interests including Ngāti Hauiti, Ngāti Tamakopiri and Ngāti Whitikaupeka and other tribal interests including, for instance, those of Ngati Tuwharetoa and Ngati Kahungunu, Ngāti Rangi, Ngāti Apa, Ngāti Kauwhata and Rangitane

2 Awa

2.1 Ngāti Paki and Ngāti Hinemanu claim mana atua, mana whenua, mana tangata, mana tīpuna and mana motuhake over and strong whakapapa connections with the following rivers and their tributaries within the rohe of Ngati Paki and Ngati Hinemanu including:

- a. Hautapu River and its tributaries;
- b. Moawhango River and its tributaries;
- c. Rangitikei River and its tributaries;
- d. Ngaruroro River and its tributaries;
- e. Taruarau River and its tributaries; and,
- f. Kawhatau River and its tributaries.

3 The Claim

3.1 The Crown, in breach of its Treaty of Waitangi obligations:

- a. Introduced the Native Land Court system that failed to recognise the customary interests of Ngāti Paki and Ngāti Hinemanu and their core lands in the: Owahaoko, Mangaohane, Timahanga, Te Koau, Awarua o Hinemanu, Otumore, Mangoira, Rangatira, Otamakapua, Awarua, Motukawa, Rangipo Waiu, Oruamatua-Kaimanawa, Ngaurukehu Blocks and it also includes core lands of interest in the Heretaunga-Tamatea claim set out in the Hawkes Bay inquiry district such as the Ruahine Forest Park and the Kaweka Forest Park.
- b. Failed to ensure Ngāti Paki and Ngāti Hinemanu retained sufficient lands in the: Owahaoko, Mangaohane, Timahanga, Te Koau, Awarua o Hinemanu, Otumore, Mangoira, Rangatira, Otamakapua, Awarua, Motukawa, Rangipo Waiu, Oruamatua-Kaimanawa, Ngaurukehu Blocks and it also includes core lands of interest in the Heretaunga-Tamatea claim set out in the Hawkes Bay inquiry district such as the Ruahine Forest Park and the Kaweka Forest Park for their present and future needs;
- c. Failed to protect Ngāti Paki and Ngāti Hinemanu rivers and waterways from erosion and pollution;

- d. Failed to protect Ngāti Paki's and Ngāti Hinemanu's other taonga including its mahinga kai, fisheries, wāhi tapu and other places of tribal significance; and,
- e. Failed to protect Ngāti Paki and Ngāti Hinemanu customary interests by setting a deadline of 1 September 2008 to lodge all claims with the Waitangi Tribunal when an inquiry district that includes Ngāti Paki's and Ngāti Hinemanu's has not been finalised and where they have yet to receive resources or funding to carry out research.

4 Treaty of Waitangi

4.1 By the Treaty of Waitangi, the Crown:

- a. Confirmed and guaranteed to Ngāti Paki and Ngāti Hinemanu tino rangatiratanga including the full, exclusive and undisturbed possession of their lands, estates, forests, fisheries, other properties, rivers, waterways and taonga;
- b. Promised to protect their rights guaranteed by the Treaty and perform their obligations arising out of the Treaty; and,
- c. Extended to Ngāti Paki and Ngāti Hinemanu all the rights and privileges of British subjects.

5 Principles of the Treaty of Waitangi

5.1 The Crown had and continues to have duties to recognise and actively protect Maori rights and interests under the Treaty and its principles.

5.2 As a consequence of the Crown, the Crown was and is generally required to:

- a. Ensure Ngāti Paki and Ngāti Hinemanu retain their lands, estates, forests, fisheries, other properties and taonga so long as it is the desire of the Claimants to do so;

- b. Recognise and protect the lore, customs, cultural and spiritual heritage of the Claimants;
- c. Recognise and protect Ngāti Paki's and Ngāti Hinemanu's tino rangatiratanga; Ensure Ngāti Paki and Ngāti Hinemanu exercise tino rangatiratanga, including the right to possess, manage and control all of their property and resources in accordance with the Ngāti Paki and Ngāti Hinemanu lore, cultural preferences and customs;
- d. Ensure Ngāti Paki and Ngāti Hinemanu were provided with the means to develop, exploit and manage their resources in a manner consistent with Ngāti Paki's and Ngāti Hinemanu's cultural preferences; and
- e. Ensure that the impact upon Ngāti Paki and Ngāti Hinemanu of Government action and regulation is consistent with the Treaty and its principles and actively protect Maori and, in particular, Ngāti Paki and Ngāti Hinemanu's rangatiratanga, customs, law and properties.

5.3 The principles of the Treaty include its terms.

6 Prejudice as a Result of the Crown's Acts and Omissions

6.1 Ngāti Paki and Ngāti Hinemanu have been, and continue to be, prejudicially affected in that:

- a. Ngāti Paki and Ngāti Hinemanu are now without significant lands and resources to be held in accordance with their law and customs;
- b. Ngāti Paki and Ngāti Hinemanu's rangatiratanga, whakapapa, lore and customs have been undermined;
- c. Ngāti Paki and Ngāti Hinemanu have been left with insufficient lands and resources upon which to build a future;
- d. Ngāti Paki and Ngāti Hinemanu's ability to exercise tino rangatiratanga, including the right to possess, manage and control their property, resources and social structures in accordance with

Ngāti Paki and Ngāti Hinemanu's lore, cultural preferences and customs has been severely diminished; and

- e. Ngāti Paki and Ngāti Hinemanu had been prevented from developing, exploiting and managing their resources in a manner consistent with their cultural preferences.

7 Relief

7.1 Ngati Pāki and Ngāti Hinemanu seek the following relief:

- a. That the Tribunal inquire into the prejudice to Ngāti Paki and Ngāti Hinemanu arising from breaches of the Treaty of Waitangi by the Crown including those alleged in the Statement of Claim;
- b. That the Tribunal make findings as to breach and prejudice, in the terms alleged and generally, and as the Tribunal further determines;
- c. That the Tribunal make recommendations for the recognition by the Crown of Ngāti Paki and Ngāti Hinemanu tino rangatiratanga consistent with the Treaty including the restoration to Ngati Paki and Ngati Hinemanu of their tino rangatiratanga and full customary entitlement to their lands, rivers, waterways and other resources;
- d. The full and meaningful recognition of Ngāti Paki and Ngāti Hinemanu tino rangatiratanga in accordance with their lore and customs, over their lands, estates, forests, fisheries, other properties, lakes, rivers, waterways, other resources and taonga including whether or not such taonga are perceived now as being in their ownership or possession;
- e. The means by which such recognition must be affected to accord with the Treaty guarantee of the tino rangatiratanga of Ngāti Paki and Ngāti Hinemanu;
- f. The return to Ngāti Paki and Ngāti Hinemanu of all ancestral lands, estates, forests, fisheries, other properties, lakes, rivers, waterways and other resources and taonga wrongfully acquired by the Crown;

- g. Pursuant to Sections 8A-8H(j) of the Treaty of Waitangi Act 1975 return to Ngāti Paki and Ngāti Hinemanu all relevant Crown land including:
 - a. Land held by any state-owned enterprise;
 - b. Land held by any institution under the Education Act 1989; and
 - c. Land held under the Crown Forest Assets Act 1989.
- h. The establishment of a fair process which will enable Ngāti Paki and Ngāti Hinemanu and the Crown to resolve issues between them;
- i. The restoration of the social, cultural, resource and economic base of Ngāti Paki and Ngāti Hinemanu in a full and substantial manner and appropriate apology;
- j. The compensation for *inter alia* the loss of customary use, occupation and enjoyment of lands, estates, forests, fisheries, other properties, lakes, rivers, waterways and other resources and taonga as a result of breaches of the Treaty since its execution down to the present; The recognition of Ngāti Paki's and Ngāti Hinemanu's kaitiakitanga and rangatiratanga in relation to their taonga;
- k. The payment of the full costs of Ngāti Paki and Ngāti Hinemanu for the presentation of this claim and the costs of recovering any land recommended to be returned or other costs incurred in securing the implementation of these recommendations; and
- l. The granting of such other relief as the Tribunal sees fit.

7.2 Ngāti Paki and Ngāti Hinemanu reserve the right to seek leave to amend this Statement of Claim.

This Statement of Claim is filed by Peter Tanara Johnston of Rainey Collins Lawyers, Counsel for the Claimants. The address for service for the Claimants is Level 23, Vodafone on the Quay, 157 Lambton Quay, Wellington.

Documents of service on the claimant may be left at that address or may be:

- a. Posted to the solicitor at PO Box 689; or
- b. Left for the solicitor at document exchange for direction to DX SP20010, Wellington; or
- c. Transmitted to the solicitor by facsimile (04) 473 9304; or
- d. Emailed to the solicitor at pjohnston@raineycollins.co.nz/cduncan@raineycollins.co.nz.

Documents served on the Claimants should be marked for the attention of Peter Johnston and Campbell Duncan.