

APPENDIX I

**THE WRITTEN CLAIM**

The following claim was filed by Hariata Gordon on 8 March 1985

I am Hariata Gordon . . . I have been authorised by Ngati Paoa Whanui to present these submissions on their behalf regarding the lease with the right to purchase of the property on Waiheke Island known as the Waiheke Development Trust (sic). We bring the following grievances related to this lease with the right to purchase before the Tribunal as being actions taken by the Crown prejudicial to the Maori people and in contravention of Article 2 of the Treaty of Waitangi. We submit that these grievances are within the jurisdiction of the Tribunal under Section 6 (1) of the Treaty of Waitangi Act 1975.

**SUBMISSIONS**

1 That Part xxiv, and in particular Section 342 of that Part of the Maori Affairs Act 1953, is drafted in such a way that it is able to be construed to the prejudice of the tangata whenua

2 That Ngati Paoa as a Maori group has been prejudicially affected by the policy and practice adopted by the Crown.

3 That Ngati Paoa has been prejudicially affected by the acts of the Board of Maori Affairs and the Waikato/Maniapoto District Maori Land Advisory Committee in the granting by them of a lease with the right to purchase to an individual or small family unit the members of which family not being recognised as members of the Ngati Paoa tribe.

4 That Ngati Paoa have been prejudicially affected by the omission of those two bodies to:

- (a) Consult with Ngati Paoa Whanui on the disposal of ancestral land
- (b) Create a Section 438 Trust over the land on behalf of Ngati Paoa

5 That Ngati Paoa claim they have been prejudicially affected by the policies, practices and acts of the above boards which acted in ways inconsistent with Article 2 of the Treaty of Waitangi.

REPORT ON THE WAIHEKE ISLAND CLAIM

**RELIEF SOUGHT**

Ngati Paoa believing that these grievances are just and right under the Treaty of Waitangi as interpreted in the Treaty of Waitangi Act 1975 seek the following relief

1 That the Tribunal recommend that the lease be declared null and void in that it contravened the policy of the Maori Affairs Department, the spirit of Part xxiv developments as expressed in the Maori Affairs Act 1953 and Article 2 of the Treaty of Waitangi.

2 That the Tribunal recommend that the Maori Land Board open negotiations with Ngati Paoa Whanui with a view to setting up a (section) 438 Trust on the land or alternatively that the present (section) 438 Trust in the name of Ngati Paoa be extended in its reference to include the land previously known as the Waiheke development block.

3 That financial aid, double that received on two occasions by the present lessee from the Board of Maori Affairs, be given to Ngati Paoa Whanui to continue development and use of the land returned to them by the nullification of the aforementioned lease. This claim is based on the lack of Maori Affairs loans granted to any development of land belonging to Ngati Paoa people.

4 That training and educational help be given to Ngati Paoa by the secondment of skilled people to aid in the development of our young people so that they may take full advantage of the return to their people of part of their original turangawaewae.

5 That the Tribunal recommend that all ancestral lands of significance to a tribe be protected from any legislation presently or in the future being applied and that the tribes be made guardians of all such sites.