

## APPENDIX I. WAI 758 STATEMENT OF CLAIM

### IN THE WAITANGI TRIBUNAL

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Te Pakakohi Tribe

AND

IN THE MATTER OF a claim to the Waitangi Tribunal by Huia Rei Hayes, retired of Levin, a member of Te Pakakohi Iwi for and on behalf of herself and of the members of Te Runanganui o Te Pakakohi Trust Incorporated

### STATEMENT OF CLAIM IN RESPECT OF TE PAKAKOHI TRIBE

TUESDAY THE 3RD DAY OF NOVEMBER 1998

#### **THE CLAIMANT**

1. This claim is lodged by Huia Rei Hayes ('the Claimant'), of Levin, retired for and on behalf of herself and Te Runanganui o Te Pakakohi Trust Incorporated ('Te Pakakohi Trust'):
2. Te Pakakohi Trust represents Te Pakakohi tribe and in particular the descendants of Hoka-o-te-rangi.
3. The Claimant represents Te Pakakohi tribe exercising manawhenua and manamoana over the area of South Taranaki from the Tangahoe River in the northwest to the Waitotara River in the southeast, up to the Matemateonga Ranges.

#### **THE CLAIM**

4. The Claimant notes that the Mana and Rangatiratanga of Te Pakakohi tribe stems from Tangahoe in the north to Waitotara in the south.

5. This claim particularly relates to a decision by the Crown through its representative the Office of Treaty Settlements on or about 20 April 1998 to:

- (a) Recognise the Deed of Mandate of Ngati Ruanui Muru Me Te Raupatu Working Party for the purpose of Treaty settlement; and
- (b) Not enter into separate treaty settlement negotiations with Te Pakakohi Trust or indeed any groups representing Te Pakakohi tribe.

6. The Claimant says that Te Pakakohi tribe and Te Pakakohi Trust are or are likely to be prejudicially affected by the acts, policies and practices adopted by or on behalf of the Crown and acts done or omitted by or on behalf of the Crown, the particulars of which are set out in further detail in this Statement of Claim.

7. The Claimant further claims that all of the acts, regulations, orders, policies, practices and actions taken omitted or adopted by or on behalf of the Crown referred to are and remain inconsistent with the terms and principles of the Treaty of Waitangi.

#### **BACKGROUND**

8. The Tribunal is aware of Te Pakakohi tribe from claims recently dealt with in an interim report of the Waitangi Tribunal in relation to the Taranaki region *The Taranaki Report – Kaupapa Tuatahi* (Wai 143). Te Pakakohi tribe has separate ancestry and a separate cultural identity from Ngati Ruanui. Indeed Te Pakakohi tribe has different and separate claims against the Crown from those of Ngati Ruanui.

9. In July 1997 the Ngati Ruanui Muru Me Te Raupatu Working Party submitted to the Crown a Deed of Mandate ('Deed of Mandate') which purported to recognise those who identify as Pakakohi in Treaty Settlement negotiations. Representatives of Te Pakakohi including Te Pakakohi Trust lodged submissions objecting to the Deed of Mandate.

10. On or about 20 April 1998 the Crown decided to recognise the Deed of Mandate.

11. In an undated letter, received by the Trust on or about May 1998, the Right Honourable Douglas Graham, Minister in Charge of Treaty Negotiations, advised the Trust that the Deed of Mandate had been accepted and

that the Crown was not prepared to enter into separate Treaty settlement negotiations with Te Pakakohi. A copy of that letter is attached to this Statement of Claim and marked with the letter 'A'.\*

12. The Crown through the Minister in Charge of Treaty Negotiations also indicated that they would not accept a Deed of Mandate from Te Pakakohi Trust.

13. The Crown have since begun negotiations with the Ngati Ruanui Muru Me Te Raupatu Working Party to the exclusion of Te Pakakohi Trust.

#### **CROWN TREATY BREACHES**

14. The Crown has failed to ensure that the principles of the Treaty of Waitangi are adhered to and more particularly including the principle of recognition. This principle relates to Maori communities and Te Pakakohi tribe in particular being entitled to identify themselves and to manage their affairs in accordance with Maori custom and values.

15. The Crown act of recognising the mandate of Ngati Ruanui Muru Me Te Raupatu Working Party to the detriment of Te Pakakohi tribe and the Crown's omission to enter into separate negotiations with Te Pakakohi Trust was and is a continuing breach of the principles of the Treaty of Waitangi.

#### **PREJUDICIAL EFFECTS**

16. By virtue of the acts and omissions of the Crown in failing to recognise Pakakohi in its own right around the settlement table, Pakakohi have suffered and continue to suffer the following prejudicial effects:

- (a) The continued dispossession of their economic, spiritual and cultural base.
- (b) The continued loss of economic independence and prosperity.
- (c) The continued destruction of their culture and history.
- (d) The very real danger of losing their identity.
- (e) A continuation of the previous disenfranchisement suffered by Pakakohi during the Taranaki wars of the 1860's.

\* This letter is not reproduced here.

- (f) A further destruction or erosion of any chance of restoring Pakakohi's economic base, social patterns and traditional leadership structures.
- (g) Continued poor health, welfare and education as a result or indirect result of the Crown's actions/omissions.
- (h) Loss of mana.

**RELIEF SOUGHT**

17. The Claimants seek the following recommendations:

- (a) A recommendation that any negotiations between Ngati Ruanui and the Crown that are currently underway which purport to apply to Pakakohi cease immediately
- (b) A recommendation that the Crown negotiate directly with Te Pakakohi Trust for and on behalf of Te Pakakohi tribe.
- (c) A recommendation that the Crown pay the full costs of the Claimants for the preparation and presentation of this claim.
- (d) Any other recommendation as the Tribunal thinks fit.

**LEAVE TO AMEND**

18. The Claimants seek leave to amend this Statement of Claim in light of research or other material which may become available during the presentation of this claim.

[Signed James Johnston]

[4/11/98]

Solicitor for the Claimant

Date