

OFFICIAL

Hans Felk Tapsell

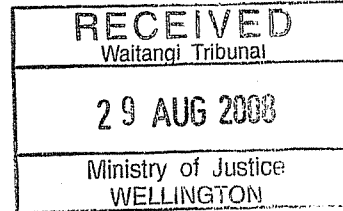
27/8/08

Wai 2147, # 1.1.1

Waitangi Tribunal Claim

92 Arawa Avenue
Maketu RD 9
TEPUKE

To: The Registrar
Waitangi Tribunal
PO Box 5022
WELLINGTON



1. We the following applicants are descendents of the Ngati Whakaue ki Maketu Hapu (sub-tribe) who have lived permanently at Maketu before the battle of Te Tumu in 1836. We have submitted this Waitangi Claim because there are two factions of the Ngati Whakaue Hapu one who lives in the Lakes area of Rotorua. The other faction lives in Maketu. Both factions operate under their own entity, Rotorua is the Ngati Whakaue Lands Trust and for Maketu it is Te Runanga o Ngati Whakaue ki Maketu neither have any links to each other, other than the sub tribe name.

2. Applicants

	Name	Address	Occupation	Relationship
1	Richard Whenuariri Tapsell	14 Kiokio Place, RD9 Maketu	Retired. Flax Farmer	Descendent of Ngati Whakaue ki Maketu
2	Te Wano Walters	Wilson Rd North, c/- PDC Maketu, RD9 TE PUKE	Retired Marae Kaumatua	Descendent of Ngati Whakaue ki Maketu
3	Joan Waterreus	Maketu Rd c/- PDC Maketu, RD9 TE PUKE	Retired	Descendent of Ngati Whakaue ki Maketu
4	Maria Brenda Horne	5 Little Waihi Rd, c/- PDC Maketu, RD9 TE PUKE	Chairperson Te Runanga o Ngati Whakaue ki Maketu	Descendent of Ngati Whakaue ki Maketu

3. This claim has been submitted for the descendents and Hapu (sub-tribe) members of Ngati Whakaue ki Maketu.

Claims likely to be affected

4. We have no knowledge of claims that are likely to be prejudicially affected.

Claim

This claim is for: two areas

1. We claim customary rights / order to the Lower Kaituna River, Maketu Estuary and Little Waihi Estuary and the Ocean within the perimeters of Maketu, Little Waihi to Wairakei from the high tide mark to five kilometers to sea. Ngati Whakaue ki Maketu hapu (subtribe) have lived permanently in Maketu since the early 1800's and earlier. This customary right for the waterways should be bestowed on those who have kept "te ahi kaa roa" the long fires of home burning.
2. We claim a part or portion of any land blocks awarded to any other Te Arawa Hapu due to the battles which took place in and around Maketu, including the battle of Te Tumu in 1836. It is recorded Ngati Whakaue had a hand in these battles and suffered losses to their hapu. The Ngati Whakaue that battled for Maketu lived in Maketu and as such was part of the Ngati Whakaue ki Maketu hapu.
3. We claim that these matters are contrary to the principles of the Treaty of Waitangi.

Relief Sought

5. We seek the following relief:
 - The same portion of lands, assets and monies awarded to Te Arawa Hapu by the Crown for past battles of land.
 - We seek customary rights / order over the Maketu Estuary, Lower Kaituna River, Little Waihi Estuary to Wairakei Stream, Papamoa and the ocean area from the high tide mark to five kilometers out to sea.

Researcher

6. We request the Tribunal to commission a researcher to report on the claim.

Permission to Amend Claim

7. We ask for permission to amend this claim, if necessary.

Legal Representative

8. The Tribunal is advised that our legal representative is:

To be advised. We shall seek legal aid services.

Venue to hear claim

8. We request the claim to be heard at Whakaue Kaipapa Marae, Maketu Road, Maketu, Te Puke, Bay of Plenty. The contact number for booking this venue is 09 5332256.

Notification of Claim

9. We believe the following persons and organizations should be notified of this claim:

i. Local Councils including:

- Environmental Bay of Plenty, 5 Quay Street, Whakatane
- Western Bay of Plenty District Council, Private Bag 12-803, Tauranga

First Claim

10. This is our first claim.

Research Topic

Research Required	Task	Location
Land Blocks in Maketu	Provide evidence to support this Claim. By researching the original land owners and tracking of these land blocks through sale, confiscation, or consolidation	Maori Land Court Rotorua
Maketu Minute Books	The early Maketu Minute Books provide history and evidence that may be relevant to this claim.	Maori Land Court Rotorua
Rotorua Minute Books	Rotorua MB 155- 156 dated 5 December 1966	Maori Land Court, Rotorua
Archive New Zealand	Research archive New Zealand records	Archive New Zealand, Wellington
Customary Rights	Seabed and Foreshore Act	Internet, Public Library.

Timetable

The timetable for research is to be discussed when this tribunal claim is in the scoping stage. Input into the scoping shall be made between the lawyer, researcher, contact person and any other person with the approval of the applicants.

Budget

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Hans Felk Tapsell

Legal Aid



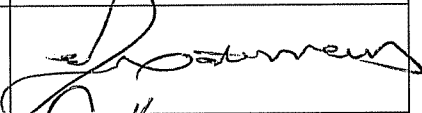

Should the claim progress to being annotating a WAI number a legal advisor shall be sought to phase two of this Waitangi Claim.

Contact Details

11. The coordinator of this claim is Maria Horne 92 Arawa Avenue, Maketu RD 9, TE PUKE.
Contact numbers are: 07 533-2256 or 027 2910737.

Signatures of Applicants

12. Signatories of applicants

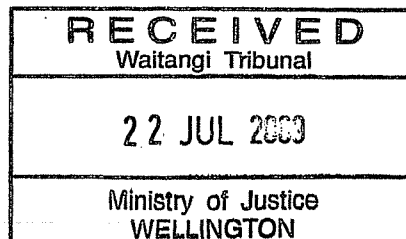
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4	Maria Brenda Horne	92 Arawa Ave Maketu, RD9 TE PUKE	

Maria Horne
(07) 5332256

Waitangi Tribunal Claim

28 August 2008

92 Arawa Avenue
Maketu RD 9
TEPUKE



To: The Registrar
Waitangi Tribunal
PO Box 5022
WELLINGTON

1. This claim is made on behalf of Ngati Whakaue ki Maketu hapu a group of Maori people who has been affected by historical decisions made by the Crown.
2. Ngati Whakaue ki Maketu hapu believe under Article Two of the Treaty of Waitangi the Crown has acted in Breach of the principles of the Treaty of Waitangi.
3. Ngati Whakaue ki Maketu hapu believe under Article Three of the Treaty of Waitangi the Crown has acted in Breach of the principles of the Treaty of Waitangi.
4. We the following applicants are descendents of the Ngati Whakaue ki Maketu Hapu (sub-tribe) who whakapapa to the area of Maketu located on the West Coast of the Bay of Plenty. Our whakapapa in this area can be traced back to the landing of the Te Arawa waka in approximately 1350 AD, when Tama-te-kapua first sailed into Te Awa o Ngatoroirangi We have established links to this land, water and sea through our tupuna living permanently at Maketu and through their intertribal marriages.
5. Ngati Whakaue ki Maketu tribal boundaries are from the Lower Kaituna River / Te Tumu to the Maketu turn-off in the South and onwards to the Whakatane / Pukehina Turn off on State Highway Two and to the waterways of the Little Waihi Estuary in the East, to Okurei Point in the North East.

6. We have submitted this Waitangi Claim because we believe the Crown has been in breach of the Treaty and Ngati Whakaue ki Maketu hapu have suffered because of this breach.
7. Ngati Whakaue ki Maketu hapu live in Maketu. There is also Ngati Whakaue Iwi in Rotorua. Each Ngati Whakaue entity operates under their own autonomy. We are not funded and neither have we as a Hapu received any monies, lands from Ngati Whakaue Iwi in Rotorua.
8. Ngati Whakaue ki Maketu have an Iwi Authority known as Te Runanga o Ngati Whakaue ki Maketu. The Rotorua hapu operate under the Ngati Whakaue Lands Trust. Neither have any affiliation to each other.

9. Applicants

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Claims likely to be affected

10. We have no knowledge of claims that are likely to be prejudicially affected.

Claim

This claim is for:

1. We claim customary water rights from and including the Lower Kaituna River, Maketu Estuary and Little Waihi Estuary and the Ocean / beach areas within the perimeters of the

named river and estuaries. From the high tide mark to five kilometers to sea. Ngati Whakaue ki Maketu hapu has never given up the right to these waterway resources and all that live in these waters.

Under Article two of the Treaty we believe tino rangatiratanga includes the rights of these waterways according to Maori cultural preferences. We believe the possession of the coastline from Little Waihi to Te Tumu Cut, the Maketu Estuary, and the Little Waihi Estuary, and the Lower Kaituna River area should come under the customary protection and possession of Ngati Whakaue ki Maketu hapu in co-management with the Crown.

These waterways have suffered from farm run-off pollution, from AFFCO run-off, from property development, from agricultural and horticulture sprays, all of which have been approved by regional council. We have been obliging to councils and ministry of fisheries in accommodating their rules and regulations. Ngati Whakaue ki Maketu hapu see their tangata whenua status continually being challenged.

Under Article Three of the Treaty the Crown has not protected the rights and privileges of the British subjects because the Crown has claimed these resources that is not theirs to take ownership of.

2. Ngati Whakaue ki Maketu hapu claim an equal amount or share of any land blocks awarded to any other Te Arawa hapu due to the battles which took place in and around Maketu, including the battle of Te Tumu in 1836. Ngati Whakaue ki Maketu hapu were a major force that ensured the victory of the battle at Te Tumu. The Ngati Whakaue that battled for Maketu lived in Maketu when the land wars took place. The hapu feel we have not been duly awarded any of the benefits other hapu have received from the Crown and the Maori Land Court.

Ngati Whakaue ki Maketu Hapu have proven methods:

- Conquest – An aboriginal claim. Ngati Whakaue ki Maketu ancestors consistently battled with other Iwi to ensure Maketu was in their possession.

- Occupation – Ngati Whakaue ki Maketu hapu have consistently occupied Maketu within the hapu boundary areas.
- Ancestry – Ngati Whakaue ki Maketu hapu can identify their tupuna lineage through direct occupation and intermarriage links to Maketu and the Hapu boundaries. We are still currently residing in Maketu as one of the major Te Arawa hapu.

To support our claim there are land blocks that have been awarded to other Te Arawa hapu where Ngati Whakaue ki Maketu hapu have been awarded nothing in their own right.

- a. Te Tumu Land block 14 was awarded by the Crown as Ngati Whakaue lands. This land block went to Ngati Whakaue in Rotorua
- b. Ngati Pikiāo Confederation of Tribes awarded Maketu Land by the Maori Land Court. Ngati Whakaue ki Maketu Hapu did not receive the same due process for a fair share of the land blocks in Maketu.

Under Article Two of the Treaty of Waitangi Ngati Whakaue ki Maketu hapu believe the Crown has breached the Treaty by not granting exclusive possession of lands and other properties to Ngati Whakaue ki Maketu hapu they should collectively have a fair right to.

We also claim under Article three of the Treaty the Crown neglected to protect the rights of Ngati Whakaue ki Maketu hapu.

3. Te Arawa Maori Trust Board (TAMTB) was a partly owned Crown entity who consistently purchased and were awarded lands. The Consolidation of Maketu Lands saw blocks of land being transferred to TAMTB without the consent of land owners. Some of these lands were owned by Ngati Whakaue ki Maketu hapu members. These lands have NOT been returned to the rightful people, even though the Trust Board has been dissolved.
 - a. There are Maori Land Court records that give the impression that Maori were selling their land for example to a Mr R. King. Those lands were then being purchased by Te Arawa Maori Trust Board a partly owned Crown entity.

Under Article Two of the Treaty of Waitangi Ngati Whakaue ki Maketu hapu the Crown has breached the Treaty by firstly Consolidating Maketu Lands owned by Ngati Whakaue ki Maketu hapu members, and then failing to return these lands after the Te Arawa Maori Trust Board was dissolved. We would like Maketu lands investigated and research to ensure lands that were sold in accordance with legal statute.

Relief Sought

4. We seek the following relief for Ngati Whakaue ki Maketu Hapu:
 - We seek rightful customary rights, equal management rights or ownership of the waterways of the Lower Kaituna River, Maketu Estuary, Little Waihi Estuary and the Oceans between these areas to five kilometers from the high tide mark.
 - The same equal amounts of lands, awarded to other Hapu by the Crown. If the Crown cannot provide lands then we seek monetary compensation.
 - The same portion of lands, awarded to other Hapu by the Maori Land Court and the Crown in the Maketu region. If the Crown cannot provide lands in the Maketu areas then we seek monetary compensation.
 - We seek an investigation into the ownership of Te Arawa Maori Trust Board land and those lands returned to their rightful hapu owners. We also seek investigation into the legality of historical land purchases conducted by Te Arawa Maori Trust Board.
 - We seek compensation for the deprivation and loss of mana Ngati Whakaue ki Maketu Hapu have suffered.

Researcher & Historian

5. We request the Tribunal to commission a researcher and a historian to report on this claim for Ngati Whakaue ki Maketu hapu.

Permission to Amend Claim

6. We ask for permission to amend this claim, if necessary.

Legal Representative

7. The Tribunal is advised that our legal representative is: We shall seek legal aid services. We have approached Hemi Te Nahu to act on our behalf PO Box 4104, ROTORUA.

Venue to hear claim

8. We request the claim to be heard at Whakaue Kaipapa Marae, Maketu Road, Maketu, Te Puke, Bay of Plenty. The contact number for booking this venue is 07 533-2256.

Notification of Claim

9. We believe the following persons and organizations should be notified of this claim:

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- Te Arawa Lakes Trust, Haupapa Street, Rotorua.

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12. Signatories of applicants

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3	Piatarahi Maria Kerr	Maketu Rd, c/- PDC Maketu, RD9 TE PUKE	
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Maria Horne
(07) 5332256

Waitangi Tribunal Claim

28 August 2008 (original submission)

24 July 2009 (amendment submission)

92 Arawa Avenue
Maketu RD 9
TEPUKE

To: The Registrar
Waitangi Tribunal
PO Box 5022
WELLINGTON

1. This claim is made on behalf of Ngati Whakaue ki Maketu hapu a group of Maori people who has been affected by historical decisions made by the Crown.
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3. Ngati Whakaue ki Maketu hapu believe under Article Three of the Treaty of Waitangi the Crown has acted in Breach of the principles of the Treaty of Waitangi.
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5. Ngati Whakaue ki Maketu tribal boundaries are from the Lower Kaituna River / Te Tumu to the Maketu turn-off in the South and onwards to the Whakatane / Pukehina Turn off on State

Highway Two and to the waterways of the Little Waihi Estuary in the East, to Okurei Point in the North East.

6. We have submitted this Waitangi Claim because we believe the Crown has been in breach of the Treaty and Ngati Whakaue ki Maketu hapu have suffered because of this breach.
7. Ngati Whakaue ki Maketu hapu live in Maketu. There is also Ngati Whakaue Iwi in Rotorua. Each Ngati Whakaue entity operates under their own autonomy. We are not funded and neither have we as a Hapu received any monies, lands from Ngati Whakaue Iwi in Rotorua.
8. Ngati Whakaue ki Maketu have an Iwi Authority known as Te Runanga o Ngati Whakaue ki Maketu. The Rotorua hapu operate under the Ngati Whakaue Lands Trust. Neither have any affiliation to each other.

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Estuary and Little Waihi Estuary and the Ocean / beach areas within the perimeters of the named river and estuaries. From the high tide mark to five kilometers to sea. Ngati Whakaue ki Maketu hapu has never given up the right to these waterway resources and all that live in these waters.

Under Article two of the Treaty we believe tino rangatiratanga includes the rights of these waterways according to Maori cultural preferences. We believe the possession of the coastline from Little Waihi to Te Tumu Cut, the Maketu Estuary, and the Little Waihi Estuary, and the Lower Kaituna River area should come under the customary protection and possession of Ngati Whakaue ki Maketu hapu in co-management with the Crown.

These waterways have suffered from farm run-off pollution, from AFFCO run-off, from property development, from agricultural and horticulture sprays, all of which have been approved by regional council. We have been obliging to councils and ministry of fisheries in accommodating their rules and regulations. Ngati Whakaue ki Maketu hapu see their tangata whenua status continually being trampled and ignored.

Under Article Three of the Treaty the Crown has not protected the rights and privileges of the Ngati Whakaue ki Maketu Hapu.

2. Ngati Whakaue ki Maketu hapu claim an equal amount or share of any land blocks awarded to any other Te Arawa hapu due to the battles which took place in and around Maketu, including the battle of Te Tumu in 1836. Ngati Whakaue ki Maketu hapu were a major force that ensured the victory of the battle at Te Tumu. The Ngati Whakaue that battled for Maketu lived in Maketu when the land wars took place. The hapu feel we have not been duly awarded any of the benefits other hapu have received from the Crown and the Maori Land Court.

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 - a. There are Maori Land Court records that give the impression that Maori were selling their land. Those lands were then being purchased by Te Arawa Maori Trust Board a partly owned Crown entity. An example is Mr. R. King purchasing lands in Maketu from a number of different land owners.

Under Article Two of the Treaty of Waitangi Ngati Whakaue ki Maketu hapu the Crown has breached the Treaty by firstly Consolidating Maketu Lands owned by Ngati Whakaue ki Maketu hapu members, and then failing to return these lands after the Te Arawa Maori Trust Board was dissolved. We would like Maketu lands investigated and research to ensure lands that were sold in accordance with legal statute.

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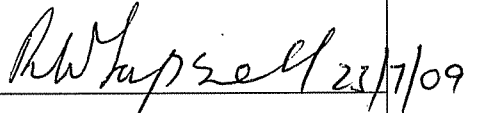
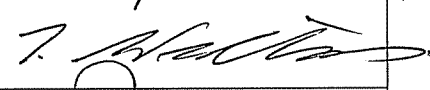
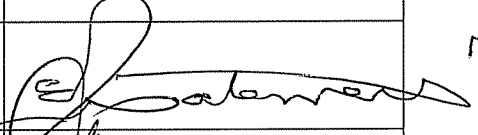
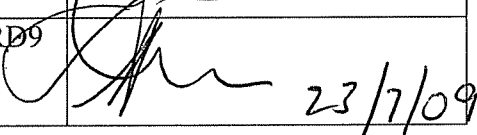
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Contact numbers are: 07 533-2256 or 027 2910737.

Signatures of Applicants

12. Signatories of applicants submitting this Waitangi Claim on behalf of Ngati Whakaue ki Maketu Hapu.

	Name	Address	Signature
1	Richard Whenuarifi Tapsell	14 Kiokio Place Maketu, c/- PDC Maketu, RD9 TEPUKE	 23/7/09.
2	Te Wano Walters	Wilson Rd North, c/- PDC Maketu, RD9 TE PUKE	
3	Joan Waterreus	Maketu Rd, c/- PDC Maketu, RD9 TE PUKE	
4	Maria Brenda Horne	92 Arawa Ave Maketu, RD9 TE PUKE	 23/7/09