

WAITANGI TRIBUNAL

Wai 3342

CONCERNING

the Treaty of Waitangi Act 1975

AND

a claim by Pita Tipene, Moana Maniapoto, Donna Kerridge, George Laking, India Logan-Riley and Veronica Tawhai for and on behalf of Ngā Toki Whakarururanga

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 3 April 2024.

The claimants should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Pita Tipene, Moana Maniapoto, Donna Kerridge, George Laking, India Logan-Riley and Veronica Tawhai on behalf of Ngā Toki Whakarururanga and concerns the Crown failing to honour its constitutional obligations under He Whakaputanga o te Rangatiratanga o Nū Tīreni me Tiriti o Waitangi. The claimants allege that the Crown has breached the principles of the Treaty of Waitangi by:

- systematically, continually and deliberately breaching its fundamental obligation to adopt and maintain the constitutional relationship of rangatiratanga to kāwanatanga agreed to in te Tiriti o Waitangi;
- failing to honour te Tiriti o Waitangi through use of the "principles of the Treaty" which has been used as a device to rewrite its obligations under Te Tiriti o Waitangi
- undermining rangatiratanga through economic actions supported by the kāwanatanga, such as the imposition of an extractive and exploitive capitalist economy which has dispossessed and impoverished Māori, and has excluded Māori from the right to exercise rangatiratanga and kaitiakitanga over taonga in a manner consistent with tikanga and mātauranga Māori; and
- assumed exclusive sovereign authority to make international trade and investment agreements, which impact on responsibilities, duties, rights and interests of Māori under te Tiriti o Waitangi.

The claimants seek a variety of relief, including findings that:

- the constitutional authority and responsibilities of Mana Motuhake and Tino Rangatiratanga, including in relation to laws, values, governance arrangements, political institutions and processes, economic systems, and treaty making are enduring to the present day, and need to be exercised on equal terms with the authority of Kāwanatanga;
- the proposed actions, policies and legislation that form part of the Coalition Government agreements between the National Party, the Act Party and the New

Zealand First party, constitute a further egregious breach of the Crown's obligations under the Tiriti o Waitangi, and the principles derived therefrom;

- a federalist constitutional framework that re-established the Tino Rangatiratanga as a recognised form of independent self-governance in Aotearoa New Zealand, to operate alongside Kāwanatanga, as states of equal standing within a unitary state that operates nationally and internationally, and convene a constitutional convention to bring this about;
- the Coalition Government's proposed actions, policies and legislation that constitute further breaches of its Tiriti obligations should immediately cease;
- a mechanism that re-empowers Māori to exercise equal authority in the international domain, including in the making of international trade and investment treaties should be established;
- there should be an urgent revision of the Cabinet Manual, guidance to Government and Crown agencies, and other Crown documents to accurately represent the Crown's obligations and Māori rights, responsibilities, duties and interests under Te Tiriti o Waitangi;
- annual reports to the Tribunal on the actions taken should be made in order to implement these recommendations; and
- the Crown should provide the claimants with an apology, compensation and a negotiation towards the full implementation of the Whakaputanga te Tiriti.

The claimants may amend this claim at a later stage. In any case the Tribunal may require the claimants to prepare a fully particularised statement of claim before the claim can be heard.

In April 2015, the Chairperson issued a memorandum outlining a kaupapa inquiry programme. A second memorandum updating and refining the kaupapa inquiry process was issued in March 2019. A number of kaupapa inquiries are now under way.

The allegations made in this claim are contemporary in nature. They pertain to constitutional issues and as such may be best suited for consideration in Wai 3300, Tomokia Ngā Tatau o Matangireai, the Constitutional Kaupapa inquiry.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimants need to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimants also need to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

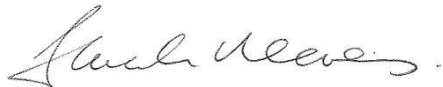
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimants should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimants and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri; and
- All those on the notification list for Wai 3300, Tomokia Ngā Tatau o Matangirea, the Constitutional Kaupapa inquiry.

DATED at Wellington this 5th day of April 2024.

A handwritten signature in black ink, appearing to read "Sarah Reeves".

Judge Sarah Reeves
Deputy Chairperson

WAITANGI TRIBUNAL