

BEFORE THE WAITANGI TRIBUNAL
THE FORESHORE AND SEABED URGENT INQUIRY- WAI 1071

IN THE MATTER of the Treaty of
Waitangi Act 1975

AND

IN THE MATTER of Wai 420, Warren Chase

AMENDED STATEMENT OF CLAIM

DATED 16 January 2003

- 1. Whereas the Claim herewith is to be heard as an aggregated claim in the Foreshore and Seabed Urgent Inquiry; and
- 2. Whereas the Claimant (for the Claimants) has instructed Counsel to appear at the hearing of the Foreshore and Seabed Urgent Inquiry;
- 3. Take notice therefore that this pleading is a formal record of the Claimants' basis for participating as claimants within the Foreshore and Seabed Urgent Inquiry.

The Claim

- 4. The Claimants say that their claim falls within one or more of the matters referred to in section 6 (1) of the Treaty of Waitangi Act 1975 namely:
 - (a) that they are Maori, and

- (b) they have been and continue to be or are likely to be prejudicially affected by the policy or policies on the foreshore and the seabed adopted by, or on behalf of the Crown enunciated between August and December 2003 (and which is or are to be the basis of soon to be enacted legislation); and
5. That the aforesaid prejudice is inconsistent with the principles of the Treaty, namely by the Crown;
- (a) failing to guarantee the tino rangatiratanga over and rights of ownership to their foreshore and territorial sea within their rohe; and
 - (b) breaching its duty to actively protect the tino rangatiratanga over and rights of ownership to their taonga.
6. Wherefore the Claimants seek the following from the Waitangi Tribunal:
- (a) A finding that their claim is well founded; and
 - (b) A finding that the said policy or policies constitute a prejudice to the Claimants; and
 - (c) That the prejudice is inconsistent with the Treaty of Waitangi and the principles of the Treaty; and
 - (d) A recommendation that the Crown desist from the policy or policies; and

- (e) A recommendation to the Crown that Maori be permitted to make applications to the Maori Land Court as provided for in the *Ngati Apa Case*.

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Charl Hirschfeld/Tavake Barron Afeaki
Counsel for the Claimants

To: The Registrar
Waitangi Tribunal

To: Counsel for the Crown