TAIHAPE: RANGITĪKEI KI RANGIPŌ (WAI 2180) DISTRICT INQUIRY

Tribunal Statement of Issues

December 2016

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INTRODUCTION

This Tribunal Statement of Issues (TSOI) is intended to provide a broad framework for the hearings and evidence for the Taihape: Rangitīkei ki Rangipō district inquiry. It summarises and synthesises the allegations raised in the statements of claim, highlights the Crown's position on these allegations, and outlines in question form the matters which remain in contention that the Tribunal needs to hear.

The TSOI does not supplant the claimants' statements of claim, which remain the primary expression of the claimants' Treaty grievance(s). Furthermore, the TSOI does not represent the Tribunal panel's final thinking on the history, the Treaty or the range and nature of the issues that arise in this inquiry. Consequently, the TSOI does not commit the Tribunal to addressing each of the issues or mean that other issues cannot arise. As will be appreciated, the TSOI is a snapshot in time and the dynamic nature of the inquiry means that issues will undoubtedly evolve over the course of the inquiry.

Background

Statements of Issues have been a central component of Tribunal inquiries since the introduction of the 'new approach' in the Turanga inquiry in 2001 by the then Deputy Chairperson Judge Joseph Williams. They are typically produced as a result of the following interlocutory steps:

- Claimants amend and particularise their statements of claim by drawing upon their own research and the reports produced as part of the casebook;
- The Crown prepares a statement of response to these amended statements of claim; and
- The Tribunal prepares a statement of issues outlining the areas of agreement and contention between the parties, which then forms the basis for the hearing programme.

Several innovations have been introduced in recent inquiries to streamline this process. In the Te Rohe Pōtae inquiry, Judge Ambler introduced the now relatively standard process of directing claimant counsel to collaborate on an initial draft of the Statement of Issues and asking Crown counsel to prepare a Statement of Positions and Concessions in response to this draft rather than the statements of claim themselves. In the Central North Island and Te Paparahi o Te Raki inquiries, the Tribunal produced relatively high-level Statements of Issues that did not cover local issues in great detail.

The question of how to produce a Statement of Issues for the Taihape inquiry was first discussed in 2014, when the Tribunal sought suggestions from parties on how to reduce the timeframe for the completion of hearings and the production of a Tribunal report. After discussing submissions at a judicial conference, on 19 December 2014 the Tribunal directed that once the casebook research was complete and particularised statements of claim had been filed, claimant and Crown counsel were to produce a joint draft Statement of Issues (CSOI).[1] The research casebook was largely complete by May 2016, and the majority of the final statements of claim were filed in August.

On 2 September 2016 counsel filed a joint draft CSOI. This 11 page document indicated broad topics of inquiry under several themed headings, but did not include many of the standard components of a TSOI (such as a list of questions summarising the points of contention between claimants and the Crown). In addition, Crown counsel had only played a limited role in the preparation of the document.[2]

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1 Wai 2180, #2.5.36, para 18
2 Wai 2180, #3.1.439 & #1.4.1

Two additional submissions were received relating to the draft CSOI. Counsel for Ngāti Hinemanu me Ngāti Paki submitted that her clients did not support the draft due to:

- The generalized approach to issues and matters raised by her claimants;
- The dilution of constitutional issues;
- The failure to acknowledge the nuances of Native Land Court issues in the northern, central and southern geographical areas of the inquiry district; and
- The failure to give prominence to the principal claims.[3]

Counsel for Ngāti Hinemanu me Ngāti Paki provided some examples of more targeted questions relating to 'Tino Rangatiratanga' and 'Destruction of Pokopoko' as an appendix to her memorandum.[4]

Crown counsel submitted that, whilst they had collaborated with claimant counsel in the production of the draft CSOI, there were further points of clarification to make in regard to the Crown's position. In particular, counsel argued that there are three key issues of importance to the inquiry:

- Land tenure and alienation 1870-1910 (e.g. Native townships, landlocked parcels);
- Public works takings (particularly defence lands); and
- Environmental policy and practice (including waterways).

Crown counsel also noted that it would be helpful to have a clearer idea of the scope of the inquiry, especially in regard to issues identified as part of the future kaupapa inquiry programme. Tino rangatiratanga/constitutional issues, the environment, and military veterans' issues were identified as cases in point. Crown counsel noted that their memorandum was not a detailed statement of position or response, and did not make any concessions.[5]

After reviewing the draft CSOI and the submissions from counsel for the Crown and for Ngāti Hinemanu me Ngāti Paki, the Tribunal issued a direction noting that we intended to rework the draft into a more robust TSOI that would be circulated to parties for discussion on 31 October 2016.[6]

Structure

The TSOI is broken up into six parts, each of which is comprised of one or more sections devoted to a particular high-level issue.

There are 21 high-level issues in total across the six parts of this TSOI. These issues were developed by summarising the particularised statements of claim filed by parties and identifying the shared issues.[7] For those claims where no particularised statement of claim has been filed, we referred to the non-particularised statements of claim.[8] Although we relied partially on the issues identified in the draft CSOI, there are some significant differences between the CSOI and the TSOI. These are:

- The 'protection of land base' issue in the CSOI has been merged with several other issues in the TSOI, in particular 'Crown purchasing';

- The 'military engagement' theme in the CSOI is not present in the TSOI as these issues have been largely deferred to the Military Veterans inquiry. However, a separate issue has been

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3 Wai 2180, #3.1.441
4 Wai 2180, #3.1.441(a)
5 Wai 2180, #1.3.2
6 Wai 2180, #2.5.68
7 These are located under the 1.2 series of the Taihape: Rangiīkei ki Rangipō combined record of inquiry.
8 These are located under the 1.1 series of the Taihape: Rangiīkei ki Rangipō combined record of inquiry.

created in the TSOI for the 'arrest and eviction of Winiata Te Whaaro and destruction of Pokopoko'.

- The 'land management systems (20th C), local govt & rating' issue in the CSOI has been split into several twentieth century issues relating to land use, management and alienation, including the addition of a separate issue for 'landlocked blocks'.

- The four environmental issues identified in the CSOI – 'environmental policy and practice', 'wāhi tapu', 'waterways', and 'customary food resources' – have been reframed as three issues in the TSOI – 'management of land, water and other resources', 'power development schemes', and 'wāhi tapu'. Furthermore, the wāhi tapu issue has been moved to the part of the TSOI dealing with mātauranga Maori.

- The 'tikanga/cultural issues/mātauranga, identity, education, health, taonga' issue identified in the CSOI has been split into three separate issues in the TSOI – 'education and social services', 'cultural taonga', and 'te reo rangatira'.

We have arranged the six parts and 21 issues in a broadly chronological fashion. Parts one and two of the TSOI relate largely to nineteenth century issues; parts three through six relate largely to twentieth and early twenty-first century issues. Parts two and three in particular, which relate to land use, management and alienation, were split at 1909 given that this appears to be an important turning point in patterns of land alienation and economic capability. However, we recognise that this chronological division is not so clear cut. Subjects such as the Native Land Court, public works, and the environment are the focus of claims from the late nineteenth century right up to the present. Our sorting of the issues reflects where we believed the majority of the claim issues lay chronologically. We stress that this will not preclude us from considering any claim issues that fall outside the general time period for each issue, provided that they are within the scope of this inquiry.

There are two appendices attached to this TSOI. The first provides a summary of all the issues raised in the statements of claim which relate to each of the 21 high-level issues. The second lists all of the casebook research reports and other supporting projects that are on the combined record of inquiry for the Taihape district inquiry.

Each of the 21 issues in the TSOI follows the same structure:

- *Introduction*: Provides a brief summary of the issue.

- *Crown position and concessions*: Outlines what the Tribunal believes to be the position of the Crown on the issue and highlights where the Crown has conceded any Treaty breaches.

- *Scope of inquiry*: Outlines any limitations on what the Tribunal intends to inquire into for the issue. This section is only included in those issue chapters where the Tribunal has previously issued directions on the scope of the inquiry. Those directions are also discussed below.

- *Issues*: Outlines, in question form, the matters which remain in contention that will form the subject of hearings and reporting. We have aimed for a mix of high-level questions that are abstracted from take raised across multiple claims, and specific questions relating to particular grievances.

- *Relevant casebook research*: Lists the technical reports on the record of inquiry which relate to the issue.

Scope of inquiry

District inquiries are constituted to inquire into all claims that fall within their geographical boundaries. Therefore, it goes without sayingthat any claim or claim issues that fall outside the boundaries of the inquiry district will not be inquired into, except in the instances where boundary exceptions have been made (which are discussed below). Whilst this might seem like an obvious point, we have made it explicit given that several particularised statements of claim that have been filed for this inquiry raise issues that fall outside the boundaries of the Taihape inquiry district, particularly in the Heretaunga and Manawatū regions. These claim issues will not be inquired into as part of the Taihape inquiry.

This Tribunal will inquire into specific grievances in the inquiry district in relation to the following issues and, where appropriate, take into account the findings of Tribunal reports listed that have already reported on the issues. These include:

- Intellectual property rights to flora, fauna, food, rongoā and other taonga, subject to the Wai 262 report, *Ko Aotearoa Tenei: A report into claims concerning New Zealand Law and Policy affecting Māori culture and identity* (2011);

- Te Reo Māori, subject to the *Report of the Waitangi Tribunal on the Te Reo Māori Claim* (1986), *Ko Aotearoa Tenei* (2011), and *Matua Rautia, The Report on the Kōhanga Reo Claim* (2013); and

- Property and other rights in water, subject to the *Stage 1 Report on the National Freshwater and Geothermal Resources Claim* (2012) and the findings of the National Freshwater and Geothermal Resources Tribunal in its stage two final report.

Apart from the basic geographical prescription, and the consideration of findings made on the issues above, there are several other claims and claim issues that this Tribunal cannot inquire into, or has decided not to inquire into given an overlap with previous Tribunal inquiries or the coverage of those claims and claim issues in current or future inquiries. These matters, which were laid out in previous directions of this Tribunal, are summarised below.[9]

Jurisdiction

Once settlement legislation is introduced into the House of Representatives, the Tribunal generally cannot inquire further into historical Treaty of Waitangi claims. The following settlement negotiations involve claims that have been consolidated or aggregated into the Taihape inquiry, some of which will impact on the ability of this Tribunal to inquire into them at a future point. The claimants involved or affected by these settlement negotiations have largely requested to continue participating in this inquiry until they are prevented from doing so by legislation. We request that claimant and Crown counsel keep the Tribunal informed of developments in the relevant Treaty settlements.

Ngāti Tūwharetoa claims

The Tribunal considers that the following claims are likely to be exclusively settled by virtue of the Tūwharetoa settlement:

- Kaimanawa to Rotoaira Lands claim (Wai 61);
- Ngāti Waewae Lands claim (Wai 1260); and
- Ngāti Hikairo ki Tongariro Lands claim (Wai 1262).

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9 Wai 2180, #2.5.37; #2.5.50; #2.5.59

The settlement is also expected to settle the following claims insofar as they relate to Ngāti Tūwharetoa:

- Ngāti Tūwharetoa Comprehensive claim (Wai 575);
- Parakiri and Associated Land Blocks claim (Wai 1195); and
- Tongariro Power Development Scheme Lands claim (Wai 1196).

The Terms of Negotiation do not require Ngāti Tūwharetoa to withdraw as a party in the Taihape inquiry.

Heretaunga-Tamatea claims
The Tribunal considers that the following claims are likely to be exclusively settled by virtue of the Heretaunga Tamatea settlement:

- Te Kōau Block and Ruahine Ranges claim (Wai 263);
- Gwavas Forest Park claim (Wai 397); and
- Rēnata Kawepō Estate claim (Wai 401).

The settlement is also expected to settle the following claims insofar as they relate to Heretaunga Tamatea:

- Ōwhāoko C3B claim (Wai 378);
- Kāweka Forest Park and Ngaruroro River claim (Wai 382);
- Ahuriri Block claim (Wai 400); and
- Ngati Paki and Ngati Hinemanu (Winiata, Lomax, Cross and Teariki) Claim (Wai 1835).[10]

Ahuriri claims
The Tribunal considers that the Ahuriri Hapū settlement is likely to settle the following claims insofar as they relate to Ahuriri hapū:

- Kāweka Forest Park and Ngaruroro River claim (Wai 382); and
- Ahuriri Block claim (Wai 400).

Ngāti Rangi claims
The Ngāti Rangi Trust has signed Terms of Negotiation with the Crown in respect of Ngāti Rangi claims (including Wai 151), but the terms do not require Ngāti Rangi to withdraw as a party to the Taihape inquiry.

Whanganui claims
The Crown has recognised the mandate of the Uenuku Charitable Trust to represent the claims of the Central Whanganui Large Natural Group in negotiations with the Crown. This includes the following claims:

- Waimarino No. 1 Block and Railway Lands claim (Wai 221);
- Tamakana Waimarino (No. 1) Block claim (Wai 954);
- Ngāti Tara Lands claim (Wai 1261); and
- Tāhana Whānau claim (Wai 1394).

[10] However, we understand that an agreement was reached in the Wai 2542 Ngati Hinemanu me Ngati Paki Kaweka and Gwavas Forests inquiry to remove this claim from the list of those being fully or partially settled under the Herretaunga-Tamatea Deed of Settlement (Wai 2542, #2.8.1).

Muaūpoko claims
The Crown has recognised the deed of mandate submitted by the Muaūpoko Tribal Authority to negotiate and settle claims brought by Muaūpoko claimants. This includes the Horowhenua Block claim (Wai 237).

Ngāti Toa claims
The Ngāti Toa Rangatira Claims Settlement Act came into force in April 2014 and settled the historical claims of Ngāti Toa. The Tribunal can therefore only inquire into the following claims insofar as the allegations are as a result of descent from a group other than Ngāti Toa:

- Lands and Resources of Ngāti Ngutu/Ngāti Hua claim (Wai 1409); and
- Ngāti Kinohaku and Others Lands (Nerai-Tuaupiki) claim (Wai 2131).

Overlapping boundary issues
The Taihape inquiry district is surrounded by completed district inquiries to the west, north and north-east. Given the complex and overlapping nature of customary interests, it is unsurprising that a number of geographical areas or features which are the subject of claim issues in the Taihape inquiry have been reported on in neighbouring inquiries. Similarly, there are a number of overlapping claim issues which the Taihape inquiry shares with the Porirua ki Manawatū district inquiry.

This Tribunal considers it important that we avoid relitigating matters on which previous Tribunals have already made findings. We also do not wish to make findings on claim issues which are more appropriately suited for the Porirua ki Manawatū inquiry. Consequently, and as a result of consultation with inquiry parties, the Taihape Tribunal agreed to limit the scope of its inquiry on the matters listed below. These limitations have helped us refine, and in some cases reduce, the issues that need to be heard in this inquiry.

Waiōuru defence lands
The Tribunal will inquire into all claim issues relating to lands that are currently, or were previously, located within the Waiōuru defence lands, with the following exclusions:

- The taking of Rangipō North 6C and Rangipō Waiū 1B under public works legislation to extend the Waiōuru Army Training Area, for which findings and recommendations have been made in *Te Kāhui Maunga*;[11] and

- Crown purchasing, land valuation, leasing, survey liens, and the operation of the Native Land Court on the whole of the Rangipō Waiū 1 block, for which findings and recommendations have been made in *Te Kāhui Maunga*.[12]

Tongariro Power Development Scheme
The Tongariro Power Development Scheme has been considered by a number of Tribunals across several inquiry districts and regions. Many of the broad issues which Taihape claimants have raised about the scheme, especially regarding its establishment, consultation with Māori, post-construction impacts on the environment, and the right to benefit from the use of taonga to generate electricity, are already well covered in existing reports, in particular *Te Kāhui Maunga*.[13] The Taihape Tribunal will therefore inquire into the following issues:

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11 Waitangi Tribunal, *Te Kahui Maunga: The National Park District Inquiry Report* (Wellington: Legislation Direct, 2013), pp19, 725-727, 745-758
12 Ibid., pp 19, 200-204, 248, 340, 417-418
13 Ibid., pp1065-1181

- The environmental effects of the Tongariro Power Development Scheme on the Rangitīkei River system (in particular the Moawhango River);

- The economic and social effects of the scheme on the Rangitīkei River system, including its impacts on land use; and

- Any other customary interests in the Rangitīkei River system affected by the establishment and operation of the scheme.

Railway corridor

The 'railway corridor' refers to the portion of the North Island Main Trunk railway that falls between Taihape and Waiōuru. It runs alongside the Hautapu River, which forms part of the boundary between the Whanganui and Taihape inquiry districts. Whilst the majority of the railway corridor lies within the Taihape inquiry district, it crosses into the Whanganui inquiry district at several locations on the Raketapauma block.

The Taihape Tribunal will inquire into all claim issues relating to the railway corridor between Taihape and Waiōuru, including any relating to Tūrangarere Native Township and the land gazetted in the Hihitahi area for this purpose, with the exception of the Pohe Whānau claim issues concerning public works takings for railway purposes on Raketapauma 2B1C block for which findings and recommendations were made in *He Whiritaunoka: The Whanganui Land Report*.[14]

Kāweka block

The series of overlapping Crown purchase deeds for the Kāweka region were covered in *The Mohaka ki Ahuriri Report* as part of its analysis of the 1851 Ahuriri purchase.[15] The Taihape Tribunal will therefore limit the focus of its inquiry to the nature and extent of any customary interests in the Kāweka block (such as hunting or fowling) and any constrictions of customary interests following Crown purchases in and beyond the ranges.

Waitapu block

The issues relating to this block are being split between the Taihape and Porirua ki Manawatū inquiries. The Porirua ki Manawatū Tribunal will inquire into:

- The aftermath of the Rangitīkei-Manawatū purchase; and

- The adequacy of the land set aside for the Te Reureu reserve, and whether or not it should have included land in the Waitapu block.

The Taihape Tribunal will inquire into:

- The 'discovery' of the Waitapu block as a leftover piece of land between Ōtamakapua and the Rangitīkei-Manawatū purchase; and

- The subsequent Crown purchase of the block and any issues associated with how the owners were identified, the level of compensation awarded, recognition of any customary interests, etc.

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14 Waitangi Tribunal, *He Whiritaunoka: The Whanganui Land Report* (Wellington: Legislation Direct, 2015), pp1358-1363

15 Waitangi Tribunal, *The Mohaka ki Ahuriri Report* (Wellington: Legislation Direct, 2013), pp87-132

Rangitīkei River
The Taihape Tribunal intends to hold a joint hearing with the Porirua ki Manawatū Tribunal on the technical evidence relating to the Rangitīkei River and its tributaries. However, the Taihape Tribunal will only inquire into claim issues relating to the Rangitīkei River and those of its tributaries which fall within the Taihape inquiry district.

Kaupapa issues
The Taihape Tribunal will not inquire into kaupapa claim issues. These will be deferred to the Tribunal's kaupapa inquiry programme, which commenced with the Military Veterans inquiry in the second half of 2014.

In previous directions we have already deferred a number of claims partially or wholly to the kaupapa inquiry programme. The issues deferred related to Māori military veterans, mana wahine, and Māori mental health.[16] In light of Crown submissions seeking further clarity on the extent to which this Tribunal intends to defer claim issues to relevant kaupapa inquiries, we have elaborated below.

General approach
Our approach to identifying kaupapa claim issues has been guided by the direction of the Tribunal's Chairperson, Chief Judge Wilson Isaac, in announcing the kaupapa inquiry programme:

> The kaupapa inquiry programme is designed to provide a pathway for the hearing of nationally significant claim issues that affect Māori as a whole or a section of Māori in similar ways. These thresholds - national significance, Māori widely affected, similarity of experience of the Crown policy or action complained of - must normally be met for a kaupapa inquiry to be constituted.[17]

We believe these three thresholds are equally applicable in identifying which claim issues should be deferred from a district inquiry to a kaupapa inquiry. In particular, 'similarity of experience' provides a useful gauge as to whether each particular claim issue is better placed within a national or local context. Put simply, we see little point in deferring all or part of a claim to a kaupapa inquiry if the issues it raises are sufficiently distinct from the shared national experience. We appreciate that this question of sufficiency is a matter of some flexibility, and that a claim issue will not necessarily be solely national or local in focus. Where a claim issue is primarily local and distinct in nature, we consider that it will be more suitable (and ultimately more efficient) for it to remain in the Taihape district inquiry.

Constitutional issues
In a sense, tino rangatiratanga is by its very nature local and distinct, given that it relates to specific iwi, hapū, whānau, and individuals. Understanding tino rangatiratanga is an essential component of appreciating the tribal landscape of an inquiry district. In addition, the majority of the claim issues raised by the core Taihape claimants relate to individuals and events that are particular to this inquiry district. We therefore do not consider it suitable to defer any of the claim issues relating to tino rangatiratanga to the kaupapa inquiry programme.

Environmental policy and practice including waterways
The majority of the claim issues relate to environmental locations and events that fall within the geographical boundaries of this inquiry district. Whilst we note the Crown's point that the Tribunal has proposed a kaupapa inquiry into Natural Resources and Environmental Management, we believe that the manifestations of these issues are sufficiently local as to require attention in the Taihape

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16 Wai 2180, #2.5.37, Appendix D; #2.5.50, paras 15-16
17 Memorandum of the Chairperson concerning the kaupapa inquiry programme, 1 April 2015, para 11

inquiry. Consequently, we do not consider it suitable to defer any of the environmental claim issues to the kaupapa inquiry programme.

Military veterans, military engagement, and soldier settlement
The direction commencing the Military Veterans kaupapa inquiry set out in broad terms the scope of the issues the Tribunal intended to hear:

> The inquiry will hear all claims involving past military service undertaken directly for or on behalf of the Crown in right of New Zealand or, in earlier colonial times, for or on behalf of the imperial Crown in New Zealand. This extends to all types of military service, whether operational or routine, whether in time of war or peace, and whether at home or abroad. It includes the military service itself and the rehabilitation and remediation of service-related impacts on ex-servicemen and their whānau.[18]

We agree with Crown counsel that this scope includes claims relating to military service that have been raised by Taihape Māori, and we have already partially deferred several claims to the Military Veterans inquiry on this basis. Taking into account the particularised statements of claim for the Taihape and Military Veterans inquiries, we confirm that the following claims are being partially deferred to the Military Veterans inquiry:

- Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868);
- Ahuriri Block claim (Wai 400);
- Tongariro Power Development Scheme Lands claim (Wai 1196);
- Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632); and
- Hauturu Waipuna C Block (Herbert) claim (Wai 1978).

Whilst this deferral applies to all claim issues relating to military engagement for or on behalf of the Crown, it does not extend to issues relating to political engagement. Such issues are, we believe, a vital component of understanding the exercise of tino rangatiratanga by Taihape Māori, and are included in the first part of this TSOI titled 'constitutional issues'.

However, we do not believe that claim issues concerning the gifting of lands from the Ōwhāoko block for soldier settlement are suitable for deferral. Whilst the land in question was gifted by Māori to the Crown for soldier settlement, it does not appear to have been used for that purpose. The claim issues relate to the Crown's alleged failure to use the land for its intended purpose, its alleged tardiness in failing to return the land until the 1970s, and its alleged failure to return the land to the descendants of all of the original owners. These claim issues will therefore remain within the scope of the Taihape inquiry.

Conversely, issues concerning the compensation of Māori who fought for or on behalf of the Crown (including during colonial times) will not be heard by this Tribunal. The Military Veterans kaupapa inquiry will hear all issues related to past Māori military service for the Crown, the scope of which includes any claim issues relating to unpaid Crown compensation for such service. This will not, however, prevent us from considering the context of such military service in relation to claim issues that do fall within this inquiry district.

Mana Wahine
We maintain, as previously directed, that claim issues concerning mana wahine are more suited to the Tribunal's proposed Mana Wahine/Mana Tane kaupapa inquiry. Taking into account the particularised statements of claim for the Taihape inquiry, the following claims are being partially deferred:

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[18] Wai 2180, #2.5.1, para 4.2

- Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868); and
- Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632).

This will not prevent the Taihape Tribunal from inquiring into the specific experiences of individual Taihape Māori wahine rangatira.

Terminology
The term 'Taihape Māori' has been used throughout this TSOI to refer to iwi, hapū and whānau who have interests, both historic and contemporary, within this inquiry district.

The term 'the Treaty' has been used to refer to both the 'Treaty of Waitangi' and 'Te Tiriti o Waitangi', the differences between the two, and the principles contained in their respective texts.

A. CONSTITUTIONAL ISSUES

1. TINO RANGATIRATANGA

Introduction

From the 1860s, the Crown's presence in the Taihape region grew. During that time it began to exercise its kāwanatanga in the region with the exercise of its political and legal frameworks on Taihape Māori, their lands and resources. The application of these frameworks had effects on the traditional forms of authority and decision-making of Taihape Māori.

Crown position and concessions

> The Crown considers that issues pertaining to the kāwanatanga-rangatiratanga relationship may arise in claims relating to ownership and mana over lands, environment, resources, customs, social structures, properties, flora and fauna, cultural preferences, participation in local government, and obligations including those as kaitiaki. However, although the Treaty relationship provides context, the extent to which the Crown was in breach of any Treaty obligation or principle must always be the focus in assessing any claim.[19]
>
> The Crown has recognised that the Māori tribes of New Zealand held legal sovereignty over New Zealand before the Treaty of Waitangi was signed.[20]
>
> The Crown accepts that there is scope for academic debate regarding which of the various documents and proclamations issued by British government officials in 1839 and 1840, and the Treaty itself, established Crown sovereignty and is still considering the Stage One Te Paparahi Report. The Court of Appeal has definitively held that Crown sovereignty was, in the words of Justice Richardson, "authoritatively established" by the Crown through the gazettal of the acquisition (on the basis of Hobson's proclamations of May 1840) of New Zealand in the London Gazette on 2 October 1840.[21]

Issues

1. At what point, and on what terms, did the Crown enter into a relationship with Taihape Māori? Given that the Crown did not have an active presence in the Taihape inquiry district before 1860, to what extent, if at all, did this affect the Crown's approach in exercising its kāwanatanga responsibilities toward Taihape Māori as opposed to other Māori?

2. Who among Taihape Māori, if anyone, signed the Treaty?

3. What was the understanding of the Treaty by Taihape Māori and how it related to them (including those Taihape Māori who did not sign the Treaty)? In particular, what expectations did they have of the Crown regarding the continued exercising of their tino rangatiratanga?

4. What was the Crown's understanding of the Treaty as it related to Taihape Māori?

5. Did the Treaty transfer to the Crown *de jure* sovereignty over Taihape Māori and the district? If so, what was the nature of that sovereignty? If not, did the Crown assume or acquire sovereignty through later act(s)?

6. At what point, and through what means, did the Crown acquire *de facto* sovereignty over Taihape Māori and the district?

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19 Wai 2180, #1.3.2, para 24
20 Wai 2180, #1.3.2, para 27
21 Wai 2180, #1.3.2, para 28

Relevant casebook research

- Tony Walzl, 'Tribal landscape', #A12
- David Alexander, 'Environmental issues and resource management (land), 1970s-2010', #A38
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Bruce Stirling and Terrence Green, 'Nineteenth century overview', #A43
- Robert Joseph and Paul Meredith, 'Ko Rangitīkei te awa: the Rangitīkei River and its tributaries cultural perspectives report', #A44
- David Armstrong, 'The impact of environmental change in the Taihape district, 1840-c1970', #A45
- Philip Cleaver, 'Māori and economic development, 1860-2013', #A48

2. POLITICAL ENGAGEMENT

Introduction
Engagement between Taihape Māori and the Crown began in the district in the 1860s. This is relatively late compared to the history of political engagement recorded between Māori and Crown in other parts of the country. However, some Taihape Māori travelling outside of the rohe during this time do appear to have engaged with the Crown through their whānaunga outside of the district.

Crown position and concessions
No specific concessions have been made by the Crown on the topic of political engagement. However, they note that '[t]here is limited evidence of direct engagement between Taihape Māori and the Crown in relation to their lands prior to the late 1860s.'[22]

Issues
1. To what extent did the legislative, judicial and administrative arms of government affect the ability of Taihape Māori to exercise their tino rangatiratanga?
    a. If those arms of government were exercised, could the manner of that use be called an imposition on Taihape Māori?
    b. Moreover, did it compromise the agency of Taihape Māori?

2. In what ways did Taihape Māori specifically demonstrate their tino rangatiratanga, and/or the impacts of Crown policies on their ability to exercise tino rangatiratanga? Were these demonstrations consistent with the tino rangatiratanga preserved to Taihape Māori under the Treaty? For example:

    a. The Kōkako and Tūrangarere hui;
    b. The Rūnanga of the 1860s;
    c. The Repudiation Movement, including Te Komiti o Pātea;
    d. The Kotahitanga Parliament;
    e. The Kīngitanga;
    f. Engagement of Taihape Māori rangatira with the Crown, including:

        i. The 1890 telegrams concerning the Awarua hearings;
        ii. The evidence presented to the Rees-Carroll Commission in 1891;
        iii. The 1892 and 1895 letters relating to land use; and
        iv. The hui with Premier Seddon at Moawhango in 1894.

    g. The Rātana Church.

3. How did the Crown respond to these demonstrations of tino rangatiratanga by Taihape Māori?

4. Did Taihape Māori at any point in the nineteenth century envisage, or attempt to construct, an autonomous district within the region whose authority did not derive from the Crown?

Relevant casebook research
- Tony Walzl, 'Tribal landscape', #A12
- Bruce Stirling and Terrence Green, 'Nineteenth century overview', #A43

[22] Wai 2180, #1.3.2, para 20

B. NINETEENTH CENTURY LAND USE, MANAGEMENT AND ALIENATION (up to 1909)

3. NATIVE LAND COURT

Introduction

The Native Land Court entered the Taihape region toward the end of the 1860s, with its first title to land issued by 1872. The bulk of the Court's activity occurred in the second half of the 19th century (1880s and onward to 1910) and contributed to the alienation of Māori-owned land through individualisation and fragmentation of land parcels throughout the rohe.

Crown position and concessions

> The Crown concedes that the individualisation of Māori land tenure provided for by the native land laws made the lands of iwi and hapū in the Taihape: Rangitīkei ki Rangipo inquiry district more susceptible to fragmentation, alienation and partition, and this contributed to the undermining of tribal structures in the district. The Crown concedes that its failure to protect these structures was a breach of the Treaty of Waitangi and its principles.[23]

Issues

Establishment of the Native Land Court

1. In establishing the Native Land Court and related legislation in the district how, if at all, did the Crown:

    a. Consult with Taihape Māori?
    b. Consider a range of land tenure options for Taihape Māori?
    c. Consider a range of title options suitable for Taihape Maori, including corporate title?
    d. Try to understand and account for customary Taihape Māori tenure, tikanga, interests, and other related processes and practices?
    e. Record and fulfil any promises and assurances made to Taihape Māori?
    f. Secure agreement, if any, with Taihape Māori?

2. What pressures (political, economic or otherwise) drove the establishment of the Native Land Court in the inquiry district? What was the Crown's intended purpose in establishing the Court in the Taihape district and did it fulfil this purpose?

Customary interests and the determination of ownership

3. What native land legislation did the Native Land Court operate under in the Taihape inquiry district? What specific implications, if any, arose out of:

    a. The application of the ten owner rule?
    b. The granting of memorials of ownership or certificates of title?

4. What was the nature of, and reasons for, Taihape Māori engagement with the Native Land Court process?

5. To what extent were Taihape Māori experts, or mātauranga Māori, relied on in determinations of Māori customary rights?

6. On the basis of what rules or principles did the Native Land Court in the Taihape district determine title, for example, ahi kā or occupation, conquest, whakapapa or ancestral connection, and to what extent did such rules/principles and their application reflect customary tenure? How consistent was the Crown in applying these tests?

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[23] Wai 2180, #1.3.1, para 2

Cost and timing of the Native Land Court process

7. When and where did the Native Land Court sit regarding the land contained in the Taihape inquiry district? Did Taihape Māori have any input into the timing and location of court proceedings?

8. What justifications, if any, were used for the timing and location of Native Land Court proceedings, and what was the impact on Taihape Māori?

9. Were title determination hearings notified early enough and sufficiently? How were sales and changes of ownership advised to Taihape Māori and was this sufficient?

10. Were Native Land Court proceedings ever conducted simultaneously for multiple land blocks in which Taihape Māori claimed interests? If so, what was the impact on Taihape Māori?

11. What was the impact of participation in the Native Land Court process on Māori, including court fees, liens, survey costs, attendance costs, medical costs, loss of income and roading deductions? Did the impact vary from whānau to whānau?

12. In what ways, if at all, did the Crown seek to mitigate these costs?

13. To what extent were these costs fair and reasonable?

Impact of the Native Land Court process

14. What impact did the Native Land Court have on Taihape Māori in respect of:

    a. Decision-making structure(s), mana whenua and tino rangatiratanga?
    b. Patterns of land retention, including the creation of uneconomic and/or landlocked blocks?
    c. Land alienation?
    d. Financial prosperity and long-term economic prospects?

15. To what extent, if any, were protective measures, such as restrictions on alienation, available to Taihape Māori landowners and customary interest holders, and what impact did these have? If there were legislative protections:

    a. Were they effective in protecting the interests of Taihape Māori?
    b. Were they intended to ensure retention of sufficient lands or customary interests for occupation, subsistence and development of Taihape Māori? Were those protections also cognisant of preserving land quality?
    c. Was there an obligation on the Crown to ensure such protections were effective?
    d. Were there sufficient opportunities, policies and processes that allowed Taihape Māori to voice their concerns about potential fragmentation, partition and alienation of their lands?

16. Did the Crown from time to time monitor the sufficiency of land remaining for Taihape Māori? Did any remedial Crown action result?

17. How did Native Land Court practices related to succession, wills and intestacy affect, if at all, processes of partition, fragmentation and the alienation of Taihape Māori land?

18. What social and cultural impacts were felt by Taihape Māori in regard to the partition, fragmentation and alienation of land?

19. What was the impact of Native Land Court title determinations, if any, on Taihape Māori customary interests in the district in terms of their present and future needs?

20. In what ways, if at all, was the Crown, through the Native Land Court, responsible for obstructing the exercise of customary rights, in particular the utilisation of environmental resources customarily known to belong to respective iwi/hapū?

21. Where there were delays in the issue of title certificates for Māori-owned land:

    a. What prejudice was experienced from such delays?
    b. Why did such delays occur?

Opposition, disputes and remedies

22. On occasions where it was found that incorrect or disputed boundaries had been used to determine title and sale of land (for example, the Mangaohane, Tīmāhanga and Te Kōau blocks):

    a. What obligations did the Crown have to rectify such discrepancies?
    b. If attempts by the Crown/Court were made to rectify those mistakes, what process was undertaken and was it sufficient?
    c. How did such discrepancies occur?
    d. If compensatory arrangement(s) was offered, was it appropriate?

23. What Crown-led processes were there for Taihape Māori to appeal Native Land Court decisions (such as rehearings, petitions to Parliament, and appeals)?

    a. Were such processes used and if so, in what circumstances and were they effective in securing sufficient redress?

24. What, if any, acts, organisations, forum or hui of opposition to the Native Land Court system did Taihape Māori rangatira participate in, and why? For those acts or forum that took place:

    a. Who participated and what were their motivations?
    b. Was there opportunity for the Crown to participate in such acts, organisations, forum and hui and did it take up those opportunities?
    c. What was the outcome of such acts, organisations and forum for Taihape Māori?
    d. To what extent, if at all, did this affect the Native Land Court process in the Taihape inquiry district?

The Mangaohane block

25. Were there errors or incomplete sections in the Mangaohane boundaries as presented in the sketch map used in the first hearing court?

26. Did the Judge make it clear what parts of the block his judgement referred to?

27. Was the rehearing process an adequate and fair response to Taihape Māori protest?

28. Why were the decisions of the Chief Judge and the Native Affairs Committee ignored by the government of the day?

29. Did any of the various Native Land Court Judges involved with the case collude with the Native Minister to favour the cause of the runholder or his agents?

Quality of access

30. What was the quality of the access to land enjoyed by Taihape Māori with the title granted to them by the Native Land Court?

31. Was that quality of access comparable to the access enjoyed under customary title and prior to the award of title from the Native Land Court?

32. Was that quality of access, after the award of title from the Native Land Court, sufficient to allow further dealing with the land under the legislation to which it had become subject?

33. What was the impact of the quality of access on Taihape Māori which was part of the Native Land Court title?

34. What was the difference, if any, between the quality of access enjoyed by Taihape Māori under the title awarded by the Native Land Court, to the quality of access enjoyed by the Crown, settlers and Pākehā when they obtained title to land having gone through the Native Land Court and subsequently alienated from Taihape Māori?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Craig Innes, 'Māori land retention and alienation', #A15
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- Grant Young, 'Mangaohane legal history and the destruction of Pokopoko', #A39
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Bruce Stirling and Terrence Green, 'Nineteenth century overview', #A43
- Tony Walzl, 'Twentieth century overview', #A46
- Philip Cleaver, 'Māori and economic development, 1860-2013', #A48

4. CROWN PURCHASING

Introduction

During the 1860s, the Crown began to pursue land purchasing from Taihape Māori in the inquiry district. This was particularly the case in the southern part of the inquiry district, where the Crown had made several large direct purchases (in particular the Rangitīkei-Turakina and Rangitīkei-Manawatū). These purchases continued with the establishment of the Native Land Court in the district, and by the early 1870s, significant Crown purchasing of land that had passed through the Court had been executed in land blocks in the southern part of the rohe. The Crown continued land acquisition across the district into the 1880s-90s with the purchase of blocks to the west of the Rangitīkei River being particularly significant.

In addition, the Crown made two direct purchases in the inquiry district. The Kāweka block was the subject of several overlapping purchases following the 1851 Ahuriri purchase. The Waitapu block – a leftover piece of land arising from uncertainty around the inland boundaries of the Rangitīkei-Manawatū and Rangitīkei-Turakina purchases – was purchased in the 1870s (after the establishment of the Native Land Court in the district).

Crown position and concessions

> [W]here the Crown held monopoly purchasing powers, it had an enhanced duty to exercise those powers in good faith and to actively protect the interests of Māori in lands they wished to retain.[24]

Scope of inquiry

Kāweka block

The Tribunal will limit the focus of its inquiry to the nature and extent of any customary interests in the Kāweka block (such as hunting or fowling) and any constrictions of customary interests following Crown purchases in and beyond the ranges.

Waitapu Block

The Tribunal will inquire into:

- The 'discovery' of the Waitapu block as a leftover piece of land between Ōtamakapua and the Rangitīkei-Manawatū purchase; and
- The subsequent Crown purchase of the block and any issues associated with how the owners were identified, the level of compensation awarded, recognition of any customary interests, etc.

It will not inquire into the Rangitīkei-Manawatū purchase itself, or the adequacy of the land set aside for the Te Reureu reserve and whether it should have included land in the Waitapu block.

Issues

Purchase prices, compensation and agreements

1. How did the Crown instruct their agents in the purchase of Māori land and how did the Crown set purchase prices?

2. What legal devices, if any, were utilised by the Crown in order to set the terms, and payment, of purchase?

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[24] Wai 2180, #1.3.2, para 51

3. What were Taihape Māori understandings and expectations of Crown purchase transactions, in terms of immediate payment and long term advantages, and on what basis did such expectations arise?

4. What promises and/or agreements, if any, were made with Taihape Māori, beyond monetary payment and to what extent were they fulfilled?

5. Were there sufficient opportunities for Taihape Māori to voice potential concerns in the purchase process, and were the resources and capacity of Taihape Māori enough to empower their participation in such processes?

6. Were there circumstances in which Crown purchase occurred prior to the determination of title? If so, what were these circumstances?

7. To what extent, if at all, did the Crown encourage a system of advance payments for Taihape Māori land before court title investigation hearings (such as for the Mangoira and Te Kapua blocks), and if so, why?

    a. Did Māori request such payments, and if so, why?
    b. How widespread was any such practice and how did it impact on Taihape Māori?

8. To what extent were Taihape Māori preferences for lease, as opposed to sale, acknowledged and exercised?

9. Were the Crown's purchase methods fair and reasonable, and Treaty compliant? Did they involve willing sales by communities of willing owners?

10. After the introduction of the Native Land Court, was unfair pressure put on Taihape Māori individuals to alienate their land? For example:

    a Did Crown agents pursue individuals to acquire their interests, for example, following them to tangi or social hui? Did they employ bounty hunter tactics? Did they pay extra for early signatures?
    b Did Crown agents sometimes purchase the interests of minors? Was this done as soon as, or sometimes before trustees were appointed, or before trustees were officially appointed and gazetted?

Impact of Crown purchase on Taihape Māori

11. What impacts were felt by Taihape Māori as a result of Crown purchases in the district?

12. Did Crown purchase agents routinely set aside adequate, or any, reserves for Taihape Māori as part of acquiring each block? Should they have? What was the total number of reserves made by the Crown for Taihape Māori? Were these reserves protected from alienation at all, or for a period?

13. What was the purpose of the 1890 Royal Commission of Inquiry (Awarua Commission of Inquiry) and what does it illuminate about the Crown purchasing regime in the district during the 19th century?

    a. What process did the Commission follow in its inquiry and with what justification?
    b. What conclusions were made by the Commission in regard to the Crown's purchase of land in the Ōtaranga, Te Kōau and Tīmāhanga blocks and its purchasing method?
    c. Of the Commission's recommendations that were implemented, what was the impact on Taihape Māori?

The Waitapu and Kāweka blocks

14. What circumstances led to the discovery of the Waitapu block?

15. How did the Crown purchase/acquisition of the block occur? Was that purchase/acquisition a fair and reasonable process between Treaty partners?

16. Were there opportunities, processes or policies available that enabled Taihape Māori to express their concerns or hopes for the transaction of ownership and if so, were Taihape Māori in a suitable position (eg. financially, economically, politically) to take advantage of them?

17. What method(s), if any, did the Crown employ to adequately investigate customary interests in the Waitapu block? Why did the block not go through the process of title determination by the Native Land Court before purchase?

18. What was the impact, if any, of the Crown determining title in, and purchase of, the Waitapu Block on Taihape Māori customary interests, in terms of their present and future needs? Following purchase/acquisition of the Kāweka and Waitapu blocks, what constrictions of customary interests, if any, were experienced by or imposed on Taihape Māori?

19. What compensation, including payment and/or providing reserves of land, was offered to Taihape Māori for the Waitapu block and how was the amount determined?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Terry Hearn, 'One past, many histories: tribal land and politics in the nineteenth century', #A42
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Craig Innes, 'Māori land retention and alienation', #A15
- Bruce Stirling and Terrence Green, 'Nineteenth century overview', #A43
- Tony Walzl, 'Twentieth century overview', #A46
- Philip Cleaver, 'Māori and economic development, 1860-2013', #A48

5. ECONOMIC DEVELOPMENT AND CAPABILITY

Introduction

From the 1860s Taihape Māori actively engaged with the Pākehā economy, in particular the developing agricultural sector. By 1890 they held a significant stake in the pastoral economy. However, by 1910 this position had reversed, and Taihape Māori increasingly found themselves on the fringes of the region's continued economic growth. Today, Taihape Māori are over-represented in a number of negative socio-economic indicators.

Crown position and concessions

> The Crown recognises economic development is a key factor in delivering prosperity to Māori in the inquiry district. However, determining reasons for economic success involves a range of complex interlinked processes and factors, and the Crown does not always have the ability to control how non-Crown actors develop economic opportunities. Nonetheless, the Crown acknowledges it has a role in creating and developing economic opportunities for society as a whole, including Māori.[25]

Issues

1. To what extent did the Crown facilitate the economic development of Taihape Māori through legislation, policies and practices? To what extent did the Crown attempt to mitigate barriers to Māori participation in the economy?

2. What Crown-led initiatives assisted Taihape Māori in effectively participating in economic opportunities including, for example:

    a. Assisting in the maintenance and/or development of Māori land in the district; and
    b. Providing financial or other support for Māori to encourage their participation in the economy?

3. Did the Crown take a partnership approach to the development of economic sectors in the Taihape district with Taihape Māori?

4. What other economic opportunities did the Crown make available to Taihape Māori, for example, in the sectors of farming, forestry, fishing, tourism, aquaculture or mineral extraction? How do these compare with opportunities available to non-Māori and Māori elsewhere?

5. To what extent was the Crown obliged to ensure that Taihape Māori had equal access to economic opportunities as compared to their non-Māori counterparts?

6. To what extent have Taihape Māori been disadvantaged by Crown acts, policies and omissions relating to economic development (such as the Advances to Settlers Act 1894)?

7. What responsibility did the Crown have to ensure that Taihape Māori were able to exercise adequate control and management over their commercial interests, including effective management of their lands, fisheries, forests and other economic resources?

8. To what extent, if at all, did the Crown purchase of land and the activities of the Native Land Court obstruct, disadvantage or negatively affect the economic development of Māori?

Relevant casebook research

- Paul Christoffel, 'Education, health and housing, 1880-2013', #A41
- Tony Walzl, 'Twentieth century overview', #A46

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[25] Wai 2180, #1.3.2, paras 90-91

- Philip Cleaver, ‘Māori and economic development, 1860-2013’, #A48

6. ARREST AND EVICTION OF WINIATA TE WHAARO AND DESTRUCTION OF POKOPOKO

Introduction

The tūpuna Winiata Te Whaaro is indelibly marked on the Taihape landscape. This is best seen at the site of Pokopoko where Te Whaaro was arrested and his people removed from the land in 1897 following a series of hearings, rehearing and appeals.

Crown position and concessions

The Crown has made no statements, acknowledgements, or concessions on this issue.

Issues

1. What was the nature of the Crown's involvement in the arrest of Winiata Te Whaaro and the razing and/or removal of property from the Pokopoko settlement?

2. To what extent, if at all, did the destruction of Pokopoko undermine the tino rangatiratanga of Winiata Te Whaaro and his people?

3. Moreover, how, if at all, did this undermine the tikanga of Taihape Māori?

4. What other parties, key tūpuna, hapū and/or whānau were involved in the eviction at Pokopoko? To what extent were the interests of other parties, hapū and/or whānau affected by the eviction of Winiata Te Whaaro and his people from Pokopoko?
5. What were the Crown's perceptions of Winiata Te Whaaro prior to the entrance of the police expedition onto the site of Pokopoko, and how, if at all, did this impact upon the dynamic of its dealings with Te Whaaro during hearing proceedings and following his eviction and arrest?

6. Was the decision to send a police expedition to Pokopoko to apprehend Te Whaaro and his people a reasonable and fair one? To what extent can this be considered the direct responsibility of the Crown?

7. What, if any, were the legal justifications for the authorisation of entrance by a police expedition into Pokopoko, the arrest of Winiata Te Whaaro, and the eviction of his whānau and their property?

8. Was the destruction of Pokopoko lawful and appropriate in the circumstances and did those actions, in turn, breach the Crown's obligations to Taihape Māori under the Treaty?

9. To what extent did the eviction and the destruction of Pokopoko result in the damage or loss of wāhi tapu, taonga and property (including sheep stock)?

10. Was the process of trial for Te Whaaro fair and proper?

11. What prejudice, if any, did Winiata Te Whaaro and Taihape Māori suffer as a result of the treatment of Te Whaaro, including the loss of sheep stock?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- Grant Young, 'Mangaohane legal history and the destruction of Pokopoko', #A39
- Tony Walzl, 'Twentieth century overview', #A46
- Philip Cleaver, 'Māori and economic development, 1860-2013', #A48

C. TWENTIETH CENTURY LAND USE, MANAGEMENT AND ALIENATION (from 1909)

7. LAND BOARDS AND THE NATIVE/MĀORI TRUSTEE

Introduction

Māori land administration went through a number of permutations during the twentieth century which had varying effects on Māori-owned land. In the early part of the century, Māori Land Boards had replaced Māori Land Councils. The Native Trustee followed shortly after in 1913 to assist with the administration of Māori reserve lands, and the estates and funds of Māori where necessary. The influence of these institutions over Māori land during this period underpin a number of alleged issues in regard to administration, transaction and the protection of Māori-owned land in the Taihape district.

The Native Trustee was renamed the Māori Trustee after the passage of the Māori Purposes Act 1947.

Crown position and concessions

> In broad strokes, the Crown's position in relation to native land laws are those set out in Crown closing submissions from Te Rohe Pōtae inquiry (which were prepared after the Whanganui Hot Tub statement). Close consideration is also being given to the findings of the Whanganui Report and to developments in the form of acknowledgements made within the context of Treaty settlements.[26]
>
> It is critical that events are understood in the context of the time, the Treaty obligations owed must have been reasonably capable of being met at the time of the events in question and, in fact, have been reasonably within the contemplation of Crown actors at the time. The ability to alienate land was seen as key to the colony's economic development and as a benefit to Māori – indeed it was seen as vital to their prosperity.[27]
>
> Alleging a causal link between land alienation and socio-economic realities of Taihape Māori today requires considerable caution given the multiplicity of factors involved and must be based on clear evidence.[28]
>
> The Crown has acknowledged in other inquiries and settlements that it was under a duty in terms of Article II of the Treaty to take such steps as were reasonable in the context of the time to protect Māori land and resources in their possession, for so long as Māori wished to retain those lands and resources. In doing so, the Crown has drawn attention to the important proviso, which was consistent with Article III rights - the Crown's view is that the Treaty contemplated transactions in land occurring and did not envisage any absolute restriction on alienation of Māori lands. Assessments of responsibility for the alienation of Taihape lands must also take into account Māori agency in the sale process.[29]
>
> The Crown has also accepted that this duty, in some cases, required the Crown to take active steps to provide added protections for Māori in relation to their lands so as to ensure that Māori retained sufficient lands for their present and future needs and has acknowledged an associated duty to monitor and assess the level of land holdings of Māori. The Crown has set out through previous inquiries the protective measures it put in place. The adequacy of those protective measures needs to be assessed in particular case specific contexts.[30]

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26 Wai 2180, #1.3.2, para 36
27 Wai 2180, #1.3.2, para 38
28 Wai 2180, #1.3.2, para 61
29 Wai 2180, #1.3.2, para 57
30 Wai 2180, #1.3.2, para 58

> The Crown has acknowledged in previous inquiries that while some steps were taken from 1870 to provide some degree of monitoring, there was no effective system to monitor or audit ongoing land sales and the impact of those on Māori landholdings. The Crown therefore placed itself in a position where it was unable to recognise the tipping points at which some groups were at risk of being left with insufficient land and resources, and as a result was unable to intervene to provide added protections for those groups. In acknowledging this absence of an effective monitoring system, the Crown is not acknowledging that the protection mechanisms actually provided were themselves inadequate, either individually or considered as a whole. Neither, at this juncture, is the Crown acknowledging a failure to protect Taihape Māori in the possession of sufficient land for their present and future needs. This will be a focus for inquiry.[31]

Issues

1. What was the role of the Native/Māori Trustee and Crown-operated District Māori Land Boards in the inquiry district? To what extent, if at all, did they provide effective oversight and protection of Taihape Māori land?

2. How did Trustees enforce survey fees and rates on the lands in the inquiry district? How did these survey fees and rates affect Taihape Māori?

3. What interests, if any, did the Trustees have in the lands in the inquiry district? Did the decisions made by the Native/Māori Trustee have the intent or effect of advancing Crown interests over, and to the detriment of, Taihape Māori interests in the inquiry district?

4. What forms of consultation, if any, did the Crown undertake when vesting Taihape Māori land interests in the Native/Māori Trustee? If there was consultation, was it adequate?

5. How were consolidation and development schemes decided upon and implemented in the Taihape inquiry district? For those schemes that were created:

    a. What were their objectives?
    b. How successful were they?
    c. To what extent, if any, was there opportunity for Taihape Māori to raise concerns about potential consolidation and development schemes, and the management of their interests vested in the Native/Māori Trustee?

6. How were Taihape Māori affected by the actions of the Native/Māori Trustee, such as in land sales or perpetual leases or other actions that formally, or effectively, alienated land from Taihape Māori without their consent or consultation? In such instances, did the Crown provide any relief? If so, was it sufficient?

7. To what extent did the Native/Māori Trustee act on behalf of Taihape Māori minors?

    a. Did this prejudice Taihape Māori overall? If so, what responsibility, if any, did the Crown have, through the mechanisms of the Native/Māori Trustee, to protect Taihape Māori from potential prejudice in such cases?

8. What steps, if any, were taken by the Crown to ensure Taihape Māori retained control over their land when it was vested in Māori Land Board trusts?

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31 Wai 2180, #1.3.2, para 59

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- Tony Walzl, 'Twentieth century overview', #A46
- Heather Bassett, 'Native Townships: Pōtaka [Ūtiku] and Tūrangarere', #A47
- Philip Cleaver, 'Māori and economic development, 1860-2013', #A48

8. NATIVE TOWNSHIPS

Introduction

Two native townships were established in the Taihape inquiry district: the Pōtaka Native Township (now commonly known as Ūtiku) south of modern-day Taihape, and the Tūrangarere Native Township located in the vicinity of Hihitahi, north of modern-day Taihape. Under the Act, the Crown was able to establish townships, primarily for Pākehā business and settlement. Pōtaka Township was administered by the Lands and Survey Department until 1908 and then the Aotea District Māori Land Board. Tūrangarere was vested in the Aotea District Māori Land Board and both townships were subsequently administered by the Māori Trustee.

Crown position and concessions

Native townships were a contemporaneous attempt to facilitate settlement in a way that enabled Māori an opportunity to economically benefit from the presence of non-Maori, and as a way of Māori retaining some control of the settlement of non-Māori in their rohe. The Crown considers native townships are best assessed as part of the wider consideration of the process of economic development and change in the early 20th century.[32]

The Crown's intention behind the establishment of native townships has been described through previous Crown submissions as:

- a policy that was genuinely motivated. The native township regime reflected ongoing endeavours to provide statutory frameworks for local settlement and development;
- intended Māori to benefit from the township scheme: they would retain ownership of their land and receive economic returns through leases and the economic opportunities that presented through settlement generally.[33]

While the Crown accepts that the outcomes of the regime were sometimes unsatisfactory for Māori owners, it does not accept that that involved any Treaty breach by the Crown. Government sought to balance the interests of Māori and non-Māori in developing the structure of native townships and the native allotments within the native townships.[34]

The Crown has previously acknowledged that:

- The Native Townships Act allowed the Crown to take ownership of roads and public reserves in the townships without paying compensation to the owners.
- The Native Townships Act provided for the Crown to administer on behalf of Māori the leasing of most of the township land to settlers. Roads and public reserves were to be vested in the Crown. Up to 20 per cent of each township was to be reserve for Māori use. The Act did not require the Crown to consult Māori before proclaiming a township on their land. The owners could, though, lodge objections to the locations of their reserves.[35]

Given that both the Pōtaka/Ūtiku and Tūrangarere townships resulted from a dialogue with Taihape Māori landowners, the issue of consent to the establishment of the townships differs in this inquiry district than in others. The acquisition of land for roads and public reserves without compensation appears to be an issue.[36]

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32 Wai 2180, #1.3.2, para 64
33 Wai 2180, #1.3.2, para 65-65.2
34 Wai 2180, #1.3.2, para 67
35 Wai 2180, #1.3.2, para 68-68.2
36 Wai 2180, #1.3.2, para 69

Issues

1. What were the objectives in establishing native townships in the inquiry district? To what extent were those objectives achieved?

2. Was there a viable alternative to native townships? If so, why was it not pursued?

3. What understandings and expectations did Taihape Māori have concerning native townships?

4. Did the Crown consult with Taihape Māori about the establishment of native townships in their rohe? If so, what was the nature and extent of that consultation? In particular:

    a. What was the nature of any consent Taihape Māori gave in relation to the establishment of native townships, and how did the Crown obtain it?
    b. How adequate was the time and opportunity Taihape Māori had to consider the proposed layout of the townships?
    c. Did the Crown adequately consult with Taihape Māori about:

        i. Changes to management structures?
        ii. Leases, including perpetual leases, within the townships?
        iii. Costs, including survey costs?
        iv. The extent of land to be acquired for roads and public services?
        v. Identifying appropriate areas for the establishment of prospective townships;
        vi. Identifying appropriate place names for those townships; and
        vii. Identifying appropriate reserves and native allotments within those townships.

5. Did the Crown offer Taihape Māori avenues to raise concerns about the operation of native townships? If so, what were they and were they adequate?

    a. How did the Crown respond to any concerns Taihape Māori expressed about native townships?

6. Was the acquisition of land from Taihape Māori, as a result of the implementation of native townships, in breach of the Treaty? If so, who among Taihape Māori were affected?

7. If Taihape Māori land was acquired as a result of the implementation and operation of native townships, what level of compensation, if any, was paid by the Crown, and was it adequate?

8. Did some of the native townships fail to develop as planned? If so, what were the effects? Who among Taihape Māori were affected?

9. Were there any differences between the establishment and operation of the Pōtaka Native Township and the Tūrangarere Native Township? If so, what were they and how did they affect Taihape Māori?

10. How were native townships managed after their implementation? Did Taihape Māori have the opportunity to provide input into their management?

11. How did the establishment of native townships affect the exercise of tino rangatiratanga by Taihape Māori?

Relevant casebook research

- Heather Bassett, 'Native Townships: Pōtaka [Ūtiku] and Tūrangarere', #A47

9. GIFTING OF LAND FOR SOLDIER SETTLEMENT

Introduction

In supporting the war effort, a number of Taihape Māori land owners gifted land within the Ōwhāoko block in the northern area of the inquiry district. It was intended that the land be used for resettlement of WWI soldiers on their return to New Zealand. The final gift included five blocks totalling more than 35,000 acres. This land was returned in the 1970s after a long process between owners and Crown on what the land was to be used for.

Crown position and concessions

The Crown has not made any statements, acknowledgements or concessions on this issue.

Scope of inquiry

A number of Taihape claims have been partially deferred to the Military Veterans kaupapa inquiry. However, given that the issues associated with the lands gifted for soldier settlement on the Ōwhāoko block relate to land use and return rather than soldier settlement, they remain within the scope of this inquiry.

Issues

1. What understandings and expectations did Taihape Māori have when they agreed to gift their land to the Crown?

2. Was the land gifted by Taihape Māori to the Crown for soldier settlement used for their intended purpose?

    a. If it was not used for soldier settlement, what was it used for? Had the Crown derived any income from the use of the land, and if so, how much?
    b. Were those lands returned by the Crown and how long did it take for this to occur?
    c. Were Taihape Māori prejudiced in any way by the length of time it took for the Crown to return gifted lands? If so, how?
    d. Was there any compensation for the long period of alienation?

3. Where the Crown did not use gifted land for its intended purpose, what kind of consultation, if any, did it engage in with donors about other potential uses for the land?

4. How did the Crown determine that the land gifted for soldier settlement should be returned? Was it the result of pressure from Taihape Māori?

5. What process did the Crown follow to determine who the land should be returned to? Was the land returned to the correct owners or their descendants? If not, what measures were taken to rectify the situation and compensate the correct owners?

6. What was the state of the gifted land when it was returned to Taihape Māori?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Tony Walzl, 'Twentieth century overview', #A46

10. LOCAL GOVERNMENT AND RATING

Introduction

There has been ongoing debate about the role of local government and their responsibility to uphold the Crown's obligations to Māori under the Treaty. This is particularly relevant to rating regimes and their impact on Māori, given the Treaty guarantees relating to the possession and retention of land.

Crown position and concessions

> Consistent with its position in other inquiries, the Crown's position is that local authorities are not the Crown, nor do they act on behalf of the Crown for the purposes of the Treaty of Waitangi Act 1975. The Crown considers that the Crown's responsibility in a Treaty context lies with the statutory framework within which local authorities operate, and, in the context of rating, with ensuring that the legislative regime is consistent with the principles of the Treaty. [37]

Issues

Tino rangatiratanga

1. To what extent does the Crown have a duty to ensure that local government bodies observe and give effect to the Treaty? To what extent has legislation governing local bodies acknowledged the Crown's obligations under the Treaty?

2. To what extent did the Crown consult and engage with Taihape Māori about the establishment of local bodies? Were there sufficient opportunities for Taihape Māori to raise concerns about those bodies?

3. What provisions, if any, have been made for encouraging Māori participation and representation on local government bodies?

4. Does the Crown have a responsibility, under the Treaty, to legislate for the entrenchment of Māori positions within the governance of local bodies?

Rating

5. What was the nature of the rating regime imposed on Taihape Māori? Did the Crown consult with Taihape Māori before introducing land rating in the district?

6. Were there appropriate avenues and opportunities for Taihape Māori to voice their concerns or engage in the decision-making process and design of the Taihape land rating regime?

7. To what extent did the Crown consult with Taihape Māori about the design, implementation and funding of Rabbit Boards in the district?

8. What, if any, negative impact was experienced by Taihape Māori from the burden of Rabbit Board rates? If there were any negative impacts, was the Crown obliged to provide support and protections against them? If so, how?

9. What impacts were felt by Taihape Māori from land rating regimes in the district?

    a. In what ways, if any, did the rating burden affect the ability of Taihape Māori to develop and/or retain land in the twentieth century?

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[37] Wai 2180, #1.3.2, para 88

10. For those Taihape Māori unable to pay outstanding rates, what were the consequences for failure to pay? Were these consequences fair and reasonable considering Crown obligations under the Treaty?

    a. Did the Crown seek to collect rates owing by placing charging orders on land? If so, was such a measure justified?
    b. To what extent have rates valuations and associated costs contributed to the inability of Taihape Māori to generate income from certain parcels of land?
    c. Were the rates set for Māori-owned landlocked parcels, and unoccupied and undeveloped land, fair and reasonable? If not, how, and with what justification, were they set by local bodies?

11. What impact did the actions taken by local authorities in the district under the receivership provisions of the Rating Act 1925 and the Māori Affairs Act 1953 have on Taihape Māori?

Relevant casebook research

- Bassett Kay research, 'Local government, rating and Native Townships (scoping)', #A5
- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Bruce Stirling and Terrence Green, 'Nineteenth century overview', #A43
- Robert Joseph and Paul Meredith, 'Ko Rangitīkei te awa: the Rangitīkei River and its tributaries cultural perspectives report', #A44
- David Armstrong, 'The impact of environmental change in the Taihape district, 1840-c1970', #A45
- Tony Walzl, 'Twentieth century overview', #A46

11. LANDLOCKED LANDS

Introduction

A significant amount of Māori-owned land in the Taihape inquiry district is landlocked. Landlocked lands are those that have no legal road, drive or easement granting access to them. In order for property owners to access those lands, there is a likelihood they will need to trespass over private property in order to do so and those adjacent property owners do, in turn, have the legal right to block owners of landlocked land from crossing their property.

Crown position and concessions

> The Crown notes that the fact that some lands retained were or are landlocked is a proper area for inquiry. Woodley states that 70 percent of the land still in Māori ownership is landlocked. There may be cases where particular groups have impeded access to sites of particular significant to those groups or insufficient access to undertake economic activity on their lands. Those examples must be analysed on a case-by-case basis to assess whether this resulted from any act or omission of the Crown.[38]

Issues

1. What legislative frameworks resulted in the creation, or enablement, of landlocked titles and who administered those titles? To what extent was the Crown aware of such effects prior to, and following, the determination of title?

2. Do the Crown and its delegated local authorities have an obligation to Taihape Māori to provide legal access to landlocked lands in the Taihape inquiry district?

3. What attempts, if any, have been made by the Crown and local authorities to provide access to landlocked land? Have such provisions been made equally for both Taihape Māori and non-Māori landlocked land? If not, why not?

4. To what extent did restricted access to landlocked land:

    a. Limit the potential economic development of Taihape Māori?
    b. Cause the loss of rental value?
    c. Impede the ability of Taihape Māori to access wāhi tapu sites?
    d. Cause further expense to Taihape Māori in order to retain those landlocked lands?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- Tony Walzl, 'Twentieth century overview', #A46

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[38] Wai 2180, #1.3.2, para 56

12. TWENTIETH CENTURY LAND ALIENATION

Introduction

Despite the bulk of Taihape Māori land alienation occurring in the second half of the nineteenth century, cases of land alienation continued into the twentieth century across the Taihape inquiry district. Claimants allege that Crown policies and the actions of the Crown's delegated authorities were instrumental in these cases of alienation.

Crown position and concessions

The Crown has not made any statements, acknowledgements or concessions on this topic.

Issues

1. To what extent, if at all, did Taihape Māori suffer from debt due to prior Crown policies, and how did this impact on their ability to retain their remaining land?

2. Was there a disparity in the way that the Crown facilitated Pākehā and Māori access to the following? If so, why was this the case and what effects were felt by Taihape Māori?

    a. Finance?
    b. Land development?
    c. Aggregation of landholdings in excess of what was permitted under regulation?

3. How, if at all, were attempts by Taihape Māori to lease land constrained by Crown acts and policy?

4. In what ways, if any, were Crown policies and practices responsible for the private acquisition of Taihape Māori land during the early twentieth century? What impacts did this have on Taihape Māori, and could the Crown have reasonably been expected to mitigate such impacts?

5. Under the Treaty, what were the Crown's responsibilities to the Māori land owners of Ōtūmore block in terms of protections and checks against alienation of their land? In particular:

    a. Was the decision to recoup outstanding costs through survey charges by the Māori Trustee in 1963 fair and reasonable?
    b. Could the alienation of Ōtūmore from Māori ownership been plausibly avoided?

6. What responsibility did the Crown have in avoiding, to the extent practicable, the alienation of Māori land in relation to the sale of Awarua 2C15B Block and the Ōwhāoko D6 No 3 block? Considering rates owing on the property and the actions taken under the Māori Affairs Act 1953, where the Rangitīkei County Council appointed itself as Trustee, were the circumstances of sale fair and reasonable?

    a. Did the Māori Affairs Act 1953 prejudice Taihape Māori by enabling the sale of a jointly owned block by a minority of owners?
    b. Were the small quorums allowed by legislation in meetings of assembled owners Treaty-compliant management techniques?

7. What role and obligation did the Māori Land Court have to the owners of Ōwhāoko C3B to advise them of their legal rights regarding sale and/or development of those lands?

    a. Was the price set by Crown in exchange for the land fair and reasonable?
    b. What policies, laws and/or acts were in effect to facilitate the transition of the land out of a state of debt?

8. Under what circumstances did the Crown purchase Ōwhāoko D2? Was the transaction fair, transparent and reasonable?

9. In what ways, and to what extent, were Taihape Māori affected by the Europeanisation of Māori land under the Māori Affairs Amendment Act 1967 (such as on the Otamakapua block)?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- Tony Walzl, 'Twentieth century overview', #A46

D. PUBLIC WORKS

13. GENERAL TAKINGS (ROADS, SCENERY PRESERVATION AND OTHER PURPOSES)

Introduction

Since 1864, the Crown has been able to acquire Māori land for public works purposes, including for roads, scenery preservation, and public services. The provisions of public works and other related legislation have varied over time, and they have influenced Crown processes concerning consultation, compensation, and the return of surplus land. These provisions and processes have had implications for Taihape Māori and their land.

Crown position and concessions

> The Crown's consistent position on public works takings has been that New Zealand public works legislation reflects the judgement that private property rights can be compulsorily acquired for the wider benefit of the community as a whole provided certain processes are followed. A key issue for consideration in relation to public works will be the appropriate threshold to be applied to takings in the Treaty context.[39]
>
> The Crown considers that, while it is possible for compulsory acquisition of Māori land for public purposes with compensation to breach Treaty principles, compulsory acquisition without compensation is not inherently inconsistent with, or prohibited by, the Treaty.[40]
>
> The Crown acknowledges that lands were acquired under public works legislation which allowed for the compulsory taking of land [in] the inquiry district, and that the Crown's takings of lands for public works is a significant issue for the iwi and hapū of the Taihape: Rangitīkei ki Rangipo inquiry district - particularly in relation to takings for Defence lands.[41]

Issues

Purpose

1. For what purposes did the Crown or delegated authorities acquire Taihape Māori land for public works, other than for the Waiōuru defence lands and the North Island main trunk railway, including but not limited to:

    a. Roading;
    b. Reserves;
    c. Scenery preservation;
    d. Public services such as schools, post offices, and police stations; and
    e. River works, including river diversions, protection works, and bridges.

Policy

2. What public works legislation provisions and processes did the Crown or delegated authorities rely on to acquire Taihape Māori land for public works purposes? Was the Crown consistent in applying these to both Māori and Pākehā lands?

3. What specific impacts, if any, resulted from the Crown or delegated authorities acquiring Taihape Māori land:

    a. Under the five percent rule?
    b. By vesting existing roads in the Crown, such as the Napier-Pātea Road?

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39 Wai 2180, #1.3.2, paras 77-78
40 Wai 2180, #1.3.2, para 79
41 Wai 2180, #1.3.2, para 76

c. By using railway-related public works legislation provisions to acquire Taihape Māori land for non-railway purposes, such as for highway work on the Awarua and Motukawa blocks in the 1940s?

4. Where the Crown delegated its authority to acquire lands for public works to other authorities, such as the Aotea Māori Land Board and the Māori Trustee, did it do so in a fashion that ensured its obligations under the Treaty were preserved?

Assessment and consultation

5. In assessing whether to acquire land owned by Taihape Māori for public works purposes, did the Crown or delegated authorities consider:

    a. Taihape Māori ancestral relationships with the land?
    b. The impact on Taihape Māori of the alienation of any customary resources on the land?
    c. Alternatives such as different routes or locations, leasing arrangements, or land exchanges?
    d. Whether the proposed taking would affect Māori more than Pākehā, in cases where Pākehā land was available as an alternative?

6. Did the Crown or delegated authorities adequately notify and consult with Taihape Māori landowners regarding proposed land takings for public works purposes?

    a. If so, through what means/channels?
    b. Did it consult with individuals who represented the wishes of the landowners?

7. Did the Crown or delegated authorities seek the consent of landowners, either individually or by consensus, before proceeding with an acquisition?

Acquisition

8. In acquiring land owned by Taihape Māori for public works purposes, did the Crown or delegated authorities:

    a. Undertake an adequate valuation of the land that was taken?
    b. Provide fair compensation, if any, to Taihape Māori?
    c. Ensure that Taihape Māori possessed sufficient remaining land and resources to sustain themselves?
    d. Acquire more land than was required for the purposes of the acquisition?
    e. Provide continued access to, and protection of, customary interests and resources, wāhi tapu, and other taonga?

9. If there were delays in registering and formalising the land acquired, what was the impact on Taihape Māori?

10. Did the Crown or delegated authorities use land acquired from Taihape Māori for the purposes it was originally intended?

Surplus disposal

11. Where the Crown or delegated authorities determined that all or some of the land acquired from Taihape Māori was no longer required for the purposes for which it was originally intended, was the land offered back to the original owners or their descendants?

    a. If so:

        i. Was the process of offering back the land adequately consultative?

ii. Was the land subject to environmental degradation, encroachments, or other liabilities during the time it was held by the Crown or delegated authorities?

b. If not, why not? What other purpose was the land used for (for example, land acquired from Motukawa and Raketapauma 2B1, and the land acquired as part of the Taihape settlement)?

Relevant casebook research

- Martin Fisher and Bruce Stirling, 'Northern block history', #A6
- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Philip Cleaver, 'Public works takings for defence and other purposes', #A9
- Craig Innes, 'Māori land retention and alienation', #A15
- Suzanne Woodley, 'Māori land rating and landlocked blocks, 1870-2015', #A37
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Tony Walzl, 'Twentieth century overview', #A46

14. NORTH ISLAND MAIN TRUNK RAILWAY

Introduction

The North Island main trunk railway represented a long-standing desire of the Crown to open up the interior of the North Island for European settlement and development by linking Auckland and Wellington by rail. Work on the railway commenced in the 1880s after the Te Rohe Pōtae opened up and wider consultation began with iwi and hapū who owned lands along the length of the proposed route for the railway. By 1908 the railway was complete, and it included land on the Awarua, Motukawa, Raketapauma, Taraketī, Te Kapua, and Rangipo-Waiū blocks that had formerly been owned by Taihape Māori.

Crown position and concessions

> The Crown acknowledges that land was acquired for the construction of the main trunk line under public works legislation which allowed for the compulsory taking of land in the inquiry district.[42]

Scope of inquiry

The Tribunal will inquire into all claim issues relating to the railway corridor between Taihape and Waiōuru, including any relating to Tūrangarere Native Township and the land gazetted in the Hihitahi area for this purpose, with the exception of the Pohe Whānau claim issues concerning public works takings for railway purposes on Raketapauma 2B1C block.

Issues

Policy

1. What were the Crown's overall political and economic objectives in constructing the North Island main trunk railway through the Taihape inquiry district?

2. Was there a deliberate Crown policy towards Taihape Māori regarding:

    a. The level of consultation, if any, that would be undertaken?
    b. The amount of land that would be acquired?
    c. The purposes for which this land was to be taken, such as whether it would be on-sold to fund the construction of the railway itself?
    d. The amount of compensation, if any, that would be paid?

3. Was the Crown consistent in applying legislative provisions and processes regarding the North Island main trunk railway, in particular regarding land acquisition, compensation and employment, to both Māori and Pākehā?

Consultation

4. To what extent, if at all, did the Crown discuss with Taihape Māori its plans to construct the North Island main trunk railway?

5. How did this compare to the consultation undertaken by the Crown with neighbouring iwi and hapū in Whanganui and the Rohe Pōtae??

6. Were any Taihape Māori present at any of the hui held by the Crown to consult with Māori about the North Island main trunk railway, such as those held in Ranana and Kihikihi?

7. Where the Crown made guarantees or offered assurances to non-Taihape Māori about the North Island main trunk railway, in particular regarding the amount of land that would be taken, the

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[42] Wai 2180, #1.3.2, para 83

payment of adequate compensation, and the provision of employment, were those guarantees also applicable to Taihape Māori?

8. Did the Crown undertake adequate surveys of the land owned by Taihape Māori that it proposed to take for the North Island main trunk railway?

Acquisition

9. Did the Crown adequately notify and consult with Taihape Māori landowners regarding specific land takings for the North Island main trunk railway?

10. In acquiring land owned by Taihape Māori for the North Island main trunk railway, did the Crown:

    a. Provide fair compensation, if any, to Taihape Māori (such as, for example, for the acquisition of the Awarua 4 block)?
    b. Acquire more land than was required for the purposes of the acquisition?
    c. Provide continued access to, and protection of, customary interests and resources (including mahinga kai), wāhi tapu, and other taonga?
    d. Ensure that Taihape Māori possessed sufficient remaining land and resources to sustain themselves?

11. Did the Crown extract timber and stone resources from land owned by Taihape Māori to assist in constructing the North Island main trunk railway? If so, did the Crown provide fair compensation to the Māori landowners for these resources?

12. Did Taihape Māori oppose the acquisition of their land for the North Island main trunk railway? If so, how? Did the Crown adequately recognise and address their concerns?

13. What specific impacts, if any, resulted from the Crown or delegated authorities acquiring Taihape Māori land under the five percent rule, in particular on the Awarua and Motukawa blocks?

14. To what extent was Taihape Māori land adjacent to the proposed railway route included in the railway exclusion zone? Did this influence the prices that Taihape Māori received for their land within the inquiry district?

15. Why did the Solicitor-General respond negatively when asked for an opinion on the need to pay compensation for railway takings? Was a disproportionate amount of land taken for the railways from the Taihape district (as compared with Whanganui or the Rohe Pōtae)?

Environmental effects

16. Was the Crown aware of any environmental damage in the Taihape inquiry district caused by the construction of the North Island main trunk railway? If so, did the Crown attempt to avoid or mitigate such damage? To what extent, if at all, were Taihape Māori consulted in this process?

Surplus disposal

17. Where the Crown or delegated authorities determined that all or some of the land acquired from Taihape Māori was no longer required for the purposes for which it was originally intended, was the land offered back to the original owners or their descendants?

    a. If so, sas the process of offering back the land adequately consultative?
    b. If not, why not? What other purpose was the land used for?

Relevant casebook research

- Terry Hearn, 'Southern block history', #A7
- Evald Subasic and Bruce Stirling, 'Central block history', #A8
- Philip Cleaver, 'Public works takings for defence and other purposes', #A9
- Craig Innes, 'Māori land retention and alienation', #A15
- Heather Bassett, 'Native Townships: Pōtaka [Ūtiku] and Tūrangarere', #A47
- Philip Cleaver, 'Māori and economic development, 1860-2013', #A48

15. WAIŌURU DEFENCE LANDS

Introduction

The area commonly known as the Waiōuru Army Training Area, and referred to in this inquiry as the Waiōuru defence lands, was created as the result of a number of public works acquisitions and Crown land reallocations between 1939 and 1990. As part of this process, land was acquired from Taihape Māori on the Rangipō Waiū, Rangipō North, Ōruamatua Kaimanawa, and Raketapauma blocks. These blocks are the subject of a number of overlapping customary interests.

Crown position and concessions

> The Crown acknowledges that lands were acquired under public works legislation which allowed for the compulsory taking of land [in] the inquiry district, and that the Crown's takings of lands for public works is a significant issue for the iwi and hapū of the Taihape: Rangitīkei ki Rangipo inquiry district - particularly in relation to takings for Defence lands.[43]

Scope of inquiry

The Tribunal will inquire into all claim issues relating to lands that are currently, or were previously, located within the Waiōuru defence lands, with the following exclusions:

- The taking of Rangipō North 6C and Rangipō Waiū 1B under public works legislation to extend the Waiōuru Army Training Area; and
- Crown purchasing, land valuation, leasing, survey liens, and the operation of the Native Land Court on the whole of the Rangipō Waiū 1 block.

Issues

Consultation and acquisition

1. Did the Crown adequately notify and consult with Taihape Māori landowners regarding proposed land takings for the Waiōuru Army Training Area? If so, through what means/channels?

2. In acquiring land owned by Taihape Māori for Waiōuru Army Training Area, did the Crown:

    a. Undertake an adequate valuation of the land that was taken?
    b. Consider alternatives such as different routes or locations, leasing arrangements, or land exchanges?
    c. Provide fair compensation, if any, and in a timely manner, to Taihape Māori?
    d. Ensure that Taihape Māori possessed sufficient remaining land to sustain themselves?
    e. Acquire more land than was required for the purposes of the acquisition?

3. Did the Crown use land acquired from Taihape Māori for the purposes for which it was originally intended?

4. Were potential economic opportunities for Taihape Māori lost through the defence takings (such as forestry, sheep farming, tourist ventures) and if so, were Taihape Māori compensated for these lost opportunities?

Impact on taonga

5. To what extent, if at all, did the Crown provided continued access to, and protection of, kainga, customary resources (including mahinga kai and waterways), wāhi tapu (including Auahitōtara, Waipuna, and Te Rei), and other taonga located within the Waiōuru Army Training Area?

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[43] Ibid., para 76

6. Did the acquisition of Taihape Māori land for the Waiōuru Army Training Area, and any associated lack of continued access to taonga, result in a loss of mātauranga Māori?

7. To what extent have wāhi tapu located within the Waiōuru Army Training Area been damaged by activities undertaken by military personnel?

8. Was the Crown aware of any damage caused to wāhi tapu? If so, did the Crown attempt to avoid or mitigate such damage? To what extent, if at all, have Taihape Māori been consulted in this process?

Environmental effects

9. Was the Crown aware of any environmental damage or degradation caused by the activities of Waiōuru Army Training Area personnel, such as tank exercises, munitions exercises, unexploded ordnance, and the introduction of animal pests? If so, did the Crown attempt to avoid or mitigate such damage? To what extent, if at all, have Taihape Māori been consulted in this process?

Surplus disposal

10. Where the Crown determined that all or some of the land acquired from Taihape Māori was no longer required for the Waiōuru Army Training Area, was the land offered back to the original owners or their descendants? If not, why not? What other purpose was the land used for?

Relevant casebook research

- Philip Cleaver, 'Public works takings for defence and other purposes', #A9
- David Alexander, 'Environmental issues and resource management (land), 1970s-2010', #A38
- Tony Walzl, 'Twentieth century overview', #A46

E. ENVIRONMENT

16. MANAGEMENT OF LAND, WATER AND OTHER RESOURCES

Introduction

Since 1840, the Crown's involvement in the management of the environment and its associated resources in New Zealand has progressed from ad hoc legislation designed to meet specific economic or settlement objectives to a more holistic approach aimed at balancing economic growth with environmental sustainability. The most recent example, the Resource Management Act 1991, was introduced to promote the sustainable management of natural and physical resources. These various policies and processes, and their effects on the environment, have had implications for Taihape Māori and their ability to exercise their mana, tino rangatiratanga and kaitiakitanga.

Crown position and concessions

> The Crown acknowledges the degradation of the environment arising from extensive deforestation, siltation, drainage schemes, introduced weeds and pests, the taking of gravel, farm run-off and other pollution, including the disposing of wastewater into the waterways of the inquiry district, are issues raised by the claimants.
>
> The Crown acknowledges that the environmental management regimes prior to the Resource Management Act 1991 did not generally recognise or take into account Māori values or interests in a manner now regarded as important and necessary.[44]

Issues

Land

1. In what ways has the Crown sought to exercise its authority over the management of land-based environmental resources in the Taihape inquiry district since 1840, including the creation of local authorities and the delegation of powers and functions to such bodies?

2. To what extent, if at all, is the Crown under a duty to preserve and protect the land-based environmental resources that Taihape Māori have interests in?

3. Has the Crown's environmental management regime for land-based resources:

    a. Recognised the mana, tino rangatiratanga and kaitiakitanga of Taihape Māori over environmental resources and taonga?
    b. Provided for Taihape Māori consultation and participation in decision-making? For example through:

        i. State Forest Park Advisory Committees;
        ii. National Parks and Reserve Boards;
        iii. Conservation Boards and Covenants;
        iv. Nga Whenua Rāhui;
        v. The provisions of the Resource Management Act 1991 and the Local Government Act 2002;
        vi. Local government committees such as Te Rōpu Ahi Kā; and
        vii. Governance or co-governance.

    c. Affected the ability of Taihape Māori to practise traditional activities such as food harvesting, rongoā, religious practices, manaakitanga, koha, and the use of environmental resources in traditional goods such as clothing?

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[44] Wai 2180, #1.3.2, paras 72-73

d. Contributed to the degradation of the environment, including through permitting or encouraging deforestation, the introduction of noxious weeds and invasive species such as pinus contorta, Old Man's Beard, and the use of 1080 poison?
e. Contributed to the decline of indigenous species by declaring them vermin and actively encouraging attempts to eradicate them (for example shags, weka, ruru and kāhu or hawks)? Has the Crown actively contributed to this process by allowing the introduction of destructive species such as stoats and weasels?

4. Has the Crown failed to adequately manage the removal or disposal of hazardous substances from the Taihape inquiry district, including industrial chemicals (timber treatment, sheep dipping etc), sewage, or unexploded ordnance? If so, how has this impacted on Taihape Māori?

5. Have Taihape Māori raised concerns about the impact of the Crown's environmental management regime for land-based resources on the environment and traditional activities? If so, how has the Crown responded to these concerns, and was the response adequate?

Waterways, lakes and aquifers

6. In what ways has the Crown sought to exercise its authority over the management of waterways, lakes and aquifers in the Taihape inquiry district since 1840, including the creation of local authorities and the delegation of powers and functions to such bodies?

7. To what extent, if at all, is the Crown under a duty to preserve and protect the waterways, lakes and aquifers that Taihape Māori have interests in?

8. Has the Crown's environmental management regime for waterways, lakes and aquifers:

    a. Recognised the mana, tino rangatiratanga and kaitiakitanga of Taihape Māori over waterways and their associated resources?
    b. Provided for Taihape Māori consultation and participation in decision-making? For example through:

        i. Water conservation orders;
        ii. The provisions of the Resource Management Act 1991 and the Local Government Act 2002;
        iii. Local government committees such as Ngā Pae o Rangitīkei; and
        iv. Governance or co-governance.

    c. Affected the ability of Taihape Māori to practice traditional activities such as food harvesting, rongoā, and weaving?

9. In what ways have the policies and processes of the Crown and local authorities contributed to physical changes of the waterways, lakes and aquifers of the Taihape inquiry district, including environmental degradation? For example:

    a. Catchment modification and river engineering works;
    b. Flood protection works;
    c. Bridges;
    d. Gravel extraction;
    e. Point sources of pollution and contaminants (such as wastewater discharges);
    f. Non-point sources of pollution (such as agricultural run-off and sedimentation/erosion).

10. Have Taihape Māori raised concerns about the impact of the policies and processes of the Crown and local authorities on the mauri of waterways, lakes and aquifers in the inquiry district? If so, how has the Crown responded to these concerns, and was the response adequate?

11. How has the Crown's environmental management regime affected the upper Ngaruroro catchment? Has it allowed pollution of the river and accelerated erosion?

Ownership of riverbeds

12. How has English common law and Crown statute law (in particular the Coal Mines Amendment Act 1903 and subsequent legislation) been interpreted by the Crown and local authorities to define riparian rights and the ownership of riverbeds within the Taihape inquiry district, in particular regarding the Rangitīkei River?

13. To what extent, if at all, did the Crown and local authorities use the presumptions and provisions of common or statute law to their own advantage in the Taihape inquiry district (in particular those relating to 'navigable' rivers and the associated ownership of riverbed resources such as gravel)?

14. How have the presumptions and provisions of common or statute law affected:

    a. The alienation of Taihape Māori land, such as Taraketī 5?
    b. The ability of Taihape Māori to access and use river resources for cultural or economic purposes, such as kai awa and gravel, in particular where they no longer possess riparian access rights due to land alienation?

15. To what extent, if at all, were Taihape Māori consulted about the application of common and statute law to the rivers within their rohe? What compensation, if any, was provided for the loss of any riparian rights or access to river resources?

16. If Taihape Māori possess rights by virtue of the ad medium filum aquae rule, what compensation or royalties have been offered or paid to them for metal extracted from rivers or from river accretions?

17. If river accretions belong to the Crown, who is responsible for eradicating noxious weeds on them?

18. Is there evidence to show that the Rangitīkei River was historically navigable as far upstream as the Kawhātau River?

Non-commercial fisheries

19. In what ways has the Crown sought to exercise its authority over the management of non-commercial fisheries in the Taihape inquiry district since 1840, including the delegation of powers and functions to local authorities or autonomous bodies such as acclimatisation societies?

20. To what extent, if at all, is the Crown under a duty to preserve and protect non-commercial fisheries that Taihape Māori have interests in?

21. Has the Crown's management regime for non-commercial fisheries:

    a. Recognised the customary fishing rights of Taihape Māori?
    b. Provided for Taihape Māori consultation and participation in decision-making?
    c. Protected indigenous species such as tuna, īnanga, and pātiki?

22. In what ways have the policies and processes of the Crown, local authorities, or autonomous bodies affected the population of indigenous species in Taihape waterways and lakes? For example:

    a. The introduction of exotic species such as trout?
    b. The classification of tuna as vermin and the encouragement of eradifiction efforts?
    c. Physical changes to waterways and lakes including pollution, sedimentation, flood control measures, gravel extraction, and habitat destruction?

23. Have Taihape Māori raised concerns about the impact of the policies and processes of the Crown, local authorities, and autonomous bodies on non-commercial fisheries? If so, how has the Crown responded to these concerns, and was the response adequate?

24. How has the decline in non-commercial fisheries affected the socio-economic wellbeing of Taihape Māori?

Kaimanawa wild horses

25. What is the nature of the relationship between Taihape Māori and the Kaimanawa wild horses? Are the Kaimanawa wild horses a taonga?

26. How has the Crown sought to manage and/or protect the Kaimanawa wild horses? How has this changed over time?

27. To what extent, if at all, has the Crown's management and/or protection of the Kaimanawa wild horses recognised and provided for Taihape Māori consultation and participation in decision-making?

Relevant casebook research

- Michael Belgrave et al., 'Environment and resource management, wāhi tapu and portable taonga (scoping)', #A10
- David Alexander, 'Environmental issues and resource management (land), 1970s-2010', #A38
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Robert Joseph and Paul Meredith, 'Ko Rangitīkei te awa: the Rangitīkei River and its tributaries cultural perspectives report', #A44
- David Armstrong, 'The impact of environmental change in the Taihape district, 1840-c1970', #A45

17. POWER DEVELOPMENT SCHEMES

Introduction

Hydro-electric power development schemes have been a part of New Zealand's power generation network since the early twentieth century. The Crown and its delegated local authorities have played a major part in constructing and operating many of these schemes, including those located at Taihape and Mangaweka in the first half of the twentieth century and the better known Tongariro power development scheme from the 1950s. These schemes have had an impact on a number of rivers in the Taihape inquiry district, in particular the Moawhango and Rangitīkei Rivers.

Crown position and concessions

> The Crown acknowledges that the diversion of the headwaters of the Moawhango River for the Tongariro Power Development scheme is considered by iwi and hapū of the Taihape: Rangitīkei ki Rangipo inquiry district to be inconsistent with their tikanga.[45]

Scope of inquiry

Regarding the Tongariro power development scheme, the Tribunal will focus on the following issues:

- The environmental effects of the scheme on the Rangitīkei River system (in particular the Moawhango River);
- The economic and social effects of the scheme on the Rangitīkei River system, including its impacts on land use; and
- Any other customary interests in the Rangitīkei River system affected by the establishment and operation of the scheme.

Issues

1. In establishing or approving local power development schemes in the Taihape inquiry district, such as those at Taihape and Mangaweka, did the Crown or local authorities:
    a. Consult with Taihape Māori and if so, in what way(s)?
    b. Adequately consider, and mitigate, the impacts of the schemes on Taihape waterways and associated resources, including passage for customary fisheries?
2. How has the construction and operation of the Tongariro Power Development Scheme (in particular the eastern diversion) affected:
    a. The physical, environmental, and spiritual state of the Moawhango and Rangitīkei Rivers, including the mauri of the waters?
    b. The quantity and quality of non-commercial fisheries in the Moawhango and Rangitīkei Rivers, and the ability of Taihape Māori to exercise their customary fishing rights on those rivers?
    c. The ability of Taihape Māori to utilise the Moawhango and Rangitīkei Rivers and their associated resources for economic purposes, including land development and use?

Relevant casebook research

- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Tony Walzl, 'Twentieth century overview', #A46

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[45] Wai 2180, #1.3.2, para 74

F. MĀTAURANGA MAORI

18. EDUCATION AND SOCIAL SERVICES

Introduction

The Crown became involved with the provision of various education and health services in the Taihape inquiry district from the end of the nineteenth century, including primary/secondary schooling, Moawhango Native School, the Kurahaupō Māori Council, Taihape Hospital, and various medical and dental services. The extent to which these services reflected the traditional knowledge of Taihape Māori, in particular te reo, is the subject of several claims in this inquiry.

Crown position and concessions

> The Crown considers that health, education and socio-economic issues are interrelated, and so it is difficult to consider each in isolation. In addition, there are a range of complex variables that affect these matters. The Crown considers that it is therefore important that claims of Treaty breach in respect of these issues are assessed on a case-by-case basis, in light of the prevailing circumstances of the time.[46]

Issues

Social service delivery

1. In the establishment and management of education, health, and other social services, what role(s), if any, did the Crown enable Taihape Māori to play within the institutions and processes it established?

2. What role did Taihape Māori expect to play in the organisation and management of social service delivery? To what extent where these expectations satisfied?

3. Did Taihape Māori express particular concerns or preferences concerning social service delivery that the Crown failed or was reluctant to recognise? If so, what were these concerns or preferences, how were they expressed, and to what extent, if any, has the situation changed over time?

Education

4. To what extent has cultural assimilation guided state-run education? To what extent has the delivery of state-run education effected cultural assimilation?

5. To what extent and in what ways did the Crown restrict curriculum choices for Taihape Māori?

    a. What provisions, if any, were made for the inclusion of mātauranga Māori within Crown designed curricula?
    b. In what ways, if any, were Taihape Māori involved in the design of curricula and its delivery in Taihape schools?
    c. Did the Crown attempt to provide a consistent standard of service across education levels (pre-, primary and secondary)?

6. To what extent and in what ways did curricula imposed by the Crown encourage Taihape Māori into specific vocations?

7. In what circumstances were parents asked to contribute financial and other resources toward the education of their children? To what extent, if any, did these requests for contributions differ between Māori and Pākehā parents?

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[46] Wai 2180, #1.3.2, para 89

8. What role did Taihape Māori expect to play in the appointment of teachers in native schools? To what extent were these expectations satisfied?

9. What standard of service and education did Taihape Māori expect of teachers and to what extent were those expectations satisfied?

Urbanisation, urban migration, and dispersal from homelands

10. In what ways, if any, did Crown policy regarding social services influence Taihape Māori to move away from their ancestral lands?

11. What were some of the socio-economic effects Taihape Māori experienced as a result of moving away from their ancestral lands? Was the Crown under any obligation to mitigate these effects?

Policy effects

12. To what extent, if any, has Crown policy, action, and/or omission contributed to or facilitated impoverishment within Taihape Māori communities?

13. To what extent, if at all, have Crown social and economic policies led to a breakdown of family and social structures for Taihape Māori? Where Crown social and economic policies can be shown to have negatively affected Taihape Māori social cohesion, what obligations does the Crown have to remedy these outcomes and how is fulfilment of its obligations appropriately assessed?

Relevant casebook research

- Paul Christoffel, 'Education, health and housing, 1880-2013', #A41

19. CULTURAL TAONGA

Introduction

The claims in the Taihape inquiry raise a number of issues relating to cultural taonga, including the extent to which Crown policies and practices recognised and protected Taihape Māori tikanga governing traditional social structures and land and resource use.

Crown position and concessions

> Taihape claims include that the Crown has failed in its duty to actively protect te reo and other taonga; failed to recognise and protect customs, cultural and spiritual heritage; and failed to adequately protect customary rights and interests leading to loss of knowledge and tikanga.[47]

Scope of inquiry

The Tribunal will not inquire into mana wahine claim issues, which have been deferred to the kaupapa inquiry programme. This will not prevent the Tribunal from inquiring into the specific experiences of individual Taihape Māori wahine rangatira.

Issues

Taonga

1. In general, has the Crown introduced its own institutions into the inquiry district contrary to the wishes of Taihape Māori? If Taihape Māori expressed their opposition, how did the Crown respond? Did the Crown breach any Treaty duties by introducing such institutions?

2. Are the following taonga of Taihape Māori, in terms of the Treaty?

    a. Wāhi tapu, urupā and sites of significance; and
    b. Rongoā, and its application.

3. In respect of any of the above that are taonga:

    a. What was the Crown's duty, if any, to protect those taonga?
    b. Has the Crown met its duty? If not, what specific examples are there of legislation, policy and practices of the Crown that have failed to protect the taonga?

Tikanga

4. What is the Crown's duty with respect to tikanga Māori under the Treaty? Has tikanga been given effect or otherwise acknowledged by the Crown in Taihape?

5. To what extent, if any, did legislation enacted by the Crown interfere with the retention and development of tikanga for Taihape Māori?

6. To what extent and in what ways, if any, have Crown legislation, policy and practice affected the tikanga of traditional Taihape Māori leadership structures?

7. What was the impact of land alienation on the tikanga of Taihape Māori? Did the Crown consider the effect of the impact of land alienation on the tikanga of Taihape Māori, and if so, what conclusions did it draw?

8. Is the knowledge held by Taihape Māori of traditional methods of sustainable harvesting and utilisation of flora and fauna a form of tikanga? If so, what duty does the Crown have to ensure

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[47] Wai 2180, #1.3.2, para 92

that such aspects of the tikanga of Taihape Māori are maintained by providing for the continuation of these practices?

9. What is the Crown's role with respect to the tikanga of Taihape Māori today?

Tribal identity

10. What is the Crown's duty to preserve the tribal identity of Taihape Māori whānau, hapū and iwi?

11. To what extent, if any, did the acts and omissions, legislation, policies and practices of the Crown, interfere with, undermine, redefine or even replace the tribal identities of Taihape Māori?

12. What is the impact on the respective Taihape Māori whānau, hapū and iwi of the loss of their tribal identity since 1840?

Relevant casebook research

- Michael Belgrave et al., 'Environment and resource management, wāhi tapu and portable taonga (scoping)', #A10
- Tony Walzl, 'Tribal landscape', #A12
- David Alexander, 'Environmental issues and resource management (land), 1970s-2010', #A38
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Paul Christoffel, 'Education, health and housing, 1880-2013', #A41
- Robert Joseph and Paul Meredith, 'Ko Rangitīkei te awa: the Rangitīkei River and its tributaries cultural perspectives report', #A44
- David Armstrong, 'The impact of environmental change in the Taihape district, 1840-c1970', #A45

20. TE REO RANGATIRA

Introduction

The protection and health of Te Reo Māori has been of concern in this inquiry district, as it has been for many Māori throughout Aotearoa. Allegations from the claimants include the Crown's failure to protect te reo and its tikanga for Taihape Māori, particularly within the education system.

Crown position and concessions

In Te Rohe Potae closings the Crown said "[s]ocial and cultural issues are intimately connected and cannot be considered in isolation", and in particular in relation to te reo Maori:

> The Crown recognises te reo Māori as a taonga of Maori, including Te Rohe Potae Maori, and it accepts it has a duty to protect and sustain the language. However the Crown's duty is not absolute and unqualified; the Crown is required to take "such action as is reasonable in the prevailing circumstances." As recognised in the *Broadcasting Assets* case, 'While the obligation of the Crown is constant, the protective steps which it is reasonable for the Crown to take change depending on the situation which exists at any particular time'.[48]

The Crown also notes that the Tribunal and the Courts have recognised that the obligation to protect te reo Māori is a shared obligation between the Crown and Maori.[49]

Te Ture mō Te Reo Māori 2016, section 4, enshrines the recognition of Māori language as a taonga of iwi and Māori and formally recognises Māori as kaitiaki of the Māori language. These aspects of recognition do not limit or affect any responsibilities of the Crown in relation to the Māori language. Section 6 (of the English version) states:

> (1) The Crown acknowledges the detrimental effects of its past policies and practices that have, over the generations, failed actively to protect and promote the Māori language and encourage its use by iwi and Maori, matters that-
>
> (a) have been recorded in evidence given to the Waitangi Tribunal; and
>
> (b) the Crown has acknowledged in deeds of settlement entered into with iwi to settle their claims under the Treaty of Waitangi.
>
> (2) The Crown expresses its commitment to work in partnership with iwi and Māori to continue actively to protect and promote this taonga, the Māori language, for future generations.[50]

Issues

Protection

1. Was the Crown under an obligation to protect and promote Te Reo Māori among Taihape Māori?

    a. Did this include the protection of dialects of Taihape hapū and iwi in the region?

2. Did legislation, policies and practices of the Crown contribute to the decline of Te Reo Māori among Taihape Māori? If so, how?

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48 Wai 2180, #1.3.2, para 93
49 Wai 2180, #1.3.2, para 94
50 Wai 2180, #1.3.2, para 95

3. What factors influenced legislation, policies and practices of the Crown concerning Te Reo Māori in the Taihape inquiry district?

4. Was the generational transmission of Te Reo Māori among Taihape Māori affected by Crown legislation, policies and practices? If so, how?

5. What has been the Crown's policy and practice towards Te Reo Māori including dialects of Te Reo in Taihape over time?

Education

6. What was the experience of Taihape Māori who used Te Reo Māori in Taihape schools or other Crown-controlled settings?

7. Is current Crown policy towards the survival of Te Reo Māori adequate in schools within the Taihape inquiry district?

Relevant casebook research

- Paul Christoffel, 'Education, health and housing, 1880-2013', #A41

21. WĀHI TAPU

Introduction

The protection of wāhi tapu in the Taihape inquiry district is influenced by legislation, policies and practices across a number of areas, including land alienation, land management and use, resource management and environmental degradation, and riparian rights.

Crown position and concessions

> The Crown has accepted in a previous inquiry that the protections accorded Māori under Article II of the Treaty, with respect to the question of sufficiency, extend to the retention of mahinga kai and non-agrarian resources, wāhi tapu and sites of cultural importance.[51]

Issues

1. How has the Crown provided for the protection of wāhi tapu through its legislation, policies and practices in the Taihape inquiry district? Has this protection been adequate, and has it recognised the tino rangatiratanga of Taihape Māori?

2. To what extent has the Crown consulted Taihape Māori on decisions regarding wāhi tapu, and taken into account any concerns raised by Taihape Māori?

3. What impacts have Crown legislation relating to land alienation, land management and use, resource management and environmental degradation, and riparian rights, policies and practices, had for the wāhi tapu of Taihape Māori?

Relevant casebook research

- Michael Belgrave et al., 'Environment and resource management, wāhi tapu and portable taonga (scoping)', #A10
- David Alexander, 'Environmental issues and resource management (land), 1970s-2010', #A38
- David Alexander, 'Rangitīkei River and its tributaries historical report', #A40
- Robert Joseph and Paul Meredith, 'Ko Rangitīkei te awa: the Rangitīkei River and its tributaries cultural perspectives report', #A44
- David Armstrong, 'The impact of environmental change in the Taihape district, 1840-c1970', #A45

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[51] Wai 2180, #1.3.2, para 60

APPENDIX A: CLAIMS SUMMARY BY HIGH-LEVEL ISSUE

HIGH-LEVEL ISSUE	CLAIM ISSUES
1. Tino rangatiratanga	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown has eroded, subverted and dismantled the claimants' exercise of their tino rangatiratanga, customary tribal authority and decision-making, in particular through imposing its own political and legal system (including for the environment), assuming the right to govern, and undermining Mōkai Pātea wāhine rangatira (Wai 2180, #1.2.23, para 4.1). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown failed to recognise and provide for the exercise of mana whenua and tino rangatiratanga through institutions and entities, practices and policies established by Ngāti Hinemanu me Ngāti Paki and Mōkai Pātea Māori (Wai 2180, #1.2.17, paras 226-254). ***Ngāti Tūwharetoa amalgamated claim (Wai 61, 575)*** The Crown failed to respect and protect te tino rangatiratanga of Ngāti Tūwharetoa over their people, whenua and taonga. In particular, the Crown opposed and undermined the efforts of Tūwharetoa leadership to prevent the encroachment of colonisation on their lands (Wai 2180, #1.2.22, paras 18-19). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** The Crown has prevented Ngāti Rangi from exercising mana motuhake, tino rangatiratanga and kaitiakitanga in respect of their lands and resources. The Crown has delegated or transferred power away from Ngāti Rangi to third parties (Wai 2180, #1.2.24, paras 19-20). ***Kauwhata Lands and Resources claim (Wai 784)*** The Crown has prevented the claimants from exercising their tino rangatiratanga over their rohe, in particular by failing to recognise their rangatiratanga or customary rights in the legal and governance system, provide them with meaningful consultation or engagement opportunities in central and local government, or allow them authority over their customary interests and rights (Wai 2180, #1.2.3, paras 13.1-13.2). ***Tamakana Waimarino (No. 1) Block claim (Wai 954)*** The Crown failed to protect the claimants' tino rangatiratanga over their taonga (Wai 2180, #1.1.21(b), para 3.1(b)).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Parakiri and Associated Land Blocks claim (Wai 1195) The Native Land Court denied the claimants' their tino rangatiratanga and acquired their land unethically. Crown land policy caused Māori loss of their mana and tino rangatiratanga. (Wai 2180, #1.1.23, p4). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown has failed to recognise and actively usurped the claimants' tino rangatiratanga (Wai 2180, #1.2.9, paras 27-84) ***Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482)*** The Crown failed to ensure and protect the exercise of their tino rangatiratanga over their whenua, awa and resources, such that their ability to do so has now been diminished to the point of extinguishment. The Crown failed to provide the Claimants with meaningful opportunities to participate and engage in central decision-making relating to their rohe and resources (Wai 2180, #1.2.2, paras 13.1-13.7).
2. Political engagement	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown has eroded, subverted and dismantled the claimants' exercise of their tino rangatiratanga, customary tribal authority and decision-making (Wai 2180, #1.2.23, para 4.1). The Crown failed to respond to overtures from Mōkai Pātea Māori regarding the destructive effects of Crown policies, including (Wai 2180, #1.2.23, para 5.3): • The Kōkako and Tūrangarere hui; • The Tamakōpiri/Whitikaupeka Rūnanga of the 1860s; • Mōkai Pātea representatives in the repudiation movement; • 1890 telegrams requesting that the Awarua hearings be held in Moawhango; • Evidence before various commissions in the 1890s regarding the division of land interests and the rights of tribal councils; • 1892 and 1895 letters proposing various measures relating to land use; • The Kotahitanga hui at Kaiewe in 1893; and • Hui with Premier Seddon at Moawhango in 1894. ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown failed to recognise and provide for the exercise of mana whenua and tino rangatiratanga through institutions and entities such as the 1860 Kōkako hui, the Komiti ō Pātea, and the Kotahitanga movement (Wai

HIGH-LEVEL ISSUE	CLAIM ISSUES
	2180, #1.2.17, paras 226-254). ***Ngāti Tūwharetoa amalgamated claim (Wai 61, 575)*** The Crown opposed and undermined their support for the Kīngitanga and Rohe Potae alliance (Wai 2180, #1.2.22, paras 18-19). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** The Crown has actively undermined Ngāti Rangi's efforts to implement their own strategies for self-determination and failed to provide structures which would support that (Wai 2180, #1.2.24, paras 19-20). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown has failed to recognise and actively usurped the claimants' tino rangatiratanga. Ngāti Tamakōpiri did not sign the Treaty of Waitangi and are not bound by its terms. Since Ngāti Tamakōpiri did not sign the Treaty of Waitangi at the time of Hobson's North Island proclamation, the said Act of State had no effect on their status as a sovereign people. The claimants have engaged in activities and/or expressed beliefs that manifest the maintenance of their tino rangatiratanga including: adherence to the Kīngitanga and adherence to the Ratana Church (Wai 2180, #1.2.9, paras 27-84). ***Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632)*** The Crown ignored the tino rangatiratanga and mana of Māori chiefs (in particular Te Oti Pohe) who desired to preserve and govern their remaining land, as expressed through the 1860 Kōkako and 1871 Tūrangarere hui (Wai 2180, #1.2.15, paras 30-36).
3. Native Land Court	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown introduced laws and policies which prejudicially affected customary land tenure allowing for Crown acquisition, leasing and compulsory acquisition, and the establishment of the Native Land Court to impose individualised and fragmented titles and significant cost (Wai 2180, #1.2.23, paras 5.1-5.2). The following examples were listed: • Crown investigations of Ōtamakapua 1, Paraekāretu, Rangatira and Ōtairi • Taraketī hearings, creation of reserves • The investigations, re-hearings and partitioning of Ōwhāoko, Rangipō Waiū, Ōruamātua-Kaimanawa, Awarua and Motukawa • Mangaohane title investigations

HIGH-LEVEL ISSUE	CLAIM ISSUES
	• Long-running Tīmāhanga hearings ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown failed to recognise the claimants' mana and ownership over their whenua; the Crown introduced purchasing policies to the detriment of the claimants; the Crown introduced native land laws (in particular Native Land Court) enabling individuals to deal with the land without reference to iwi/hapū, making the land more susceptible to partition, fragmentation and alienation; the Crown failed to ensure that sufficient reserves were set aside. Lists the following land blocks in particular: Aorangi; Awarua; Awarua o Hinemanu; Kāweka; Mangaohane; Mangaoira Ruahine; Motukawa; Ngaruroro; Ngaurukehu; Ōruamatua-Kaimanawa; Ōtairi; Ōtamakapua; Ōtaranga; Ōtūmore; Ōwhāoko; Rangipō Waiū; Rangatira; Te Kōau; Te Kapua; and Tīmāhanga. Particular examples discussed (Wai 2180, #1.2.17, paras 46-225): • Mangaohane: The long series of hearings, rehearings and appeals, combined with various court errors that led to Winiata Te Whaaro and his whānau being left off the title. • Awarua: Partitioning, surveying costs, surveying errors (one of which wasn't resolved until 1992 - Awarua o Hinemanu). • Motukawa: Partitioning and private purchasing. • Ōwhāoko: Poorly investigated title, rehearings, survey fees and land taking to meet costs. • Ōruamatua-Kaimanawa: Poorly investigated title, rehearings. • Ōtūmore: Surveying errors. • Te Kapua: Poorly investigated title, Court errors, Winiata Te Whaaro unable to make a claim due to being busy with Mangaohane. • Ōtamakapua: Sale of reserves. • Ōtairi: Private purchasing. • Rangatira: Private purchasing. ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Hikairo allegations*** Through the Native Land Court, the Crown sought to facilitate individualisation and fragmentation of title, leading to the alienation of Ngāti Hikairo lands (Wai 2180, #1.2.21, paras 17-26). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** Through the operation of the Native Land Court, the Crown facilitated the individualisation and fragmentation of the title and ultimately the alienation of Ngāti Tūope lands. Ngāti Tūope lost large portions of land as a result of survey liens imposed by the Native Land Court. In addition to the financial costs of participation in the Native

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Land Court process, hidden social costs such as the displacement of people were also incurred (Wai 2180, #1.2.21, paras 97-107). Ngāti Tūope interests in Ōwhāoko 6D1 were compromised by a failure to provide access to the land block when it went through the Native Land Court; access was not an issue for owners in the pre-Native Land Court era as access was governed by tikanga (Wai 2180, #1.2.21, paras 124-129). Māori landowners incurred significant costs of surveys following the award of title in the Native Land Court. New subdivisions of the blocks were forced on the owners of the Ōwhāoko blocks in order to pay for the survey liens (Wai 2180, #1.2.21, paras 130-137). ***Ngāti Tūwharetoa amalgamated claim (Wai 61, 575)*** The Crown enacted legislation and pursued policies that replaced Māori customary ownership and rights with individual title, facilitating the fragmentation and alienation of their land. This was exacerbated by the timing, location and cost of hearings, undermined tino rangatiratanga, and caused the loss of customary interests. The Ōwhāoko block hearings are listed as an example, and were allegedly beset by procedural deficiencies and substantive errors (Wai 2180, #1.2.22, paras 20-21). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** The establishment of the Native Land Court and the implementation of Native Land Acts facilitated the alienation of Ngāti Rangi's customary lands and resources. Customary tenure destroyed by grants of individual title. Fragmentation has left Ngāti Rangi bereft and has caused whānau to be split apart (Wai 2180, #1.2.24, paras 21-22). ***Horowhenua Block claim (Wai 237)*** Flawed land legislation, Muaūpoko unable to assert mana in this forum. The Crown facilitated the loss of Muaūpoko's border interests in Parae Kāretu, Rangatira, Taraketī, Waitapu, Ōtamakapua, Mangoira and Ōtūmore land blocks. The view that Muaūpoko were subjugated by migrant iwi into these lands was used by the Crown to support alienation of those lands from the iwi. No interests were awarded to Muaūpoko in these land blocks (Wai 2180, #1.2.18, paras 44-112). ***Ōwhāoko C3B claim (Wai 378)*** The Crown breached its duty to protect the claimants' tino rangatiratanga over their lands through the enactment of

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	the Māori Affairs Act 1953 and other Native Land legislation. This legislation provided little protection to Māori landowners who wished to retain ownership of their land. Specific examples of this lack of protection are highlighted by the claimants in relation to Ōwhāoko C3, C3A, and C7 blocks (Wai 2180, #1.2.10, paras 10.1-10.11). The Native Land Court process imposed a number of onerous and costly requirements on Māori landowners. Shifting the costs of Crown action onto the claimants is a breach of the Crown's duty to act fairly and in good faith, and often resulted in the alienation of land to pay outstanding costs. Examples provided include Ōwhāoko, Te Kōau, and Tīmāhanga blocks (Wai 2180, #1.2.10, paas 11.1-11.10). The Crown breached its duty to act reasonably and fairly, as well its duty to treat Māori and Pākehā citizens equally, by imposing upon claimants a number of direct and indirect costs associated with an application to the Native Land Court. Inability to pay resulted in a cycle of debt and land alienation (Wai 2180, #1.2.10, paras 12.1-12.8). ***Ahuriri Block claim (Wai 400)*** The Crown established the Court which made the claimants lands vulnerable to alienation without consultation or compensation. Te Kōau listed as specific example - the claimants' land was originally 20000 acres, but now only 3451 (Te Kōau A) (Wai 2180, #1.2.8, paras 22-32). ***Rēnata Kawepō Estate claim (Wai 401)*** The Crown, in breach of its Treaty obligations introduced the NLC system which failed to recognise customary interests; Crown sought to facilitate the individualisation and fragmentation of title which led to alienation. The alienation of the claimants' land and the associated costs of the NLC caused poverty, social and economic marginalisation. The legislation restricted Judges to consider only the evidence put before them in the court. This essentially meant that title investigation was often inadequate. The claimants' interests in the blocks (already mentioned) have been subject to excessive partitioning and multiple alienations. The claimants were disenfranchised by the Crown allowing one individual to succeed to land in a court case over two conflicting wills of Rēnata Kawepō. The claimants allege they lost their rightful inheritance from Rēnata Kawepō (Wai 2180, #1.2.14, paras 15-122). ***Kauwhata Lands and Resources claim (Wai 784)*** The Native Land Court failed to award title and recognise Ngāti Kauwhata's customary interests in the

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	Ōtamakapua and Mangaoira blocks. The Court also awarded individual and exclusive freehold land title to lands adjoining the Ōroua, Rangitīkei and Kiwitea Rivers – failing to protect Ngāti Kauwhata's rights and interests in respect of actual ownership, but also in the rivers as taonga, gathering resources or passing through the land (Wai 2180, #1.2.3, paras 7.1-7.9). ***Awakino and Other Lands claim (Wai 868)*** The Native Land Court process imposed significant and unreasonable costs, such as surveying, court and sale costs, food/accommodation/travelling costs, lawyers' fees, land agent fees and witness fees. This led, in some cases, to land being sold to recoup these costs. Claimants also lost lands through wrong determination of title and the individualisation of title, and the Court accepted higher values for Pākehā land (Wai 2180, #1.1.19(a), paras 6-15). ***Tamakana Waimarino (No. 1) Block claim (Wai 954)*** The impact of the Native Land laws and Native Land Court process led to the fragmentation, partitioning and ultimate sale of many of the claimants' land interests (Wai 2180, #1.1.21(b), para 3.1(a)). ***Parakiri and Associated Land Blocks claim (Wai 1195)*** The Native Land Court denied the claimants' their tino rangatiratanga and acquired their land unethically ((Wai 2180, #1.1.23, p4). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown enacted legislation that promulgated the fragmentation and alienation of the claimants' customary lands, including blocks: Ōwhāoko B, Ōwhāoko A East and Motukawa. The investigation into and the individualisation of title fundamentally eroded customary laws and traditions and caused internal conflict and long held grievances within whānau and hapū (Wai 2180, #1.2.9, paras 85-143). ***Wai 1254 Nga Poutamanui-a-Awa Lands and Resources claim (Wai 1254)*** The Crown facilitated the alienation of Ngā Poutama and Ngāti Marukohana lands, specifically the Te Kapua and Ōtairi blocks through the Court processes (Wai 2180, #1.2.16, paras 9-17). ***Ngāti Waewae Lands claim (Wai 1260)*** The introduction of the Native Land Court contravened Māori custom and tikanga, and the claimants' tino rangatiratanga, by: facilitating Māori land alienation; commuting customary title into fee simple title; detribalising

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	Māori; and promoting Māori assimilation (Wai 2180, #1.2.4, section C2). The Crown's introduction of the Native Land Court had the effect of destabilising and/or destroying hapū-based systems of land tenure, including land rights, use, occupation and control; and defeating chiefly and tribal authority (Wai 2180, #1.2.4, section C3). Through its establishment of the Native Land Court, the Crown failed to properly inquire into or recognise and provide for Ngāti Waewae customary interests in its hapū lands (Wai 2180, #1.2.4, section C4). Through its establishment of the Native Land Court the Crown fostered debt through court costs, and other costs associated with the Native Land Court process. This debt was often repaid in land (Wai 2180, #1.2.4, section C5). The Crown breached Te Tiriti and its principles by forcing Ngāti Waewae to alienate unfair and significant amounts of their land to meet survey costs (Wai 2180, #1.2.4, section C8). ***Ngāti Tara Lands claim (Wai 1261)*** The Crown failed to ensure that the policies and practices of the Native Land Court recognised and provided for the land interests of their tūpuna. The Crown failed to ensure they retained sufficient land through the Native Land Court and partitioning for Crown purchasing (Wai 2180, #1.2.19, paras 18-24). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** The introduction of the Native Land Court contravened Māori custom and tikanga, and the claimants' tino rangatiratanga, by: facilitating Māori land alienation; commuting customary title into fee simple title; detribalising Māori; and promoting Māori assimilation. Additionally, the Native Land Court was established without consultation with Ngāti Hikairo ki Tongariro or Ngāti Tūwharetoa generally (Wai 2180, #1.2.5, section C2). The Crown's introduction of the Native Land Court had the effect of destabilising and/or destroying hapū-based systems of land tenure, including land rights, use, occupation and control; and defeating chiefly and tribal authority (Wai 2180, #1.2.5, section C3). Through its establishment of the Native Land Court, the Crown failed to properly inquire into or recognise and provide for Ngāti Hikairo ki Tongariro customary interests in its hapū lands (Wai 2180, #1.2.5, section C4).

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	Through its establishment of the Native Land Court the Crown fostered debt through court costs, and other costs associated with the Native Land Court process. This debt was often repaid in land (Wai 2180, #1.2.5, section C5). The Crown breached Te Tiriti and its principles by forcing Ngāti Hikairo ki Tongariro to alienate unfair and significant amounts of their land to meet survey costs (Wai 2180, #1.2.5, section C8). ***Ngāti Hekeawai Land Block claim (Wai 1299)*** The Native Land Court process imposed significant and unreasonable costs, such as surveying, court and sale costs, food/accommodation/travelling costs, lawyers' fees, land agent fees and witness fees. This led, in some cases, to land being sold to recoup these costs. Claimants also lost lands through wrong determination of title and the individualisation of title, and the Court accepted higher values for Pākehā land (Wai 2180, #1.1.29(b), paras 6-15).. ***Tāhana Whānau claim (Wai 1394)*** The Crown failed to ensure that the policies and practices of the Native Land Court recognised and provided for the land interests of their tūpuna. The Court undermined the rangatiratanga of their tūpuna and were so defective as to cause serious miscarriages of justice. The Crown also failed to ensure they retained sufficient land through the Native Land Court, partitioning for Crown purchasing, and liens for survey costs (Wai 2180, #1.2.20, paras 14-23). ***Lands and Resources of Ngāti Ngutu/Ngāti Hua (Wai 1409)*** The Crown introduced a tenure system which assisted the fragmentation, individualisation and alienation of Māori land. The claimants opposed the Court through boycotts, complaint letters, and objections at hearings, obstructing surveys, and petitioning parliament. In addition, the Native Land Court imposed significant and unreasonable costs, such as surveying, court and sale costs, food/accommodation/travelling costs, lawyers' fees, land agent fees and witness fees. This led, in some cases, to land being sold to recoup these costs. Claimants also lost lands through wrong determination of title and the individualisation of title, and the Court accepted higher values for Pākehā land (Wai 2180, #1.1.31(a), paras 6-18). ***Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482)*** The Crown failed to properly investigate, establish, and recognise/protect the customary interests and rights of the claimants to their land, water and resources. These interests and rights included the right to gather resources and to travel freely through the Taihape district to their whenua in the Waikato. In particular, the awarding of freehold title to land adjoining awa prevented them from being able to access and use these rivers (Wai 2180, #1.2.2, paras

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	7.1-7.9). ***Ngāti Ngutu Hapū claim (Wai 1497)*** The Crown introduced a tenure system which assisted the fragmentation, individualisation and alienation of Māori land. The claimants opposed the Court through boycotts, complaint letters, objections at hearings, obstructing surveys, and petitioning parliament. In addition, the Native Land Court imposed significant and unreasonable costs, such as surveying, court and sale costs, food/accommodation/travelling costs, lawyers' fees, land agent fees and witness fees. This led, in some cases, to land being sold to recoup these costs. Claimants also lost lands through wrong determination of title and the individualisation of title, and the Court accepted higher values for Pākehā land (Wai 2180, #1.1.33(a), paras 8-19). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** The introduction of the Native Land Court contravened Māori custom and tikanga, and the claimants' tino rangatiratanga, by: facilitating Māori land alienation; commuting customary title into fee simple title; detribalising Māori; and promoting Māori assimilation (Wai 2180, #1.2.6, section C2). The Crown's introduction of the Native Land Court had the effect of destabilising and/or destroying hapū-based systems of land tenure, including land rights, use, occupation and control; and defeating chiefly and tribal authority (Wai 2180, #1.2.6, section C3). Through its establishment of the Native Land Court, the Crown failed to properly inquire into or recognise and provide for Ngāti Parewahawaha customary interests in its hapū lands (Wai 2180, #1.2.6, section C4). Through its establishment of the Native Land Court the Crown fostered debt through court costs, and other costs associated with the Native Land Court process. This debt was often repaid in land (Wai 2180, #1.2.6, section C5). The Crown breached Te Tiriti and its principles by forcing Ngāti Parewahawaha to alienate unfair and significant amounts of their land to meet survey costs (Wai 2180, #1.2.6, section C8). ***Descendants of Mōkai-Pātea (Cribb) claim (Wai 1639)*** The Crown caused significant cultural, social and economic disadvantage to the iwi and hapū of Mōkai Pātea through the Native Land Court (Wai 2180, #1.1.36, p2).

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	Te Wai Nui a Rua (Ranginui and Ranginui - Tamakehu) claim (Wai 2157) The Crown established a Native Land Court which failed to recognise the proper customary interests of Maori. The claimants' tūpuna were excluded from the ownership lists of Te Kapua despite their customary interests. There was no appeal process at the time but the claimants later took the case to the Supreme Court in 1892 but lost. The Crown also imposed unfair survey charges, often enforced by liens over the land (lists several Motukawa blocks). Together with other court costs, these were instrumental in forming Māori to sell their land to avoid debt (Wai 2180, #1.2.11, paras 49-70).
4. Crown purchases	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown introduced laws and policies which prejudicially affected customary land tenure allowing for Crown acquisition, leasing and compulsory acquisition, in particular for the Ōtamakapua 2 and Mangoira blocks (Wai 2180, #1.2.23, paras 5.1-5.2). The Crown introduced laws and policies which prejudicially affected customary land tenure by facilitating the Crown's purchase of the Waitapu block (Wai 2180, #1.2.23, para 5.2.4). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown introduced purchasing policies to the detriment of the claimants. Particular examples (Wai 2180, #1.2.17, paras 200-219): • Mangaoira-Ruahine: Crown advances and subsequent purchase. • Royal Commission of 1890: Demonstrated that portions of Te Kōau and Tīmāhanga had not been purchased and recommended compensation for other land wrongly taken by Crown. • Te Kapua: Crown advances. • Ōtamakapua: Crown purchasing. • Ōtairi: Crown purchasing. The Crown's early overlapping purchases for the Kāweka block were poorly defined, and there was a lack of title investigations (Wai 2180, #1.2.17, paras 55-58). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Hikairo allegations*** The Crown took advantage of Ngāti Hikairo poverty, which was partially a result of the Native Lands Act, to buy large areas of land cheaply. Through these purchasing activities, the Crown breached the Treaty and failed to live up to its duty of active protection of Māori taonga of the land, and the duty of good faith conduct. Through the

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operation of the native land policy the Crown sought to restrict Māori owners' use of their land in order to facilitate their alienation to the Crown (Wai 2180, #1.2.21, paras 31-51).

Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations

The Crown used legal devices that placed it in a monopoly position, enabling it to drive down prices and purchase land from Ngāti Tūope at less than market value. Through its purchasing practices the Crown breached the principles of the Treaty, especially its duty of active protection of Māori taonga of the land, and its duty to act in good faith (Wai 2180, #1.2.21, paras 108-123).

The Crown breached the guarantees outlined in article 2 of the Treaty and the Treaty principles of active protection and good faith conduct; it took advantage of Ngāti Tūope to buy large areas of land cheaply; imposed restrictions against alienation of Māori lands to private interests to ensure its eventual ownership of the land; and acquired land for a specific purpose, then used the land for another (Wai 2180, #1.2.21, paras 152-157).

Waiōuru to Ōhākune Lands claim (Wai 151)

The Crown purchased land against Ngāti Rangi's wishes and without their consent. The Crown implemented unfair purchasing policies and undertook inadequate surveys. The Crown failed to ensure that Ngāti Rangi were left with adequate lands. The Crown wrongly assumed that an alienation carried with it rights of control over resources etc (Wai 2180, #1.2.24, paras 23-24).

Horowhenua Block claim (Wai 237)

The Crown failed to recognise Muaūpoko interests in the Waitapu block. The Crown wrongly assumed it had purchased the block through the original Rangitīkei-Manawatū purchase, so it never went through the Native Land Court and a full investigation into the rights of all hapū and iwi was never undertaken (Wai 2180, #1.2.18, paras 113-125).

Te Kōau Block and Ruahine Ranges claim (Wai 263)

The Crown did not relinquish the entire area of Te Kōau through the Native Land Claims and Boundaries Adjustments and Titles Empowering Act 1894, even though a Royal Commission of Inquiry found that Te Kōau was not included in the 1857 Ōtaranga purchase (Wai 2180, #1.1.5, pp1-5).

Ōwhāoko C3B claim (Wai 378)

The Crown adopted unfair purchasing practices to acquire claimants' lands. The Crown's monopoly over the

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purchase of Māori land set rules of purchase and price, eventually forcing Māori to alienate their land for well below its commercial and cultural value (Wai 2180, #1.2.10, paras 9.1-9.16).

The Crown purported to alienate 7,100 acres of Te Kōau that it did not own, permanently removing it from Māori ownership, and providing inadequate compensation for its wrongful alienation. The Crown also facilitated the sale of Te Kōau B, leaving the claimants with Te Kōau A (Wai 2180, #1.2.10, paras 24.1-27.5).

Ahuriri Block claim (Wai 400)

The Crown alienated land it claimed to have purchased on Te Kōau for an education reserve (Wai 2180, #1.2.8, paras 33-37).

The Crown adopted unfair purchasing practices to acquire land from the claimants. Awarua was targeted because of its utility to fund the North Island main trunk railway, and Māori owners had little choice but to sell (Wai 2180, #1.2.8, paras 38-48).

Rēnata Kawepō Estate claim (Wai 401)

The Crown adopted unfair purchasing practices to acquire land from the claimants' tīpuna in Taihape; inadequate title investigation and did not deal with right-holders according to their customary interests (Wai 2180, #1.2.14, paras 123-126).

Te Reu Reu Land claim (Wai 651)

The discovery of the Waitapu block as a leftover piece of land between the Ōtamakapua and the Rangitīkei-Manawatū purchase; the subsequent Crown purchase of the block and the associated issues with owner identification, compensation, recognition of customary interests (Wai 2180, #1.2.13, paras 71-80).

Kauwhata Lands and Resources claim (Wai 784)

The Crown did not adequately investigate, recognise and protect Ngāti Kauwhata's interests when it purchased the Waitapu block (Wai 2180, #1.2.3, paras 10.1-10.2).

Awakino and Other Lands claim (Wai 868)

The Crown undervalued the claimants' land to limit the price it would have to pay and increasing the land it could acquire. These prices did not take standing timber into account, and there was no independent means of assessing land value. In addition, the Crown introduced legislation that allowed it to make advance payments to individuals

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and undermine collective decision-making before land had even been before the Court (Wai 2180, #1.1.19(a), paras 16-28).

Tamakana Waimarino (No. 1) Block claim (Wai 954)
The Crown failed to protect the claimants' land base by acquiring land via direct purchase. ((Wai 2180, #1.1.21(b), para 3.1(c)).

Ngāti Kauwhata ki te Tonga surplus lands claim (Wai 972)
The Crown facilitated the alienation and privatisation of land within the Taihape district, failing to consider the use, occupation and reliance Ngāti Kauwhata had in respect of the lands (Wai 2180, #1.2.1, paras 48-53).

Tongariro Power Development Scheme Lands claim (Wai 1196)
The Crown's purchasing regime and associated land alienation resulted in a reduction in the economic base and natural resources of hapū and iwi within the inquiry district. The central part of the inquiry district was most affected, including the Motukawa and Ōtamakapua blocks (Wai 2180, #1.2.9, paras 548-572).

Wai 1254 Nga Poutamanui-a-Awa Lands and Resources claim (Wai 1254)
The Crown purchased individual shares in the Te Kapua and Ōtairi blocks over many years without recourse to the wider collective owners and/or adequate investigation as to their interests (Wai 2180, #1.2.16, paras 18-24).

Ngāti Waewae Lands claim (Wai 1260)
The Crown caused and/or failed to prevent, rectify, or remedy the rapid alienation of Ngāti Waewae lands; land remaining in hapū ownership is insufficient for present and future hapū needs (Wai 2180, #1.2.4, section C1).

The Crown pursued policies and practices that were specifically designed to undermine Ngāti Waewae chiefly authority, and Māori customary law, over Ngāti Waewae lands in order to facilitate Crown acquisition of those lands (Wai 2180, #1.2.4, section C6).

The Crown breached Te Tiriti by employing a commission system to encourage or promote the acquisition of as much Māori land as possible through its Land Agents (Wai 2180, #1.2.4, section C7).

Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)
The Crown caused and/or failed to prevent, rectify, or remedy the rapid alienation of Ngāti Hikairo lands; land

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remaining in hapū ownership is insufficient for present and future hapū needs (Wai 2180, #1.2.5, section C1).

The Crown pursued policies and practices that were specifically designed to undermine Ngāti Hikairo ki Tongariro chiefly authority, and Māori customary law, Ngāti Hikairo ki Tongariro lands in order to facilitate Crown acquisition of those lands (Wai 2180, #1.2.5, section C6).

The Crown breached Te Tiriti by employing a commission system to encourage or promote the acquisition of as much Māori land as possible through its Land Agents (Wai 2180, #1.2.5, section C7).

Ngāti Hekeawai Land Block claim (Wai 1299)
The Crown undervalued the claimants' land to limit the price it would have to pay and increasing the land it could acquire. These prices did not take standing timber into account, and there was no independent means of assessing land value. In addition, the Crown introduced legislation that allowed it to make advance payments to individuals and undermine collective decision-making before land had even been before the Court (Wai 2180, #1.1.29(b), paras 16-28).

Tāhana Whānau claim (Wai 1394)
The Crown purchase of Kāweka failed to ascertain legitimate owners (Wai 2180, #1.2.20, para 23).

Lands and Resources of Ngāti Ngutu/Ngāti Hua (Wai 1409)
The Crown undervalued the claimants' land to limit the price it would have to pay and increasing the land it could acquire. These prices did not take standing timber into account, and there was no independent means of assessing land value. In addition, the Crown introduced legislation that allowed it to make advance payments to individuals and undermine collective decision-making before land had even been before the Court (Wai 2180, #1.1.31(a), paras 19-31).

Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482)
The Crown’s direct purchase of the Waitapu block failed to adequately investigate/determine customary interests, and did not deal with or recognise Ngāti Wehi Wehi interests in the block (Wai 2180, #1.2.2), paras 9.1-9.5).

Ngāti Ngutu Hapū claim (Wai 1497)
The Crown undervalued the claimants' land to limit the price it would have to pay and increasing the land it could acquire. These prices did not take standing timber into account, and there was no independent means of assessing

HIGH-LEVEL ISSUE	CLAIM ISSUES
	land value. In addition, the Crown introduced legislation that allowed it to make advance payments to individuals and undermine collective decision-making before land had even been before the Court (Wai 2180, #1.1.33(a), paras 20-32). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** The Crown caused and/or failed to prevent, rectify, or remedy the rapid alienation of Ngāti Parewahawaha lands; land remaining in hapū ownership is insufficient for present and future hapū needs (Wai 2180, #1.2.6, section C1) . The Crown pursued policies and practices that were specifically designed to undermine Ngāti Parewahawaha chiefly authority, and Māori customary law, over Ngāti Parewahawaha lands in order to facilitate Crown acquisition of those lands (Wai 2180, #1.2.6, section C6). The Crown breached Te Tiriti by employing a commission system to encourage or promote the acquisition of as much Māori land as possible through its Land Agents (Wai 2180, #1.2.6, section C8). ***Descendants of Mōkai-Pātea (Cribb) claim (Wai 1639)*** The Crown caused significant cultural, social and economic disadvantage to the iwi and hapū of Mōkai Pātea through Māori land acquisition ((Wai 2180, #1.1.36, p2). ***Ngāti Pikiahu claim (Wai 1872)*** The discovery of the Waitapu block as a leftover piece of land between the Ōtamakapua and the Rangitīkei-Manawatū purchase; the subsequent Crown purchase of the block and the associated issues with owner identification, compensation, recognition of customary interests (Wai 2180, #1.2.12, paras 64-73). ***Hauturu Waipuna C Block (Herbert) claim (Wai 1978)*** The Crown undervalued the claimants' land to limit the price it would have to pay and increasing the land it could acquire. These prices did not take standing timber into account, and there was no independent means of assessing land value. In addition, the Crown introduced legislation that allowed it to make advance payments to individuals and undermine collective decision-making before land had even been before the Court (Wai 2180, #1.1.42(a), paras 5-17). The Crown adopted a series of processes which led to the alienation of the vast majority of the claimants' land base and resources, rendering them virtually landless today, (Wai 2180, #1.1.42(a), paras 83-87).

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	Ngāti Kinohaku and Others Lands (Nerai-Tuaupiki) claim (Wai 2131) The Crown introduced legislation that allowed it to make advance payments to individuals and undermine collective decision-making before land had even been before the Court (Wai 2180, #1.1.43(a), paras 5-9). The Crown adopted a series of processes which led to the alienation of the vast majority of the claimants' land base and resources, rendering them virtually landless today (Wai 2180, #1.1.43(a), paras 26-29). ***Te Wai Nui a Rua (Ranginui and Ranginui - Tamakehu) claim (Wai 2157)*** The Crown failed to protect the claimants' interests by acquiring and enabling the acquisition of such land that the owners were left insufficient lands and resources for their present and future needs. In particular, Crown acquisition of individual shares for North Island main trunk railway railway, insufficient purchase prices, loss of economic opportunity, and private purchasing. Of the original 2,500 acres of Motukawa 2D, only 10 ¼ acres of the original block remain as Māori land today (Wai 2180, #1.2.11, paras 9-30).
5. Economic development and capability	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown did not provide financial and support systems for Māori owners to develop their lands, and existing measures (such as the Advances to Settler Act 1894) were practically unavailable (Wai 2180, #1.2.23, para 5.1.9). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown alienated the claimants from their resources (land, forests, rivers, fisheries, riparian rights), failed to protect their social and economic development, failed to consult over the construction of the NIMT railway or to provide economic benefits from the railway. Taihape Māori were dominant economic players before the mid-1860s, but various Crown policies (including the native land court, public works, resource management) alienated Ngāti Hinemanu/Ngāti Paki from their social and economic base. Māori possessed limited political influence, and successive government failed to respond to Māori economic aspirations. By 1945 Māori land holdings were small and unproductive, Māori dwellings were sub-standard, Māori were more susceptible to disease, and substantially dependant on state welfare. This was accelerated by a growing population, fragmented and unproductive land, difficulty in accessing capital, minimal income from leased lands, and constraints on dealing with remaining Māori land (Wai 2180, #1.2.17, paras 586-615). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Hikairo allegations*** Ngāti Hikairo land blocks acquired by the Crown were milled by the Crown, which then appropriated the proceeds

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	in breach of the provisions of the Treaty of Waitangi due to the fact that the Crown failed to pay a fair price for the forests, while also failing to give any effective redress to petitions and complaints relating to its acquisition of the forests (Wai 2180, #1.2.21, paras 52-55). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** Crown restrictions and delays prevented Māori from benefitting economically from their own lands. Ngāti Tūope faced almost insurmountable barriers to developing its land. These barriers to development were well known by the Crown, yet went unmitigated (Wai 2180, #1.2.21, paras 157-165). The Crown's acquisition and milling of forest on Ngāti Tūope land was a breach of the provisions and principles of the Treaty in that it failed to pay a fair price for the forests and failed to give any effective redress to petitions and complaints relating to its acquisition (Wai 2180, #1.2.21, paras 166-174). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** The Crown failed to make equal opportunities available to Ngāti Rangi to develop and manage their lands (Wai 2180, #1.2.24, paras 29-30). ***Ōwhāoko C3B claim (Wai 378)*** The Crown failed to provide adequate assistance for the claimants to develop Te Kōau A (Wai 2180, #1.2.10, paras 28.1-28.4). ***Parakiri and Associated Land Blocks claim (Wai 1195)*** Crown land policy caused Māori loss of social economic stability (Wai 2180, #1.1.23, p4). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown failed to ensure that Taihape Māori were able to exercise adequate control over and receive equitable returns from the commercial exploitation of their land, forests, mines, caves and other economic resources e.g sheep farming, other agricultural pursuits (Wai 2180, #1.2.9, paras 522-547). ***Ngāti Waewae Lands claim (Wai 1260)*** The Crown's introduction of the Native Land Court, and failure to provide adequate roading, housing, employment and other entitlements, forced many Ngāti Waewae people to move away from their ancestral lands and had negative impacts on their socio-economic circumstances (Wai 2180, #1.2.4, section C12).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Ngāti Hikairo ki Tongariro Lands claim (Wai 1262) The Crown's introduction of the Native Land Court, and failure to provide adequate roading, housing, employment and other entitlements, forced many Ngāti Hikairo ki Tongariro people to move away from their ancestral lands and had negative impacts on their socio-economic circumstances (Wai 2180, #1.2.5, section C10). ***Tāhana Whānau claim (Wai 1394)*** (Wai 2180, #1.2.20) The Crown failed to ensure that Māori had equal access to economic opportunities as Pākehā (Wai 2180, #1.2.20, paras 27-29). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** The Crown's introduction of the Native Land Court, and failure to provide adequate roading, housing, employment and other entitlements, forced many Ngāti Parewahawaha people to move away from their ancestral lands and had negative impacts on their socio-economic circumstances (Wai 2180, #1.2.6, section C10). ***Te Wai Nui a Rua (Ranginui and Ranginui - Tamakehu) claim (Wai 2157)*** The Crown failed to provide opportunities for Māori land owners to develop their land and introduced restrictions that made it difficult to access finance (Wai 2180, #1.2.11, paras 31-36).
6. Arrest and eviction of Winiata Te Whaaro	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown introduced laws and policies which prejudicially affected customary land tenure including the saga resulting in the persecution of Winiata Te Whaaro (Wai 2180, #1.2.23, para 5.2.9) ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown denied Ngāti Hinemanu/Ngāti Paki independence and autonomy and usurped their rangatiratanga and right to self-management. In particular, the Crown sanctioned the illegal arrest of Winiata Te Whaaro, the assault of his whānau, and the theft and looting of their property, the consequences of which were their forced dislocation and the denigration of Winiata Te Whaaro's mana (Wai 2180, #1.2.17, paras 278-325).
7. Land Boards and the Native/Māori Trustee	***Parakiri and Associated Land Blocks claim (Wai 1195)*** The Native Land Act 1865 allowed the Crown to appoint Trustees who had no interest in the lands and enforce survey fees and illegal rates. The Te Ture Whenua Act 1993 contradicts tikanga (Wai 2180, #1.1.23, p4).

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	Tongariro Power Development Scheme Lands claim (Wai 1196) The Crown vested the claimants' land interests in the Māori Trustee (who acted as the Crown's agent) without adequate consultation creating the risk of permanent alienation, in particular the Motukawa 2B9A block. The Crown failed to recognise the rangatiratanga of the owners of Māori land (Wai 2180, #1.2.9, paras 211-296). ***Ngāti Waewae Lands claim (Wai 1260)*** Crown-operated District Māori Land Boards failed to consult or gain consent from appropriate parties before alienating large portions of land (Wai 2180, #1.2.4, section C17). Through the establishment and operation of the office of the Māori Trustee, the Crown failed to adequately protect the retention of Ngāti Waewae lands, nor did it provide relief in situations where the Māori Trustee prejudiced Ngāti Waewae (Wai 2180, #1.2.4, section C18). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** Crown-operated District Māori Land Boards failed to consult or gain consent from appropriate parties before alienating large portions of land (Wai 2180, #1.2.5, section C15). Through the establishment and operation of the office of the Māori Trustee, the Crown failed to adequately protect the retention Ngāti Hikairo ki Tongariro lands, nor did it provide relief in situations where the Māori Trustee prejudiced Ngāti Hikairo ki Tongariro (Wai 2180, #1.2.5, section C16). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** Crown-operated District Māori Land Boards failed to consult or gain consent from appropriate parties before alienating large portions of land (Wai 2180, #1.2.6, section C15). Through the establishment and operation of the office of the Māori Trustee, the Crown failed to adequately protect the retention of Ngāti Parewahawaha lands, nor did it provide relief in situations where the Māori Trustee prejudiced Ngāti Parewahawaha (Wai 2180, #1.2.6, section C16). ***Descendants of Mōkai-Pātea (Cribb) claim (Wai 1639)*** The Crown caused significant cultural, social and economic disadvantage to the iwi and hapū of Mōkai Pātea through consolidation and development schemes (Wai 2180, #1.1.36, p2)

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	Hauturu Waipuna C Block (Herbert) claim (Wai 1978) The Crown vested 'idle' land in Māori Land Board trusts, which failed to consult with Māori or to treat their interests as paramount, failed to ensure that Māori retained control over their lands, failed to respect the wishes of those opposing the vesting of their lands, and failed to properly manage money (Wai 2180, #1.1.42(a), paras 36-41). The Crown enacted legislation that encroached on the ability of Māori owners to retain their land by establishing the office of the Māori Trustee. The Crown failed to plan, manage and deliver the promises of development schemes to Māori (Wai 2180, #1.1.42(a), paras 45-57).
8. Native Townships	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The establishment and administration of the township failed to respect the preferences of the rangatira Ūtiku Pōtaka and did not provide for the exercise of Mōkai Pātea tribal authority and tino rangatiratanga (Wai 2180, #1.2.23, para 8.1). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown prioritized its own economic objectives which focused primarily on establishing settlements for Pākehā businesses and residents on Māori land. Once the townships were proclaimed, full legal control was vested in the Crown which reduced Māori to beneficial owners. Examples include Ūtiku Township and Taihape Township (Wai 2180, #1.2.17, paras 326-338).
9. Gifting of land for soldier settlement	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** Mōkai Pātea have been prejudicially affected by the process undertaken by the Crown in relation to the Ōwhāoko gifted lands (Wai 2180, #1.2.23, para 9.4). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** Ōwhāoko land was gifted for soldier settlement but never used by the Crown for that purpose. Its return was not finalised until 1996 (Wai 2180, #1.2.17, para 179). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** Substantial parts of the Ōwhāoko blocks were gifted by Ngāti Tūope to the Crown during WWI. These gifted lands were never used for their intended purpose of resettling Māori soldiers. The Crown was then tardy to a prejudicial degree in returning those lands to the descendents of the owners who had gifted them (Wai 2180, #1.2.21, paras

HIGH-LEVEL ISSUE	CLAIM ISSUES
	145-151). ***Ngāti Tūwharetoa amalgamated claim (Wai 61, 575)*** The Crown failed to use the land gifted to it by Māori from the Ōwhāoko block for the intended purpose of soldier settlement, failed to consult with the donors about other potential uses for the land, and permitted various public and private uses of the land during the decades it held it (Wai 2180, #1.2.22, paras 26-28). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown failed to return gifted lands in a timely manner that were not used for their specified purpose e.g gift of land at Ōwhāoko in 1916 to the Crown for settlement by returned Māori soldiers. The land was used for other purposes when it was declared unfit for soldier settlement and not returned to the claimants (Wai 2180, #1.2.9, paras 170-197). ***Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632)*** The Crown failed to return the land gifted to it from the Ōwhāoko block to the right owners. Crown wrongly viewed Tūwharetoa as the paramount party both in the gifting and returning of land. Even after Tamakōpiri/Whitikaupeka were able to separate their lands from Tūwharetoa in 1996, it remains unclear what had happened to Te Oti Pohe's interests (Wai 2180, #1.2.15, paras 96-123).
	Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888) Collectively held title made Māori land susceptible to rising rates liability (Wai 2180, #1.2.23, para 5.1.10). Mōkai Pātea have been prejudicially affected by the process undertaken by the Crown in relation to the Aorangi-Awarua and Awarua 1DB2 blocks (Wai 2180, #1.2.23, para 9.5).
10. Local government and rating	***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** Crown-established local government bodies extinguished the authority of Ngāti Hinemanu me Ngāti Paki over their rohe. There is little provision for Māori participation in local government - Māori were not elected to local authorities until after 1989, Māori voting rates are low, and there are no dedicated tangata whenua seats. The claimants also feel that Te Roopu Ahi Kaa fails to adequately represent them (Wai 2180, #1.2.17, paras 475-498). The rating regime has provided little benefit, and has failed to account for unproductive or uneconomic lands (Wai 2180, #1.2.17, paras 499-515). Particular examples include:

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- Motukawa (Wai 2180, #1.2.17, paras 150-155)
- Ōwhāoko (Wai 2180, #1.2.17, para 183)
- Aorangi: Rangitīkei District Council bribing claimants to use water from Aorangi with the threat of rates (Wai 2180, #1.2.17, paras 140-149).

Ōwhāoko C3B claim (Wai 378)

The Crown adopted a policy of applying rates to the Claimants' lands, often without consultation or consent. This placed undue financial pressure on the Claimants, and often resulted in the taking of lands in lieu of the payment of rates. Examples provided include Ōwhāoko and Te Kōau blocks (Wai 2180, #1.2.10, paras 13.1-13.15).

The Crown imposed charges on the Claimants to pay for the eradication of rabbits on their lands, despite the fact that the claimants were not responsible for introducing rabbits to the district. This was a breach of the Crown's duty to treat the Claimants fairly and reasonably. Additionally, the widespread use of poison to eradicate rabbits negatively impacted the land and waterways (Wai 2180, #1.2.10, paras 14.1-14.7).

Kauwhata Lands and Resources claim (Wai 784)

The Crown failed to provide the Claimants with the ability to meaningfully participate and engage in local decision-making relating to their customary interests and rights (Wai 2180, #1.2.3, para. 13.2).

Awakino and Other Lands claim (Wai 868)

The Crown has failed to ensure that the statutory delegation of its powers to local authorities is consistent with the Treaty. The Crown failed to consult with claimants about establishing local government bodies or provide means for them to participate in decision-making (Wai 2180, #1.1.19(a), paras 29-36).

Ngāti Ngutu Hapū claim (Wai 1497)

The Crown has failed to ensure that the statutory delegation of its powers to local authorities is consistent with the Treaty. The Crown failed to consult with claimants about establishing local government bodies or provide means for them to participate in decision-making (Wai 2180, #1.1.33(a), paras 33-40).

Parakiri and Associated Land Blocks claim (Wai 1195)

The Crown continues to bill hapū for land rates in breach of its own legislation (Wai 2180, #1.1.23, p4).

Ngāti Waewae Lands claim (Wai 1260)

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	Rates levied by local authorities on Ngāti Waewae land, as well as the Native Land Court's policy of placing charging orders on Ngāti Waewae lands to enforce non-payment of rates unfairly burdened Ngāti Waewae (Wai 2180, #1.2.4, section C15). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** Rates levied by local authorities on Ngāti Hikairo ki Tongariro land, as well as the Native Land Court's policy of placing charging orders on Ngāti Hikairo ki Tongariro lands to enforce non-payment of rates unfairly burdened Ngāti Hikairo ki Tongariro (Wai 2180, #1.2.5, section C13). ***Te Kotahitanga o Te Iwi o Ngāti Wehi Wehi claim (Wai 1482)*** The Crown failed to provide the claimants with the ability to meaningfully participate and engage in local decision-making relating to their customary interests and rights (Wai 2180, #1.2.2, para 13.6). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** Rates levied by local authorities on Ngāti Parewahawaha land, as well as the Native Land Court's policy of placing charging orders on Ngāti Parewahawaha lands to enforce non-payment of rates unfairly burdened Ngāti Parewahawaha Wai 2180, #1.2.6, section C13). ***Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632)*** The Crown's regime for rating Māori land prejudicially affected the Pohe Whānau by facilitating or assisting in the alienation of over half of their lands (Wai 2180, #1.2.15, paras 58-95). ***Hauturu Waipuna C Block (Herbert) claim (Wai 1978)*** The Crown has failed to ensure that the statutory delegation of its powers to local authorities is consistent with the Treaty. The Crown failed to consult with claimants about establishing local government bodies or provide means for them to participate in decision-making (Wai 2180, #1.1.42(a), paras 18-24). ***Ngāti Kinohaku and Others Lands (Nerai-Tuaupiki) claim (Wai 2131)*** The Crown has failed to ensure that the statutory delegation of its powers to local authorities is consistent with the Treaty. The Crown failed to consult with claimants about establishing local government bodies or provide means for them to participate in decision-making (Wai 2180, #1.1.43(a), paras 10-15). ***Te Wai Nui a Rua (Ranginui and Ranginui - Tamakehu) claim (Wai 2157)***

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	The Crown imposed unfair rates charges over Māori land; putting undue pressure on Māori land owners to sell their land. Despite Crown assurances that rates would not be applied against unoccupied or undeveloped land, rates were applied to Motukawa 2D2B. Court action could also be taken to recover debts, including selling or partitioning land (Wai 2180, #1.2.11, paras 37-48).
11. Landlocked lands	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** Land partition and landlocking resulted in prejudice, loss of rental value, or adverse occupation (Wai 2180, #1.2.23, para 5.1.11). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown has failed to provide access to landlocked Māori lands, rendering them unusable and unleasable (including Awarua, Awarua o Hinemanu, Kaimanawa, Motumatai, Ōruamatua, Ōwhāoko, Rangipō Waiū, and Te Kōau). This has allowed neighbouring landowners to use or squat on landlocked lands (Wai 2180, #1.2.17, paras 516-521). Māori land on Awarua, Ōruamatua-Kaimanawa and Aorangi was landlocked as a result of Native Land Court policy, making it difficult to make economic use of the land (Wai 2180, #1.2.17, paras 107-139, 184-190). ***Ōwhāoko C3B claim (Wai 378)*** In breach of its duty to provide the Claimants with the same rights and privileges as British subjects, and in breach of its duty to help maintain the Claimants' connection with their lands, the Crown prioritized building roads that provided access to Pākehā or Crown-owned land, ahead of Māori-owned land. Examples from the Ōwhāoko and Te Kōau A blocks are provided (Wai 2180, #1.2.10, paras 15.1-15.8). ***Ahuriri Block claim (Wai 400)*** Native Land Court policy has left the remaining Māori land on Te Kōau (Te Kōau A) land-locked and therefore forced to remain idle (Wai 2180, #1.2.8, para 24). Awarua o Hinemanu was only discovered as a survey error after 100 years of Crown use as part of the Ruahine Forest Park. It is landlocked which hinders development, despite a paper road over Big Hill Station (Wai 2180, #1.2.8, paras 45-48). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown failed to ensure that it provided the claimants adequate and reasonable access to their lands; that none of the claimants' lands were landlocked; that when the claimants' land holdings were established, legal access to

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	that land was created. The claimants interests in the Ōwhāoko block are currently landlocked and without reasonable access (Wai 2180, #1.2.9, paras 198-210). ***Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632)*** The Crown has prevented or restricted the Pohe Whānau from accessing their land and resources so that they might have benefited from them economically. Mentions in particular the taking of land for Tūrangarere Railway Reserve and the North Island main trunk railway which cut off road access to the Pohe family farm, forcing them to pay a peppercorn rental for access rights across Tūrangarere bridge, as well as the taking of Raketapauma 2B1C (Wai 2180, #1.2.15, paras 124-133). ***Hauturu Waipuna C Block (Herbert) claim (Wai 1978)*** The Crown failed to ensure that Māori land is not landlocked (Wai 2180, #1.1.42(a), paras 42-44).
	Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888) Ōtūmore was alienated to meet outstanding survey costs (Wai 2180, #1.2.23, para 5.2.11). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** Māori land on Ōtamakapua was alienated through Europeanisation (Wai 2180, #1.2.17, paras 213). Ōtūmore was sold by Māori Trustee to recoup outstanding survey charges (Wai 2180, #1.2.17, paras 192-199). The Māori Land Court vested Awarua 2C15B in the Rangitīkei County Council, which sold it to recoup rates arrears (Wai 2180, #1.2.17, paras 511-512).
12. Twentieth century land alienation	***Ōwhāoko C3B claim (Wai 378)*** The Crown breached its duty to protect the claimants' tino rangatiratanga over their lands through the enactment of the Māori Affairs Act 1953 and other Native Land legislation. This legislation provided little protection to Māori landowners who wished to retain ownership of their land. Specific examples of this lack of protection are highlighted by the claimants in relation to Ōwhāoko C3, C3A, and C7 blocks (Wai 2180, #1.2.10, paras 10.1-10.11). The Crown imposed survey charges and a rating regime on Ōwhāoko C3B which resulted in a significant debt accumulating against the title, effectively forcing the claimants to sell at a price set by the Crown that was significantly less than market value. The Māori Affairs Act 1953 failed to protect the landowners who did not want to sell the block by enabling a minority of owners to sell on their behalf. In light of this sale, the Crown also failed

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	to inform the owners of their right to appeal, and directed Māori Land Court staff to refrain from actively helping potential Claimants with appeals. During the sale the Department of Māori Affairs was investigating the possibility of using Ōwhāoko C3B as part of a development scheme. The Crown breached this duty by failing to oppose the sale of Ōwhāoko C3B before development was fully considered as an option, nor did the Crown investigate or confirm whether the purchasers of Ōwhāoko C3B would unduly aggregate land through the purchase (Wai 2180, #1.2.10, paras 17.1-22.5). The Crown purchased Ōwhāoko D2 for soil and water conservation purposes in circumstances that amounted to fraud by exploiting the circumstances of the owner's death, dealing only with a willing seller, ignoring the potential interests of other whānau members, contradicting government policy prohibiting the purchase of individual Māori land interests, and falsifying the date on the deed of sale to avoid the restrictions of the Māori Purposes Bill (Wai 2180, #1.2.10, paras 23.1-23.5).
13. General takings (roads, scenery preservation and other purposes)	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** Mōkai Pātea have been prejudicially affected by public works takings for the North Island Main Trunk Railway, roads in the rohe, reserves, public services at Moawhango and Orangipōngo, and the establishment of the Taihape settlement and retention of settlement land no longer required for its original purpose (Wai 2180, #1.2.23, paras 9.1-9.3). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown implemented and manipulated the public works regime to compulsorily acquire lands, estates, and taonga of Ngāti Hinemanu and Ngāti Paki. This breaches the Treaty promise to protect property rights, fails to recognise ancestral relationships with land, alienates natural resources, fails to adequately compensate, affects Māori more than Pākehā, and removes the protection of requiring consensus. The claimants list various takings for roads, scenery preservation, Moawhango police station, Moawhango and Orangipōngo schools, Moawhango post office, townships, roads and railways, and reserves. The claimants also mention public works takings for river works (Wai 2180, #1.2.17, paras 362-459). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** Ngāti Tūope lost extensive portions of their land through public works takings. The Crown failed to engage in any negotiations with Ngāti Tūope, and instead opted to unilaterally decide which land they required for purposes legally defined as public works, notifying Māori landowners after the fact (Wai 2180, #1.2.21, paras 138-144).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Waiōuru to Ōhākune Lands claim (Wai 151) Successive public works legislation and related enactments were used to compulsorily acquire Ngāti Rangi lands, including for the purpose of scenic reserves and other purposes. The Crown failed to provide adequate compensation or to ensure that Ngāti Rangi continued to have access to natural resources (Wai 2180, #1.2.24, paras 25-26). ***Horowhenua Block claim (Wai 237)*** Land was taken for roads and railways when bridges were constructed over the Rangitīkei River (Wai 2180, #1.2.18, paras 157-159). ***Ōwhāoko C3B claim (Wai 378)*** The taking of the claimants' land for public works purposes, without adequate compensation, was a breach of the Crown's duties to act fairly and reasonably towards the claimants and to protect the tino rangatiratanga of the claimants over their lands. Specific examples of public works takings from the Ōwhāoko and Tīmāhanga blocks are provided (Wai 2180, #1.2.10, paras 16.1-16.5). ***Ahuriri Block claim (Wai 400)*** The Crown look Māori land for public works without consultation or compensation, took more land than required, and did not return excess land (Wai 2180, #1.2.8, paras 33-37). ***Te Reu Reu Land claim (Wai 651)*** Parts of Rangitīkei River bank taken via public works act for river protection works – failure to adequately notify and consult owners or pay compensation (Wai 2180, #1.2.13, paras 49-58). ***Kauwhata Lands and Resources claim (Wai 784)*** The Crown acquired land in Taihape under public works, including in Ōtamakapua for roading purposes and failed to recognise Ngāti Kauwhata's interests, or provide compensation (Wai 2180, #1.2.3, paras 11.1-11.2). ***Tamakana Waimarino (No. 1) Block claim (Wai 954)*** The Crown failed to protect the claimants' land base by acquiring land via Public Works Act takings (Wai 2180, #1.1.21(b), para 3.1(c)). ***Parakiri and Associated Land Blocks claim (Wai 1195)***

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Takings under the Public Works Act forced the claimants off their land with inadequate compensation (Wai 2180, #1.1.23, p4) ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown compulsorily acquired the claimants' land under various statutes for public works and reserves without adequate compensation and without proper consultation. Land in the Ōwhāoko block was taken or the Napier-Pātea Road, and land on the Awarua and Motukawa blocks was taken for roading under railway-related taking procedures (Wai 2180, #1.2.9, paras 144-169). ***Ngāti Waewae Lands claim (Wai 1260)*** The Crown's compulsory acquisition of Māori land for public works: did not adequately consult or compensate Ngāti Waewae; failed to ensure all lands taken for public works were used for the purposes for which they were taken, did not ensure lands were returned to Māori when no longer required; and failed to consider options other than outright acquisition, such as leasing. The Crown breached Te Tiriti and its principles by taking land from Ngāti Waewae for the purpose of public roads. Many takings were made without payment of compensation (Wai 2180, #1.2.4, sections C9-C10). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** The Crown's compulsory acquisition of Māori land for public works: did not adequately consult or compensate Ngāti Hikairo ki Tongariro; failed to ensure all lands taken for public works were used for the purposes for which they were taken, did not ensure lands were returned to Māori when no longer required; and failed to consider options other than outright acquisition, such as leasing (Wai 2180, #1.2.5, section C9). ***Ngāti Hekeawai Land Block claim (Wai 1299)*** The Crown failed to protect the already miniscule Māori land base, consult with Māori landowners, ensure that non-Māori land was available as an alternative, investigate all practical alternatives such as leasing, offer land back to former Māori owners, protect sites of significance, or ensure that Māori were not disenfranchised by the compensation process (Wai 2180, #1.1.29(b), paras 29-33). ***Lands and Resources of Ngāti Ngutu/Ngāti Hua (Wai 1409)*** The Crown compulsorily acquired claimant land for scenery preservation purposes, which resulted in the destruction of taonga (Wai 2180, #1.1.31(a), paras 32-37).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482) The Crown compulsorily acquired land and resources without adequately recognising, consulting with or compensating the claimants, in particular in the Ōtamakapua block for roading purposes (Wai 2180, #1.2.2, paras 11.1-11.6). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** The Crown's compulsory acquisition of Māori land for public works: did not adequately consult or compensate Ngāti Parewahawaha; failed to ensure all lands taken for public works were used for the purposes for which they were taken, did not ensure lands were returned to Māori when no longer required; and failed to consider options other than outright acquisition, such as leasing (Wai 2180, #1.2.6, section C9). ***Raketapauma (Descendants of Ropoama Pohe) claim (Wai 1632)*** The Crown's regime for taking Māori lands for scenery preservation purposes failed to recognise mana and tino rangatiratanga, extinguished Māori title, undermined Māori ownership, adversely affected Māori economic prosperity, and failed to meaningfully consult with Māori. Mentions the Maungakāretu Scenic Reserve in particular, including lands within Motukawa and Raketapauma 2B1 that had already been taken for the NIMT railway (Wai 2180, #1.2.15, paras 37-57). ***Descendants of Mōkai-Pātea (Cribb) claim (Wai 1639)*** The Crown caused significant cultural, social and economic disadvantage to the iwi and hapū of Mōkai Pātea through public works (Wai 2180, #1.1.36, p2). ***Ngāti Pikiahu claim (Wai 1872)*** Parts of Rangitīkei River bank taken via public works act for river protection works – failure to adequately notify and consult owners or pay compensation (Wai 2180, #1.2.12, paras 45-51). ***Hauturu Waipuna C Block (Herbert) claim (Wai 1978)*** The Crown failed to protect the already miniscule Māori land base, consult with Māori landowners, ensure that non-Māori land was available as an alternative, investigate all practical alternatives such as leasing, offer land back to former Māori owners, protect sites of significance, or ensure that Māori were not disenfranchised by the compensation process. The Crown compulsorily acquired claimant land for scenery preservation purposes, which resulted in the destruction of taonga (Wai 2180, #1.1.42(a), paras 25-35).

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	Ngāti Kinohaku and Others Lands (Nerai-Tuaupiki) claim (Wai 2131) The Crown failed to protect the already miniscule Māori land base, consult with Māori landowners, ensure that non-Māori land was available as an alternative, investigate all practical alternatives such as leasing, offer land back to former Māori owners, protect sites of significance, or ensure that Māori were not disenfranchised by the compensation process. The Crown compulsorily acquired claimant land for scenery preservation purposes, which resulted in the destruction of taonga (Wai 2180, #1.1.43(a), paras 16-25).
14. North Island main trunk railway	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** Mōkai Pātea have been prejudicially affected by public works takings for the North Island main trunk railway (Wai 2180, #1.2.23, para 9.3.2). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown failed to compensate the claimants for the taking of part of Awarua No 4 block for a railway line, or to compensate the claimants for the extraction of timber used to build the railway (Wai 2180, #1.2.17, paras 446-447). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** Successive public works legislation and related enactments were used to compulsorily acquire Ngāti Rangi lands for the North Island main trunk railway. The Crown failed to provide adequate compensation or to ensure that Ngāti Rangi continued to have access to natural resources. The Crown implemented unfair purchasing policies and undertook inadequate surveys, in particular the railway was surveyed and established through Ngāti Rangi's rohe without appropriate consultation and in the face of opposition (Wai 2180, #1.2.24, paras 24(f), 25-26). ***Kauwhata Lands and Resources claim (Wai 784)*** The Crown acquired land in Taihape under public works, including in Ōtamakapua for railway purposes and failed to recognise Ngāti Kauwhata's interests, or provide compensation (Wai 2180, #1.2.3, paras 11.1-11.2). ***Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482)*** The Crown compulsorily acquired land and resources without adequately recognising, consulting with or compensating the claimants, in particular in the Ōtamakapua block for railway purposes (Wai 2180, #1.2.2, paras 11.1-11.6). ***Te Wai Nui a Rua (Ranginui and Ranginui - Tamakehu) claim (Wai 2157)***

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	Māori were severely prejudiced by loss of land and resources associated with the construction of the railway through Awarua/Motukawa. In particular, the Crown failed to consult with Māori about constructing the line, did not offer Māori employment associated with the construction, failed to pay compensation despite guaranteeing that it would, took much more land than it said it would (for the railway but also to on-sell to pay for the railway), and did not pay for stone and timber resources (Wai 2180, #1.2.11, paras 71-111). The crown passed legislation allowing Māori land to be taken under the 5% rule without any time limitation, misused this rule to unfairly take Māori land without compensation, and improperly used the rule to avoid paying due compensation (such as by retroactively applying it to North Island main trunk railway takings on Awarua and Motukawa, despite some takings being well over 5% of the total block) (Wai 2180, #1.2.11, paras 112-132).
15. Waiōuru defence lands	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** Mōkai Pātea have been prejudicially affected by public works takings for the army base at Waiōuru and the setting aside of defence lands for other purposes (Wai 2180, #1.2.23, para 9.3.1). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown compulsorily took land from Ōruamātua-Kaimanawa, Rangipō Waiū, and Rangipō North for the Waiōuru army training ground (Wai 2180, #1.2.17, paras 339-361). ***Ngāti Tūwharetoa amalgamated claim (Wai 61, 575)*** The Crown compulsorily acquired land from Rangipō Waiū 1B and Rangipo North for defence purposes. Army training exercises have also caused damage to wāhi tapu, and the land is littered with munitions and unexploded ordnance (Wai 2180, #1.2.22, paras 22-25). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** Successive public works legislation and related enactments were used to compulsorily acquire Ngāti Rangi lands for defence purposes. The Crown failed to provide adequate compensation or to ensure that Ngāti Rangi continued to have access to natural resources (Wai 2180, #1.2.24, paras 25-26). Large tracts of Ngāti Rangi's lands were acquired by the Crown for defence lands. Ngāti Rangi have consequently been alienated and excluded from their traditional rohe, including kainga, mahinga kai, waterways and wāhi tapu – Auahitōtara, Waipuna, Te Rei. Have suffered irreparable loss of associated mātauranga. The lands have been destroyed (Wai 2180, #1.2.24, paras 27-28).

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	Ngāti Waewae Lands claim (Wai 1260) The Crown unfairly acquired land for defence purposes using Public Works legislation; failed to provide timely (if at all) compensation for such takings; and failed to return lands taken when no longer required (Wai 2180, #1.2.4, section C11). ***Ngāti Tara Lands claim (Wai 1261)*** The Crown compulsorily acquired land for defence purposes in 1942 and failed to ensure that the claimants retained sufficient land (Wai 2180, #1.2.19, paras 18-20, 25-26). The Crown failed to ensure that they could maintain their traditional associations with their summer lands and customary food resources, in particular those taken for defence purposes in 1942 (Wai 2180, #1.2.19, paras 8-13). The Crown failed to preserve access to, or prevent destruction of, wāhi tapu, in particular on the Rangipō Waiū 1B block (Wai 2180, #1.2.19, paras 14-17). The defence lands have been affected by contaminants, tank exercises, and animal pests (Wai 2180, #1.2.19, paras 27-30). ***Tāhana Whānau claim (Wai 1394)*** The Crown failed to preserve access to, or prevent destruction of, wāhi tapu, in particular on the Rangipō Waiū block such as an ancestral pathway (Wai 2180, #1.2.20, paras 10-13). The defence lands have been affected by contaminants and tank exercises (Wai 2180, #1.2.20, para 37).
16. Management of land, water and other resources	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown ignored the traditional relationship of Mōkai Pātea iwi with the Kaimanawa horses and invoked policy in relation to the horses without consulting Mōkai Pātea iwi. The Crown introduced and failed to protect the environment from noxious weeds and facilitated deforestation. Failed to recognise customary fishing rights. Has failed to involve iwi in decision making in relation to the environment (Wai 2180, #1.2.23, para 7.1). The Crown has failed to recognise tino rangatiratanga of tangata whenua in respect of the rivers of the rohe. This has been subverted in favour of Crown and local government management, which has ultimately facilitated

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environmental degradation of those rivers (Wai 2180, #1.2.23, para 6.1). Examples include:

- The subversion of tino rangatiratanga through Crown management regimes
- Crown and private riverbed ownership
- Introduction of trout
- Commodification of waterways and the resultant pollution, deforestation/erosion, and loss of traditional food sources
- Catchment modification and river engineering works

The Crown confiscated Taraketī 5 under the provisions of the Coal Mines Amendment Act (Wai 2180, #1.2.23, para 5.2.6).

Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)

The Crown imposed a resource management regime that appropriated the claimants' environmental resources, allows the Crown to benefit from those resources, and degrades those resources. This Eurocentric regime usurps the claimants' tino rangatiratanga and overrides customary management regimes. The Crown's management regime for water denies Ngāti Hinemanu/Ngāti Paki a role in decision making, allows large scale gravel extraction without consultation or compensation, and fails to address pollution that detrimentally affects mauri, fisheries and traditional activities such as rongoā and weaving. Lists the following rivers in particular: Rangitīkei, Kawhātau, Hautapu, Moawhango, Tāruarau, Ngaruroro, Ōroua, and Kiwitea (Wai 2180, #1.2.17, paras 522-566). Particular examples listed:

- Rangitīkei: Crown ownership of navigable river beds (including Taraketī 5), river schemes, deforestation and erosion, gravel extraction, failure to protect Māori reserve lands
- Fisheries: the impact of drainage and flood control measures, water pollution, channel engineering and gravel extraction, introduced species
- Hautapu sewage treatment plant: wastewater discharges and pollution
- Agricultural run-off
- Gravel extraction: Crown appropriation of navigable river beds and the resultant denial of royalty payments to Maori

Ngāti Tūwharetoa amalgamated claim (Wai 61, 575)

The Crown failed to protect and provide for the claimants' mana, tino rangatiratanga and kaitiakitanga, and failed to protect the river from degradation (Wai 2180, #1.2.22, paras 29-30).

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	Ngāti Hikairo amalgamated claim (Wai 37, 933) - Hikairo allegations Crown land management practices have damaged, depleted and polluted their lands, and resources, including wāhi tapu. Crown land management policies has prevented Ngāti Hikairo from exercising their customary rights including the gathering of rongoā; harvesting traditional foods; using kiwi and kererū feathers for garments; gathering timber; and practicing religious practices within the realms of ngā Atua Māori (Wai 2180, #1.2.21, paras 56-59). The random dropping of 1080 over the Ngāti Hikairo rohe by the Environment Waikato Regional Council has adversely affected Ngāti Hikairo's ability to gather rongoā, pikopiko, komata, and puha. The use of 1080 also resulted in the loss of livestock and the poisoning of Wairoa (Wai 2180, #1.2.21, paras 60-62). Crown policy has severed Māori relationships with their lands and customary resources, and Māori have not been provided a real voice and sense of care and responsibility in relation to the lands that make the National and Forest Parks (Wai 2180, #1.2.21, paras 27-30). Crown policy resulted in the confiscation of Ngāti Hikairo property by extinguishing Ngāti Hikairo title to riverbeds (Wai 2180, #1.2.21, paras 63-67). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** Crown policy has severed Māori relationships with their lands and customary resources, and Māori have not been provided a real voice and sense of care and responsibility in relation to the lands that make the National and Forest Parks (Wai 2180, #1.2.21, paras 170-174). Crown land management practices have damaged, depleted and polluted their lands, and resources. Crown land management policies have prevented Ngāti Tūope from exercising their customary rights on their land (Wai 2180, #1.2.21, paras 175-178). In addition to being culturally undesirable, the random dropping of 1080 by Crown agencies has adversely affected the health of lands, forests, and waterways, livestock, and individuals in the Ngāti Tūope rohe (Wai 2180, #1.2.21, paras 179-181). Crown policy resulted in the confiscation of Ngāti Tūope property by extinguishing Ngāti Tūope title to riverbeds (Wai 2180, #1.2.21, paras 182-186).

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The Hautapu River has been degraded and polluted by the actions of local government, breaching Ngāti Tūope tikanga. The flow of the Moawhango River has been altered by the Crown's introduction of a dam, breaching Ngāti Tūope tikanga (Wai 2180, #1.2.21, paras 187-189).

Waiōuru to Ōhākune Lands claim (Wai 151)

The Crown has allowed the environment to become polluted and Ngāti Rangi have been prevented from exercising kaitiakitanga in respect of the environment. The flora and fauna in the Taihape Inquiry district have significantly declined through deforestation, land development etc (Wai 2180, #1.2.24, paras 31-33).

Horowhenua Block claim (Wai 237)

The Crown failed to protect Muaūpoko's interests in relation to the river and its tributaries; loss of rangatiratanga; Muaūpoko ownership of the river bed before 1840 not recognised; no consideration of fishing rights or environmental protection as they relate to Māori. Construction of bridges to cross river. Flood protection, gravel extraction, discharge of human waste (Wai 2180, #1.2.18, paras 126-195).

Kāweka Forest Park and Ngaruroro River claim (Wai 382)

The Crown denied the claimants' tino rangatiratanga and kaitiakitanga by introducing legislation/policy, failing to consult over environmental management decisions, changing the rivers' name, failing to recognise the rivers' significance to claimants and their right to manage it in accordance with tikanga, and denying the claimants access to the rivers' resources such as water and kai awa (Wai 2180, #1.2.7, paras 9.1-9.6).

The Crown allowed and encouraged the pollution of the Ngaruroro, and failed to act in a timely and effective manner to protect the ecological and spiritual value of the Ngaruroro once it realized the damage that had been caused (Wai 2180, #1.2.7, paras 11.1-11.4).

Ahuriri Block claim (Wai 400)

The Crown failed to protect the Ngaruroro from pollution, damming, gravel extraction, diversion of water for irrigation, introduction of pinus contorta, and diminished tangata whenua access to a source of food and water. Practice of tino rangatiratanga has been subverted by Crown kāwanatanga, and there is no observance of Māori interests by authorities. The claimants also mention an aquifer that is fed from the upper reaches of the river and runs under the Heretaunga plains, where it is harmfully impacted by farming, irrigation dams. Regional Council measures to limit the water supply impact their marae but benefit upstream farmers (Wai 2180, #1.2.8, paras 12-

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21).

The Crown delegated powers to local bodies which adversely affect the claimants management of their environment. In particular, Hawkes Bay Regional Council and Hastings District Council adopt policies which degrade the river (such as stock grazing on riverside lands and waste disposal) (Wai 2180, #1.2.8, paras 49-52).

Rēnata Kawepō Estate claim (Wai 401)

Legislation vesting the bed of navigable rivers, or other legislation which has effectively assumed dominion and control over the rivers denies claimants their tino rangatiratanga. Crown has failed to protect the ownership of non-navigable rivers, which has resulted in the application of riparian ownership in accordance with the common law. The Ngaruroro River and its tributaries have suffered pollution and degradation as a result of the Crown usurping the claimants' tino rangatiratanga and failing to actively protect the river (Wai 2180, #1.2.14, paras 127-131).

Te Reu Reu Land claim (Wai 651)

Failure to recognise Ngāti Pikiahu as kaitiaki of the awa. Crown actions and omissions with respect to river control, flood protection gravel extraction and pollution have affected the course, quality and mauri of the river. Legislation vesting the bed of navigable rivers, or other legislation which has effectively assumed dominion and control over the rivers denies claimants their tino rangatiratanga. Crown determined Rangitīkei was navigable up to the confluence with the Kawhātau River. The Crown determined that accretion land was Crown land. Impact of change on course of Rangitīkei River on mahinga kai and depletion of traditional fisheries. Not consultation in relation to introduction of new species to the awa and the creation of acclimatisation societies. Bridging and flood protection - Felling of bush to allow land for settlers meant considerable changes to course of river and the environment. Māori communities suffered from flooding. Gravel extraction. Various legislation undermines customary rights, interests and associations of Ngāti Pikiahu, including the Resource Management Act (Wai 2180, #1.2.13, paras 22-70).

Kauwhata Lands and Resources claim (Wai 784)

The Crown failed to consult and adequately recognise Ngāti Kauwhata interests in land-based resources and awa when adopting Native Land laws and laws that vested ownership of their riverbeds in the Crown, such as common law assumptions and the Coal Mines Amendment Act 1903 (Wai 2180, #1.2.3, paras 8.1-8.2 and para 9).

The flora and fauna in the Taihape Inquiry district have significantly declined through deforestation, land development etc. The Crown has allowed awa to become polluted and Ngāti Kauwhata have been prevented from

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exercising kaitiakitanga in respect of land-based resources and awa (Wai 2180, #1.2.3, paras 9.1-9.3).

Awakino and Other Lands claim (Wai 868)

The Crown failed to provide for the claimants' customary title and rights, and implemented regimes that led to the degradation of water quality and the abundance of kai (Wai 2180, #1.1.19(a), paras 37-43).

Ngāti Kauwhata ki te Tonga surplus lands claim (Wai 972)

The Crown breached its Treaty obligations by prioritising its economic objectives over the environmental concerns of Ngāti Kauwhata. In particular, the Crown failed to identify and prevent ongoing damage to Taihape waterways, while at the same time usurping and undermining Ngāti Kauwhata's tino rangatiratanga by asserting management and control over the Taihape environment (Wai 2180, #1.2.1, paras 17-39).

Parakiri and Associated Land Blocks claim (Wai 1195)

The Crown failed to protect the land and water, including wāhi tapu, ngawha, punawai, mahinga kai, taonga, urupā, environment, maunga, awa, moana, and papakāinga. Crown land policy deprived them of the right to exercise control over water resources. Land acquisitioned by the Crown has been environmentally devastated ((Wai 2180, #1.1.23, p4).

Tongariro Power Development Scheme Lands claim (Wai 1196)

The Crown failed to safeguard the claimants' environment and allowed or caused environmental degradation to occur in relation to their awa. The Mangamaire, Moawhango and Rangitīkei Rivers have all been affected by water pollution. The mauri of the Rangitīkei River has also suffered as a result of gravel extraction (Wai 2180, #1.2.9, paras 297-347).

The Crown failed to safeguard the claimants' environment and allowed or caused environmental degradation to occur in relation to their forests. Large scale deforestation occurred after the arrival of the settlements. The Crown permitted massive changes to the environment without considering Ngāti Tamakōpiri's tino rangatiratanga and their role as kaitiaki (Wai 2180, #1.2.9, paras 360-383).

Ngāti Waewae Lands claim (Wai 1260)

The Crown failed to ensure that local authorities established a relationship with Ngāti Waewae that was consistent with Te Tiriti and its principles. This included local authorities' (as agents of the Crown) failure to work with Ngāti Waewae on infrastructure and water quality in Ngāti Waewae's rohe. The Crown's implementation of the

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Resource Management Act 1991 failed to provide for or protect Ngāti Waewae's Rangatiratanga or Kaitiaki responsibilities over their rohe (Wai 2180, #1.2.4, section C16). The claimants have never relinquished their tino rangatiratanga over their river and waterways. Claimants have however been prejudiced in their Tiriti rights by the Crown expropriating their rivers and resources through the implementation of legislation. Through this legislation, the Crown: failed to protect against the depletion and pollution of the Rangitīkei Awa and its surrounds; failed to recognise and provide customary title and rights to Ngāti Waewae rivers and waterways; fragments the elements of the Rangitīkei River and its tributaries for purposes ownership; usurped Ngāti Waewae tino rangatiratanga over their rohe; failed to adequately protect Ngāti Waewae's right to non-commercial customary fishing and the customary fisheries in their rivers and waterways; and failed to protect the physical and spiritual health of the rivers and waterways (Wai 2180, #1.2.4, section C14). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** The Crown failed to ensure that local authorities established a relationship with Ngāti Hikairo ki Tongariro that was consistent with Te Tiriti and its principles. This included local authorities' (as agents of the Crown) failure to work with Ngāti Hikairo ki Tongariro on infrastructure and water quality in Ngāti Hikairo ki Tongariro's rohe. The Crown's implementation of the Resource Management Act 1991 failed to provide for or protect Ngāti Hikairo ki Tongariro's Rangatiratanga or Kaitiaki responsibilities over their rohe (Wai 2180, #1.2.5, section C14). The claimants have never relinquished their tino rangatiratanga over their river and waterways. Claimants have however been prejudiced in their Tiriti rights by the Crown expropriating their rivers and resources through the implementation of legislation. Through this legislation, the Crown: failed to protect against the depletion and pollution of the Rangitīkei Awa and its surrounds; failed to recognise and provide customary title and rights to Ngāti Hikairo ki Tongariro rivers and waterways; fragments the elements of the Rangitīkei River and its tributaries for purposes ownership; usurped Ngāti Hikairo ki Tongariro tino rangatiratanga over their rohe; failed to adequately protect their right to non-commercial customary fishing and the customary fisheries in their rivers and waterways; and failed to protect the physical and spiritual health of the rivers and waterways (Wai 2180, #1.2.5, section C12). ***Ngāti Hekeawai Land Block claim (Wai 1299)*** The Crown assumed ownership of waterways and excluded Māori from exercising rangatiratanga and kaitiakitanga. Instead, the Crown implemented legislation that usurped riverbed ownership and delegated authority to local government bodies, which contributed to the degradation of water quality (Wai 2180, #1.1.29(b), paras 34-

HIGH-LEVEL ISSUE	CLAIM ISSUES

41).

Tāhana Whānau claim (Wai 1394)

The Crown failed to ensure that tino rangatiratanga was upheld in relation to the environment, or to ensure that the Resource Management Act, management bodies and decision-makers give proper effect to the principles of the Treaty. Rivers have been impacted by foreign fish, the classification of tuna as vermin, siltation and flooding, pollution, and water diversion. Pest animals have had a negative effect on land (Wai 2180, #1.2.20, paras 30-37).

The Crown failed to ensure that they could utilise their customary food resources, in particular by introducing foreign fish species and diminished access via land loss. The destruction of fisheries impacted severely on the traditional economy (Wai 2180, #1.2.20, paras 24-29).

Lands and Resources of Ngāti Ngutu/Ngāti Hua (Wai 1409)

The Crown's delegation of power to local government has led to the decimation of the claimants' customary fisheries, denial of rangatiratanga and kaitiakitanga, denial of the practice of koha, the inability to provide for whānau, and poor health (Wai 2180, #1.1.31(a), paras 38-40).

Ngāti Kauwhata ki te Tonga and Rangitīkei-Manawatū, Reureu blocks and Awahuri reserve lands claim (Wai 1461)

The Crown did not recognise the mana whenua status of Ngāti Kauwhata ki te Tonga when enacting environmental legislation affecting rivers, streams, wetlands and forests, in particular the Ōroua River and Kiwitea Stream (Wai 2180, #1.1.32(a), paras 2.1-2.2).

Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482)

The Crown's introduction of Native Land laws and common law principles of ownership to riverbeds, and its appropriation of the title of navigable river beds to itself, denied the claimants tino rangatiratanga and diminished their access to their land-based resources and awa (Wai 2180, #1.2.2, paras 8.1-8.12 and para 10).

The Crown failed to protect the environment and associated resources/taonga from degradation and pollution. In particular, Crown environmental management regimes have polluted their land and awa and do not allow the claimants to exercise their tino rangatiratanga. The Crown also introduced foreign species which compete with native species (Wai 2180, #1.2.2, paras 10.1-10.7).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Ngāti Ngutu Hapū claim (Wai 1497) The Crown failed to provide for the claimants' customary title and rights, and implemented regimes that led to the degradation of water quality and the abundance of kai (Wai 2180, #1.1.33(a), paras 41-47). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** The Claimants have never relinquished their tino rangatiratanga over their river and waterways. Claimants have however been prejudiced in their Tiriti rights by the Crown expropriating their rivers and resources through the implementation of legislation. Through this legislation, the Crown: failed to protect against the depletion and pollution of the Rangitīkei Awa and its surrounds; failed to recognise and provide customary title and rights to Ngāti Parewahawaha rivers and waterways; fragments the elements of the Rangitīkei River and its tributaries for purposes ownership; usurped Ngāti Parewahawaha tino rangatiratanga over their rohe; failed to adequately protect Ngāti Waewae's right to non-commercial customary fishing and the customary fisheries in their rivers and waterways; and failed to protect the physical and spiritual health of the rivers and waterways (Wai 2180, #1.2.6, section C12). The Crown failed to ensure that local authorities established a relationship with Ngāti Parewahawaha that was consistent with Te Tiriti and its principles. This included local authorities' (as agents of the Crown) failure to work with Ngāti Parewahawaha on infrastructure and water quality in Ngāti Parewahawaha's rohe. The Crown's implementation of the Resource Management Act 1991 failed to provide for or protect Ngāti Parewahawaha's Rangatiratanga or Kaitiaki responsibilities over their rohe (Wai 2180, #1.2.6, section C14). ***Descendants of Mōkai-Pātea (Cribb) claim (Wai 1639)*** The Crown failed to protect Māori fisheries, awa and waterways from erosion and pollution. (Wai 2180, #1.1.36, p2). ***Ngāti Pikiahu claim (Wai 1872)*** Failure to recognise Ngāti Pikiahu as kaitiaki of the awa. Crown actions and omissions with respect to river control, flood protection, gravel extraction and pollution have affected the course, quality and mauri of the river. Legislation vesting the bed of navigable rivers, or other legislation which has effectively assumed dominion and control over the rivers denies claimants their tino rangatiratanga. Crown determined Rangitīkei was navigable up to the confluence with the Kawhātau River. The Crown determined that accretion land was Crown land. Impact of change on course of Rangitīkei river of mahinga kai and depletion of traditional fisheries. Not consultation in relation to introduction of new species to the awa and the creation of acclimatisation societies. Bridging and flood

HIGH-LEVEL ISSUE	CLAIM ISSUES
	protection - Felling of bush to allow land for settlers meant considerable changes to course of river and the environment. Māori communities suffered from flooding. There was no consultation. Gravel extraction. Various legislation undermines customary rights, interests and associations of Ngāti Pikiahu, including the Resource Management Act (Wai 2180, #1.2.12, paras 19-63). ***Hauturu Waipuna C Block (Herbert) claim (Wai 1978)*** The Crown failed to provide for the claimants' customary title and rights, and implemented regimes that led to the degradation of water quality and the abundance of kai (Wai 2180, #1.1.42(a), paras 67-71). The Crown assumed ownership of waterways and excluded Māori from exercising rangatiratanga and kaitiakitanga. Instead, the Crown implemented legislation that usurped riverbed ownership and delegated authority to local government bodies, which contributed to the degradation of water quality (Wai 2180, #1.1.42(a), paras 72-79). The Crown's delegation of power to local government has led to the decimation of the claimants' customary fisheries, denial of rangatiratanga and kaitiakitanga, denial of the practice of koha, the inability to provide for whānau, and poor health (Wai 2180, #1.1.42(a), paras 80-82).
17. Power development schemes	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** The Crown failed to consult with Mōkai Pātea Māori about the Tongariro power development scheme, which has resulted in significant changes to the Moawhango River and tributaries, water quality and fish species (Wai 2180, #1.2.23, para 6.1.3). ***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown established the Taihape and Tongariro hydro-electric schemes, which caused a number of environmental issues including Crown ownership of navigable river beds, water use permits for the Hautapu River, water diversion from the Moawhango River and its effects on water flow and fish life, water extraction from Reporoa bog (Wai 2180, #1.2.17, paras 460-474). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** The flow of the Moawhango River has been altered by the Crown’s introduction of a dam, breaching Ngāti Tūope tikanga (Wai 2180, #1.2.21, para 190).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Ngāti Tūwharetoa amalgamated claim (Wai 61, 575) The Crown constructed the Tongariro power development scheme which harmed the mauri of, and caused environmental damage to, the Moawhango and Rangitīkei Rivers (Wai 2180, #1.2.22, para 30.4). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** The Crown established the Tongariro power development scheme and other environmental works which have caused irreparable damage to Ngāti Rangi's traditional lands (Wai 2180, #1.2.24, (para 33(d)(i)). ***Horowhenua Block claim (Wai 237)*** Hydroelectric power schemes – Taihape, Mangaweka and Tongariro power development; no consultation, diversion of water (Wai 2180, #1.2.18, paras 166-176). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The mauri of the Rangitīkei River has suffered as a result of hydroelectric power generation systems e.g Tongariro power development (Wai 2180, #1.2.9, paras 348-359). ***Ngāti Tara Lands claim (Wai 1261)*** The Crown failed to ensure that tino rangatiratanga was upheld in relation to the environment. In particular, the Moawhango was affected by the Tongariro power development scheme (Wai 2180, #1.2.19, paras 27-30). The Crown failed to ensure that they could maintain their customary food resources, in particular by the damming and diverting of rivers for the Tongariro power development scheme (Wai 2180, #1.2.19, paras 11-13).
18. Education and social services	***Ngā Iwi o Mōkai Pātea amalgamated claim (Wai 385, 581, 588, 647, 1705, 1888)*** Education systems did not include provision for mātauranga Māori and the Crown displayed neglect towards the needs of the Moawhango community in terms of education. Crown provision of health services for Mōkai Pātea was late. Inadequate provision for Māori engagement in development and implementation of health services (Wai 2180, #1.2.23, paras 10.1-10.2). ***Waiōuru to Ōhākune Lands claim (Wai 151)*** The Crown has implemented legislation and policies, and has taken actions or made omissions that have damaged Ngāti Rangi's traditional authority structures, have deprived Ngāti Rangi from a basic living standard and has failed to provide sufficient social and health services (Wai 2180, #1.2.24, paras 34-35).

HIGH-LEVEL ISSUE	CLAIM ISSUES

Parakiri and Associated Land Blocks claim (Wai 1195)
Crown land policy caused Māori poor quality of life, loss of life, and destitution (Wai 2180, #1.1.23, p4).

Tongariro Power Development Scheme Lands claim (Wai 1196)
The Crown failed to properly administer the delivery of education to the claimants. Taihape Māori have suffered from assimilationist education policies. The Crown designed and delivered a syllabus that restricted curriculum choices for Māori, which restricted their vocational aspirations. There was an emphasis on industrial training. Failure to provide robust secondary education; a lack of secondary schools, low quality and irrelevant curriculum. The Crown asked Māori parents to contribute a comparatively greater amount of financial and other resources towards the education of their children. There was inadequate government assistance. The Crown failed to ensure that there were quality teaches in native schools – notes the example of Moawhango school. The Crown failed to ensure that Māori pupils attended school (Wai 2180, #1.2.9, paras 402-521).

Ngāti Waewae Lands claim (Wai 1260)
The Crown's introduction of the Native Land Court, and failure to provide adequate education, health services and other entitlements, forced many Ngāti Waewae people to move away from their ancestral lands and had negative impacts on their socio-economic circumstances (Wai 2180, #1.2.4, section C12).

Through various educational policies the Crown failed to actively protect Ngāti Waewae taonga. These policies inhibited Ngāti Waewae from maintaining and developing their culture and customs (Wai 2180, #1.2.4, section C13).

Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)
The Crown's introduction of the Native Land Court, and failure to provide adequate education, health services and other entitlements, forced many Ngāti Hikairo ki Tongariro people to move away from their ancestral lands and had negative impacts on their socio-economic circumstances (Wai 2180, #1.2.5, section C10).

Through various educational policies the Crown failed to actively protect Ngāti Hikairo ki Tongariro taonga. These policies inhibited Ngāti Hikairo ki Tongariro from maintaining and developing their culture and customs (Wai 2180, #1.2.5, section C11).

Ngāti Parewahawaha (Rēweti) claim (Wai 1619)

HIGH-LEVEL ISSUE	CLAIM ISSUES
	The Crown's introduction of the Native Land Court, and failure to provide adequate education, health services and other entitlements, forced many Ngāti Parewahawaha people to move away from their ancestral lands and had negative impacts on their socio-economic circumstances (Wai 2180, #1.2.6, section C10). Through various educational policies the Crown failed to actively protect Ngāti Parewahawaha taonga. These policies inhibited Ngāti Parewahawaha from maintaining and developing their culture and customs (Wai 2180, #1.2.6, section C11). ***Descendants of Mōkai-Pātea (Cribb) claim (Wai 1639)*** The Crown caused significant cultural, social and economic disadvantage to the iwi and hapū of Mōkai Pātea through the suppression of Māori culture through State education and other Crown agencies (Wai 2180, #1.1.36, p2).
19. Cultural taonga	***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown has failed to protect moko kauae and other taonga (Wai 2180, #1.2.17, paras 567-585). ***Kauwhata Lands and Resources claim (Wai 784)*** The Crown failed to actively ensure that the claimants were able to retain their knowledge and practice of tikanga, such as the location of wāhi tapu, hunting sites and the application of rongoā (Wai 2180, #1.2.3, paras 12.1-12.2). ***Ngāti Kauwhata ki te Tonga surplus lands claim (Wai 972)*** The Crown failed to recognise and actively protect Ngāti Kauwhata's distinct tribal identity, which stripped them of their tino rangatiratanga and their ability to live in accordance with Kauwhatatanga (Wai 2180, #1.2.1, paras 54-62). ***Ngāti Waewae Lands claim (Wai 1260)*** Through various educational policies the Crown failed to actively protect Ngāti Waewae taonga. These policies nearly eradicated tikanga, inhibiting Ngāti Waewae from maintaining and developing their culture and customs (Wai 2180, #1.2.4, section C13). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** Through various educational policies the Crown failed to actively protect Ngāti Hikairo ki Tongariro taonga. These policies nearly eradicated tikanga, inhibiting Ngāti Hikairo ki Tongariro from maintaining and developing

HIGH-LEVEL ISSUE	CLAIM ISSUES
	their culture and customs (Wai 2180, #1.2.5, section C11). ***Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim (Wai 1482)*** The Crown's failure to recognise their land interests has caused them to lose significant traditional knowledge about their customary interests, including the location of wāhi tapu, hunting and food gathering sites, and rongoā (Wai 2180, #1.2.2, paras 12.1-12.8). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** Through various educational policies the Crown failed to actively protect Ngāti Parewahawaha taonga. These policies nearly eradicated tikanga, inhibiting Ngāti Parewahawaha from maintaining and developing their culture and customs (Wai 2180, #1.2.6, section C11).
20. Te reo rangatira	***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown has failed to protect Te Reo Māori (Wai 2180, #1.2.17, paras 571-574). ***Ngāti Waewae Lands claim (Wai 1260)*** Through various educational policies the Crown failed to actively protect Ngāti Waewae taonga. These policies nearly eradicated Te Reo Māori (Wai 2180, #1.2.4, section C13). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** Through various educational policies the Crown failed to actively protect Ngāti Hikairo ki Tongariro taonga. These policies nearly eradicated Te Reo Māori (Wai 2180, #1.2.5, section C11). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** Through various educational policies the Crown failed to actively protect Ngāti Parewahawaha taonga. These policies nearly eradicated Te Reo Māori (Wai 2180, #1.2.6, section C11).
21. Wāhi tapu	***Ngāti Hinemanu me Ngāti Paki amalgamated claim (Wai 662, 1835, 1868)*** The Crown has failed to protect wāhi tapu (Wai 2180, #1.2.17, paras 569-570). ***Ngāti Hikairo amalgamated claim (Wai 37, 933) - Tūope allegations*** Crown land management practices have damaged, depleted and polluted their lands, and resources, including wāhi tapu (Wai 2180, #1.2.21, paras 175-178).

HIGH-LEVEL ISSUE	CLAIM ISSUES
	Waiōuru to Ōhākune Lands claim (Wai 151) The Crown has failed to protect wāhi tapu including Te Onetapu, Auahitōtara, Te Rei, Waipuna and others (Wai 2180, #1.2.24, para 33(e)). ***Kāweka Forest Park and Ngaruroro River claim (Wai 382)*** The Crown failed to protect wāhi tapu along the banks of the Ngaruroro River, such as pa sites, kainga, watersheds and confluences. The Ngaruroro and some of its streams were also tapu places where only selected men of mana could obtain eels (Wai 2180, #1.2.7, paras 10.1-10.4). ***Ngāti Kauwhata ki te Tonga surplus lands claim (Wai 972)*** The Crown caused or allowed significant environmental impacts and degradation in the Taihape area. This resulted in the loss of important and significant taonga and resources for Ngāti Kauwhata (Wai 2180, #1.2.1, paras 40-47). ***Parakiri and Associated Land Blocks claim (Wai 1195)*** The Crown failed to protect the land and water, including wāhi tapu, ngawha, punawai, mahinga kai, taonga, urupā, environment, maunga, awa, moana, and papakāinga (Wai 2180, #1.1.23, p4). ***Tongariro Power Development Scheme Lands claim (Wai 1196)*** The Crown failed to protect wāhi tapu. This has resulted in the destruction of wāhi tapu, the loss of connection to significant sites and the diminution of the claimants' mana (Wai 2180, #1.2.9, paras 384-401). ***Ngāti Waewae Lands claim (Wai 1260)*** The Crown failed to ensure that local authorities established a relationship with Ngāti Waewae that was consistent with Te Tiriti and its principles. This included local authorities' (as agents of the Crown) failure to work with Ngāti Waewae on wahi tapū and places of cultural importance in Ngāti Waewae's rohe (Wai 2180, #1.2.4, section C16). The Crown failed to properly provide for and recognise the intellectual and property rights to various taonga (Wai 2180, #1.2.4, section C14). ***Ngāti Hikairo ki Tongariro Lands claim (Wai 1262)*** The Crown failed to ensure that local authorities established a relationship with Ngāti Hikairo ki Tongariro that

HIGH-LEVEL ISSUE	CLAIM ISSUES
	was consistent with Te Tiriti and its principles. This included local authorities' (as agents of the Crown) failure to work with Ngāti Hikairo ki Tongariro on wahi tapū and places of cultural importance in Ngāti Hikairo ki Tongariro's rohe (Wai 2180, #1.2.5, section C14). The Crown failed to properly provide for and recognise the intellectual and property rights to various taonga (Wai 2180, #1.2.5, section C12). ***Ngāti Hekeawai Land Block claim (Wai 1299)*** The Crown failed to consider the effect that a loss of significant wāhi tapu would have on Māori (Wai 2180, #1.1.29(b), para 37). ***Ngāti Parewahawaha (Rēweti) claim (Wai 1619)*** The Crown failed to ensure that local authorities established a relationship with Ngāti Parewahawaha that was consistent with Te Tiriti and its principles. This included local authorities' (as agents of the Crown) failure to work with Ngāti Parewahawaha on wahi tapū and places of cultural importance in Ngāti Parewahawaha's rohe (Wai 2180, #1.2.6, section C12). The Crown failed to properly provide for and recognise the intellectual and property rights to various taonga (Wai 2180, #1.2.6, section C14). ***Hauturu Waipuna C Block (Herbert) claim (Wai 1978)*** The Crown failed to consider the effect that a loss of significant wāhi tapu would have on Māori (Wai 2180, #1.1.42(a), para 75).

APPENDIX B: CASEBOOK RESEARCH AND SUPPORTING PROJECTS

REPORT NAME	AUTHOR(S)	AGENCY	DATE FILED	WAI NO.
Phase one				
Waiōuru defence lands scoping report	Adam Heinz	WTU	22 December 2009	#A1
Technical research scoping report	Bruce Stirling and Evald Subasic	CFRT	27 August 2010	#A2
Rangitīkei River, its tributaries, and other waterways (scoping)	David Alexander	CFRT	19 April 2012	#A4
Local government, rating and Native Townships (scoping)	Bassett Kay research	CFRT	19 April 2012	#A5
Northern block history	Martin Fisher and Bruce Stirling	CFRT	1 November 2012	#A6
Southern block history	Terry Hearn	CFRT	1 November 2012	#A7
Central block history	Evald Subasic and Bruce Stirling	CFRT	14 November 2012	#A8
Public works takings for defence and other purposes	Philip Cleaver	WTU	22 November 2012	#A9
Environment and resource management, wāhi tapu and portable taonga (scoping)	Michael Belgrave et al.	CFRT	21 March 2013	#A10
Tribal landscape	Tony Walzl	CFRT	11 September 2013	#A12
Economic development and social service delivery (scoping)	Philip Cleaver	WTU	22 December 2013	#A14
Māori land retention and alienation	Craig Innes	WTU	28 February 2014	#A15
Māori in the Taihape inquiry district: a sociodemographic scoping exercise	Georgie Craw	WTU	9 February 2015	#A28
Phase two				
Māori land rating and landlocked blocks, 1870-2015	Suzanne Woodley	CFRT	18 September 2015	*#A37*
Environmental issues and resource management (land), 1970s-2010	David Alexander	CFRT	30 November 2015	*#A38*
Mangaohane legal history and the destruction of Pokopoko	Grant Young	CFRT	30 November 2015	*#A39*
Rangitīkei River and its tributaries historical report	David Alexander	CFRT	6 January 2016	*#A40*
Education, health and housing, 1880-2013	*Paul Christoffel*	*WTU*	22 March 2016	*#A41*
Nineteenth century overview	Bruce Stirling and Terrence Green	CFRT	20 May 2016	*#A43*
Ko Rangitīkei te awa: the Rangitīkei River and its tributaries cultural perspectives report	Robert Joseph and Paul Meredith	CFRT	20 May 2016	*#A44*
The impact of environmental change in the Taihape district, 1840-c1970	David Armstrong	CFRT	20 May 2016	*#A45*
Twentieth century overview	Tony Walzl	CFRT	27 May 2016	*#A46*
Native Townships: Pōtaka [Ūtiku] and Tūrangarere	Heather Bassett	CFRT	27 May 2016	*#A47*
Māori and economic development, 1860-2013	Philip Cleaver	WTU	30 August 2016	#A48

REPORT NAME	AUTHOR(S)	AGENCY	DATE FILED	WAI NO.
Supporting projects and other research				
McLean project document bank	None listed	Crown	1 April 2011	#A3
Crown and private land purchases records and petitions document bank	Evald Subasic and James Taylor	CFRT	28 May 2014	#A16
Newspapers document bank	Walghan Partners	CFRT	28 May 2014	#A17
Native/Māori Land Court records document bank	None listed	CFRT	28 May 2014	#A18
Māori language library sources document bank	Jane McRae	CFRT	28 May 2014	#A19
Taihape te reo sources document bank	Lee Smith and Jane McRae	CFRT	28 May 2014	#A20
Block research narratives of the Whanganui district 1865-2000 (Murimotu and Raketapauma only)[+]	Paula Berghan	CFRT	5 August 2014	#A22
Murimotu & Rangipo-Waiu 1860 – 2000[#]	Nicholas Bayley	WTU	5 August 2014	#A23
Block research narratives of the Tongariro National Park district (Rangipō Waiū and Rangipo North only)[#]	Paula Berghan	CFRT	5 August 2014	#A24
Whanganui & National Park inquiry districts public works takings[+#]	Philip Cleaver	WTU	5 August 2014	#A25
Native Land Court minutes document bank	Walghan Partners	CFRT	6 January 2015	#A30
Response of Mr Parker to a request for information relating to the Solicitor General's opinion of December 1903[‡]	Brent Parker	Crown	3 June 2014	#A32
One past, many histories: tribal land and politics in the nineteenth century[&]	Terry Hearn	WTU	11 June 2015	#A42

[+] From the Whanganui inquiry casebook (Wai 903)
[#] From the National Park inquiry casebook (Wai 1130)
[‡] From the Te Rohe Pōtae inquiry casebook (Wai 898)
[&] From the Porirua ki Manawatū inquiry casebook (Wai 2200)