TE MANA WHATU AHURU
TE MANA WHATU AHURU

Report on Te Rohe Pōtae Claims

Pre-publication Version

PART VI

Take a Takiwā

WAI 898

WAITANGI TRIBUNAL REPORT 2020
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The Honourable Andrew Little  
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The Honourable Kelvin Davis  
Minister for Māori Crown Relations: Te Arāwiti

Parliament Buildings  
Wellington

21 December 2020

Waerea te rangi e tū nei,  
waerea te papa e takoto nei  
waerea te ara kei mua,  
ko te kupu a Te Rōpū Whakamana i te Tiriti  
te tukua atu nei ki te taha tika  
ki te taha wātea.

E ngā Minita, kei a mātau o Te Rōpū Whakamana i Te Tiriti o Waitangi te whakamiha me te manahau, ki te tuku i tēnei wāhanga whakatepe i Te Mana Whatu Ahuru hei pānui mā koutou, mā Te Rohe Pōtae, me te marea. Hui e, tāiki e.

We enclose the sixth and final part of Te Mana Whatu Ahuru, our report on claims submitted under the Treaty of Waitangi Act 1975 in respect of the Te Rohe Pōtae inquiry district. This district extends from Whāingaroa Harbour to northern Taranaki, and inland to the Waikato River and Taumarunui.

Part VI: Take a Takiwā differs significantly in scope and purpose from the preceding parts of the report. Parts I to V, comprising 24 kaupapa chapters, have been released progressively in pre-publication format since September 2018. They focused on the major thematic issues agreed by parties. They
addressed and made findings on the impact of Crown actions, omissions, policy, and legislation on the ability of Te Rohe Pōtae Māori to exercise mana whakahaere and tino rangatiratanga, in a range of contexts and periods – from the early years of Crown purchasing, to the construction of the main trunk railway and the operation of the Native Land Court, through to the management of the environment and the delivery of health services to Te Rohe Pōtae Māori in the present day.

Here, however, the focus is on the nearly 280 iwi, hapū, whānau, block-specific and district-wide claims lodged in the inquiry. *Part VI: Take a Takiwā* aims to summarise every claim, to situate each within its local context, and to record the Tribunal’s claim-specific findings. The claims are grouped according to takiwā: the seven geographical sub-regions which comprise Te Rohe Pōtae and where claimants shared traditional evidence with the Tribunal at the very start of the inquiry process in 2010.

After summarising each claim, we list the findings on general issues (already set out in parts I–V) that we consider apply to it. We also address any specific local issues or allegations that our general findings may not adequately cover; we examine the evidence presented by claimants and, if appropriate, make additional claim-specific findings. On this basis, we provide an overall assessment of each claim’s well-foundedness.

*Take a Takiwā* thus provides a comprehensive inventory and assessment of all claims in the Te Rohe Pōtae inquiry. It shines a light on every individual claim – whether localised or district-wide in scope, whether lodged by an individual representing tūpuna or by whānau, hapū, iwi, a large incorporation or a trust. As such, part VI both complements and augments the kaupapa chapters of *Te Mana Whatu Ahuru*, as well as marking the completion of this long-running district inquiry.

Nāku noa, nā

Deputy Chief Judge Caren Fox (Presiding Officer), John Baird, Dr Aroha Harris, Professor Sir Hirini Mead KNZM, and Professor William Te Rangiua (Pou) Temara

Nā te Rōpū Whakamana i te Tiriti o Waitangi
PREFACE

This is a pre-publication version of part VI of the Waitangi Tribunal’s Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims. As such, all parties should expect that in the published version, headings and formatting may be adjusted, typographical errors rectified, and footnotes checked and corrected where necessary. Maps, photographs, and additional illustrative material may be inserted. The Tribunal reserves the right to amend the text of these parts in its final report, although its main findings will not change. It also reserves the right not to address certain issues in these parts of the report, and further parts, until the final report is released. The Tribunal reserves the right to make further recommendations on the matters addressed in part VI up to and including in the final published report. The Tribunal reserves the right to refuse any applications to exercise its resumptive powers based on this pre-publication report until the final report is released.

In preparing this pre-publication report, the Tribunal has noted variation in spelling and in the use of macrons for a number of words and phrases referred to in evidence on the record of inquiry, particularly in regard to the names of people and places. Parties are therefore invited to submit corrections to these, or any other words and phrases used in the report. Parties must indicate where in the report the term is used, their desired spelling or macron use, and any relevant explanation or evidence. The Tribunal will consider parties’ submissions and incorporate any resulting changes into the final published version of the report.
ABOUT THIS VOLUME

This final part of *Te Mana Whatu Ahuru* differs significantly in scope and purpose from previous parts. Its function is threefold: to summarise every registered claim in the Te Rohe Pōtāe district inquiry, to situate each claim within its local context, and to document whether or not the claims are well founded (explained more fully in ‘How to use this volume’ below).

Here, the 278 registered claims are organised by location or takitāwā (sub-region); how the Tribunal has developed and applied the takitāwā concept in this inquiry is detailed further below. Each takitāwā is introduced with a map and a short overview of the physical and human landscape. Although each overview is slightly different in emphasis, in general they highlight important maunga, awa, and other physical landmarks; sites of historical or spiritual significance; tribal groups and their connections to the area and one another; and how tangata whenua have lived in, used, tended, fought over, and valued the takitāwā over time. Some groups appear in more than one overview (although, for organisational purposes, each claim has been assigned to only one takitāwā). The takitāwā overviews complement the higher-level description of the lands, peoples, and history of Te Rohe Pōtāe already provided in chapter 2 (The Tribal Landscape). They draw heavily on the rich evidence presented by kuia, kaumātua, and other knowledge-holders at the Ngā Kōrero Tuku Iho hui held across the inquiry district in March–June 2010. The takitāwā overviews should not be interpreted as a Tribunal comment on or determination of the validity of tribal evidence presented about places, people, and events. Our role is to determine the merits of claims, not to adjudicate on matters of tribal history or determine the geographical interests of any claimants, hapū, or iwi.

After each overview, we then list consecutively, by Wai number, every claim lodged by or on behalf of groups affiliated (not necessarily exclusively) to that particular takitāwā. Each individual claim is summarised, taking account of the various ways it may have been developed, amended, or particularised as the inquiry progressed. The Tribunal’s assessment of the claim is then set out, in two steps. First, we record the Tribunal’s findings on general issues – already recorded in parts I to V of *Te Mana Whatu Ahuru* – that we consider apply to the claim. Secondly, we assess any specific local allegations or issues raised in the claim that we consider are not adequately addressed by the general findings. Where such claim-specific matters arise, we examine the evidence presented and, if appropriate, make additional findings. In some cases, we may determine that certain allegations within a claim are not well founded or the evidence is insufficient for us to reach a determination on that specific element of the claim.
Jurisdictional Issues
In assessing the claims, we have been mindful of the jurisdictional issues noted in section 1.4 of Te Mana Whatu Ahuru. As we explain there, the Tribunal’s jurisdiction to inquire into and report on certain Te Rohe Pōtæ claims – especially those regarding raupatu – is constrained by Treaty settlements reached between the Crown and some iwi and hapū. The settlement legislation affecting claims in this inquiry is:

- *The Waikato Raupatu Claims Settlement Act 1995*: section 9 removed the Tribunal’s jurisdiction to inquire into most Waikato raupatu claims, although some were exempted (including claims to the Waikato River, later settled by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010).

- *The Ngāti Tama Claims Settlement Act 2003*: the Act settled the raupatu claims of Ngāti Tama. However, no raupatu claims were made in this inquiry by Ngāti Tama or affiliated groups;

- *The Raukawa Claims Settlement Act 2014*: section 15(8) removed the Tribunal’s jurisdiction to inquire into or to make recommendations or findings on settled Raukawa claims. Raukawa participated in this inquiry, with the Ngāti Raukawa Claim (Wai 443) serving as an ‘umbrella’ for a large group of claims. They are summarised here in the Waipā–Pūniu takiwā section, and the Tribunal’s limited jurisdiction is acknowledged.

- *The Ngāti Tūwharetoa Claims Settlement Act 2018*: section 15(6) preserved the Tribunal’s jurisdiction ‘in so far as it relates to the steps that are necessary for the Tribunal to complete its inquiries and report on’ the Te Rohe Pōtæ claims.

- *The Maraerora A and B Blocks Claim Settlement Act 2018*: section 14 removed the Tribunal’s jurisdiction to inquire into and make findings with regard to the historical claims listed at section 12(2), to the extent they related to the Maraerora A and B blocks. However, the Act explicitly excludes the Te Rohe Pōtæ Land and Resources Claim (Wai 389) and Ngāti Raukawa Claim (Wai 443).

After hearings closed, some doubt remained about the effect of some of these Acts on the Tribunal’s jurisdiction to report on raupatu claims made by certain groups. Ultimately, some of those groups chose not to pursue raupatu claims. But clarification was still needed in respect of our ability to address the raupatu claims of Ngāti Paretekawa, Ngāti Ngutu,2 and Ngāti Apakura (listed as ‘hapū of Waikato’ in the Waikato Raupatu Claims Settlement Act), and Ngāti Wehi Wehi (who the Crown said were covered by the Raukawa Claims Settlement Act 2014).

As we explain in section 1.4.2.1, the outstanding question was: could the Tribunal inquire into their raupatu claims within the ‘Waikato claim area’ if those

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1. Section 6(8)(a) of the Treaty of Waitangi Act 1975 establishes that the Tribunal’s jurisdiction is subject to the Treaty settlement legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975.

2. The Tribunal’s jurisdiction to hear the raupatu claims of Ngāti Ngutu was not in fact questioned by the Crown. However, as Ngāti Ngutu are listed in the Waikato Raupatu Claims Settlement Act 1995, the Tribunal’s jurisdictional test was applied to their claims as well: as noted in section 1.4.2.1, ‘our views on Ngāti Paretekawa also apply to Ngāti Ngutu’.

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claims were made on the basis of other, non-‘Waikato’ affiliations? After applying the jurisdictional test set out in section 1.4.2.2, we went on to determine that:

- Ngāti Paretekawa (and Ngāti Ngutu) have established that they have raupatu claims that derive from their affiliation to Ngāti Maniapoto (section 1.4.3);
- Ngāti Apakura have established that they have raupatu claims deriving either through their affiliation to Ngāti Maniapoto, or through their existence as an iwi in their own right (section 1.4.4); and
- the raupatu claims of Ngāti Wehi Wehi (and Ngāti Kauwhata, to whom they are ‘intimately related’) were not based on their affiliation to Raukawa.

Thus, we concluded the Tribunal has jurisdiction to inquire into the raupatu claims concerning the Waikato Wars made by these groups. Accordingly, they are addressed in our assessment of claims set out in the following pages. So too is the Tribunal’s limited jurisdiction to consider Raukawa claims, as noted above.

To the extent that any Te Rohe Pōtæ claim concerns the Maraeroa A and B blocks, we have noted that the Tribunal has no jurisdiction to inquire into and make findings on them, in light of the Maraeroa A and B Blocks Claim Settlement Act 2018.

**Claims Relevant to Kaupapa Inquiries**

Some claims in this district inquiry refer to issues that the Tribunal is addressing (or has already addressed) in its kaupapa inquiries – for example, issues concerning mana wahine, freshwater, or rights in the marine and coastal area. Where a Te Rohe Pōtæ claim makes a kaupapa-related allegation that is clearly specific to this district or to the claimants, we address it in our assessment of the claim. However, as most such allegations are essentially generic in nature, or of national relevance and significance, we do not directly address them; instead, the issues they raise will be (or have been) considered in Waitangi Tribunal kaupapa inquiries. Claimants should review the progress of these inquiries regarding the issues of concern to them.

**Maps**

The maps in this volume are conceptual, selective, and not to scale. They primarily show locations and features that claimants identified during the Ngā Kōrero Tuku Iho hui and in briefs of evidence. Above all, they are intended to reflect the claimants’ own knowledge and experience of the places significant to them and their tūpuna.

**The Takiwā Concept**

During the Ngā Kōrero Tuku Iho hearings, kuia and kaumātua repeatedly described their interests and histories not only in terms of iwi, hapū, and whānau, but also takiwā – the specific areas of Te Rohe Pōtæ where their identities, histories, and claims are rooted, and with which they remain inextricably entwined.
Ngā Kōrero Tuku Iho hui locations

Week 1  1–2 March 2010  Te Kotahitanga Marae, Ōtorohanga
Week 2  29–30 March 2010  Waipapa Marae, Kāwhia
Week 3  12–13 April 2010  Poihākena Marae, Raglan
Week 4  26–27 April 2010  Ngapōwaiwaha Marae, Taumarunui
Week 5  17–18 May 2010  Maniaroa Marae, Mōkau
Week 6  9–11 June 2010  Te Tokanganui-a-Noho Marae, Te Kūiti
As we listened to these kaikōrero, it became clear that any single takiwā could be valued by multiple groups and for various reasons; equally, any group could identify with more than one takiwā. Takiwā might or might not correspond with contemporary maps, GPS coordinates, or land blocks, and their boundaries might be understood somewhat differently by different groups.

The porous but important concept of takiwā provided an organising principle for the Tribunal’s hearings. As the late Judge Ambler (then presiding officer of this inquiry) noted in May 2014, Te Rohe Pōtae communities ‘have tended to locate themselves around major waterways in the rohe, and we would find it helpful if claimants presented [closing submissions] in those groupings.’ These geographically based groupings – effectively, the takiwā identified by kaikōrero – were not synonymous with ‘particular tribal groupings’, Judge Ambler emphasised. They instead offered claimants a vehicle for presenting their submissions ‘in a way that reflects something of the hearings and the claimant communities’.

Seven takiwā were identified: Waipā–Pūniu, Taumarunui, Kāwhia–Aotea, Whāingaroa, Te Kūiti–Hauāuru, Waimihia–Ōngarue, and Mōkau. As indicated on the map below, Ngā Kōrero Tuku Iho hui were held in six of the takiwā in 2010. Full hearings were held at marae and other venues across all seven takiwā (as well as in Wellington) from late 2012 to early 2015.

As the inquiry progressed, the Tribunal envisaged reflecting the takiwā concept in the report itself. We sought to address or reference as many specific claims as possible in the kaupapa chapters, released already in pre-publication format as parts I–V. However, as those chapters necessarily focused on key issues highlighted by all or most Te Rohe Pōtae claimants, it was challenging to ensure every individual claim in this inquiry received its full due. We were particularly anxious that the claims of whānau or smaller groups, especially those less well-resourced, would not be overwhelmed by those representing larger interests. Nor did we want to see claims that were highly localised or distinctive to particular claimants simply subsumed into the analysis and findings on generic issues.

At the conclusion of this long-running inquiry, we want every claimant to see something of themselves and their claim in this report, to know that the Tribunal has addressed their particular concerns, and to receive a clear assessment of the general well-foundedness (or otherwise) of their claim. This takiwā volume aims to address these expectations.

HOW TO USE THIS VOLUME

This volume has been organised so that readers can:

› find essential details of every claim, including a summary of the key allegations
› situate each claim within its local context
› identify how the Tribunal’s general findings, as set out in parts I–V of Te Mana Whātu Ahuru, apply to each claim; and
› identify whether or not the Tribunal determines claims are well founded, and why.

The volume is divided into sections corresponding to the seven takiwā; there is also a section for claims that we refer to as ‘cross-regional’. This designation has been applied to claims that either straddle takiwā, or primarily pursue issues of significance to the inquiry district as a whole rather than having a clear regional basis. Within each of these sections, the claims are ordered by Wai number. The entry for each claim is structured around the following headings:

Claim title

Named claimant(s)
The names shown are those recorded in the most recent statement of claim held on the Tribunal’s record of inquiry. Wherever possible, names of any earlier claimants who have passed away or been replaced over the course of the inquiry are recorded in a footnote, together with the relevant dates.

Lodged on behalf of
As identified in the statement of claim. In some cases, supplementary information provided by the claimants has been included for further clarity.

Takiwā
Each claim has been allocated to one of the seven takiwā with which it (or the claimants) is most clearly associated: Waipā–Pūniu, Taumarunui, Kāwhia–Aotea, Whāingaroa, Te Kūiti–Hauāuru, Waimihia–Ōngarue, and Mōkau. As noted, there is also a section for the small number of claims that the Tribunal considers to be cross-regional.

Other claims in the same claim group
Some claimants sharing hapū and whānau relationships have chosen to link their claims together in a larger claim group or ‘cluster’, often represented by the same counsel. In such cases, all the claims in the group are listed. Other claims in the groups are cross-referenced where relevant. It should be noted that entries for
the individual claims in a group will not necessarily follow each other, as the Wai numbers may not be consecutive.

**Summary of claim**
The summaries are based largely on the statements of claim (original, amended, and final). In the case of claims that are grouped, the summaries reflect both the individual claim and the claim lodged on behalf of the wider claim group.

The summaries may also draw on the submissions of counsel or on witness evidence where doing so clarifies the claim. Sometimes, it has been necessary to refer to the submissions in order to acknowledge elements of the claim that were abandoned or revised. However, the emphasis is firmly on the claims themselves, rather than the legal arguments and positions put forward by counsel.

In some cases, claimants or their counsel record their support for the final generic statements of claim (also referred to as generic pleadings). If this support is explicitly noted, it is acknowledged in the claim summary; otherwise, it has not been assumed.

Of necessity, the summaries synthesise and compress what is often a large amount of material. They aim to represent the claim as fairly as possible but cannot replicate or cover every element of the claim.

All the source documents used to compile the summaries are fully referenced and are available on the Wai 898 Record of Inquiry.

**Is the claim well founded?**
Under section 6(3) of the Treaty of Waitangi Act 1975, the Tribunal must inquire into each eligible claim submitted to it and determine if, on the balance of probabilities, it is well founded. Only then may it recommend to the Crown ‘that action be taken to compensate for or remove the prejudice or to prevent other persons from being similarly affected in the future’.

The Tribunal determines whether a claim is well founded after considering all the evidence presented to it. For a well founded claim, the entry considers the extent to which our findings on general issues affecting Te Rohe Pōtae Māori (as set out in parts I–V) apply to the claim. Those chapters whose findings are relevant to the claim are listed. Sometimes, additional commentary is provided about specific findings or discussions in parts I–V that are particularly pertinent to the claim; the aim is to help readers better understand how the general findings apply. Cross references are supplied so that relevant passages in parts I–V can be readily consulted.

Where a claim is part of a group of claims, the list of relevant findings will include all those applying to allegations or issues raised by the group as a whole – even if the allegations or issues do not feature in the individual claim.

If the claimants or their counsel expressly support one or more of the generic pleadings, this is reflected in the list of general findings that the Tribunal considers applies to the claim (or to a group of claims, in the case of those with shared statements of claim or submissions). It should be noted that the topics covered by the generic pleadings do not always strictly correspond with the topics traversed
in each report chapter; there are some wording discrepancies, but these are minor. Thus, for example, if claimants expressly support the generic pleading on constitutional law, then the findings in chapter 18 about the institutions, structures, legislation, and resources the Crown put in place to give effect to Te Rohe Pōtæ Māori autonomy and self-government are considered to apply.

In the case of well founded claims, the list of applicable general findings is followed by the Tribunal’s assessment of any specific local allegations or issues requiring additional findings. In some instances, the Tribunal may be unable to determine the well-foundedness of such allegations, even if the claim overall is well founded.

_Some claims in this inquiry are not well founded._ This is usually because they contain allegations of Crown actions, omissions, and prejudice that are incomplete or unspecific. They may also, or instead, make allegations of Treaty breach and prejudice that are not encompassed by the findings listed in parts I–V of this report but provide insufficient evidence to allow the Tribunal to make any additional findings on the specific allegations or issues they raise.

However, the Tribunal considers that even claims that are not well founded are nonetheless consistent with its general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtæ iwi over their tangible and intangible resources. In the case of claims in which land loss is a central issue, the Tribunal also considers these claims to be consistent with its general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
### ABBREVIATIONS

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Unless otherwise stated, footnote references to briefs, claims, documents, memoranda, papers, submissions, and transcripts are to the Wai 898 record of inquiry. A copy of the index to the record is available on request from the Waitangi Tribunal.
WAIPĀ–PŪNIU
1.1 Ngā Whenua
The Waipā–Pūniu takiwā encompasses a range of fertile lands around Pirongia and Kakepuku maunga, in the vicinity of the Waipā and Pūniu Rivers. The many layers of settlement and tribal interests that exist there now reflect the area’s fertility and relative accessibility.

Both the Waipā and Pūniu Rivers are key landmarks. In the north, the Waipā joins the Waikato River at Ngāruawāhia, while in the south it connects to the Pūniu River. The Waipā River and its tributaries traverse a long-inhabited area, connecting settlements and kāinga from the foothills of Pirongia to Ōtorohanga, Te Awamutu, and Kihikihi, to Ōhaupō and Ngāroto. The Waipā was a main highway to and through the great forest Te Nehenehenui, which extended over much of inland Te Rohe Pōtai. The river is also home to the taniwha Waiwaia and Tūheitia. Meanwhile, the Pūniu River is notable as the line at which the Crown’s post-Waikato War confiscations halted. It formed part of the boundary for Te Rohe Pōtai.2

The takiwā’s maunga are likewise important physical and historical markers. Most prominent is Pirongia, or Pirongia te Aroaro o Kahurere (the scented pathway of Kahurere), a reference to the ancestress Kahurere’s travels throughout the district after voyaging from Hawaiki on the Tainui waka. Previously, the maunga was known as Puawhi.3 Pirongia has a long history of settlement, beginning with the patupaiarehe (fairy people) who inhabit the maunga’s forested slopes and from whom the Ngāti Apakura tūpuna Te Rangipōuri and Tāwhaitū descend. The ‘original peoples’ at and around Pirongia are also said to include the descendants

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1. Transcript 4.1.1, p 7 (Rovina Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
2. Transcript 4.1.6, p 393 (Rovina Maniapoto, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
3. Transcript 4.1.1, p 66 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
of Toi and others, Ngāti Hikuwai, and Ngāti Kahupungapunga (generally known as Ngāti Kahu), who once inhabited the entire rohe as far as Tongariro and Taupō. Kakepuku is another important Waipā maunga. Standing beyond Kakepuku is his wife Te Kawa, and beyond her the maunga Puketarata with whom she had an adulterous affair. Crushed by discovering his wife’s infidelity, Kakepuku decided to withdraw to Kāwhia. Te Kawa saw Kakepuku leaving and in a moment of aroha for her husband, sent him a gift – a cloud that would sit upon his head. To this day, that cloud is a sign of rain. For his part, Kakepuku let a small stream flow towards his wife; the stream is home to the red eels known as Te Tātea o te Ure o Kakepuku, known to be very sweet to eat. In more recent times, Kakepuku became a Ngāti Unu stronghold: in the words of witness Shane Te Ruki, ‘ko te pā whakawairuatia o Ngāti Unu’ (Kakepuku is the spiritual home of Ngāti Unu).

The Waipā–Pūniu takiwā has attracted many waves of settlement, both permanent and temporary. Prominent groups include Ngāti Paretekawa, Ngāti Apakura, Ngāti Hinetu, and numerous other tribes of Ngāti Maniapoto and Waikato. At hearings, Rawiri Bidois described the area as a ‘corridor’ or ‘open space’ running between Piromia and Kakepuku and providing access to Waikato in the north and to the harbours in the west. It also served as the ‘great food bowl’ for people in the immediate area. The Te Kawa swamp was described by Shane Te Ruki as ‘makuru’ (fruitful), ‘he pātaka kai’ (a storehouse of food); a land full of eels, it was ‘a treasure indeed.’ Similarly, Tom Roa described his Ngāti Apakura tūpuna harvesting freshwater crayfish, freshwater fish, and eels, and also damming the streams flowing from the lake Ngāroto so they could farm ducks and weka. The area’s bounty is reflected in place names, such as Ōtorohanga, whose literal meaning is ‘food for a journey’.

In one account, when Kahupeka and others arrived in the Ōtorohanga valley, it was ‘as if the land was welcoming them’, beckoning them to live there. Another account tells of a Ngāti Tūwharetoa tohunga who ran

4. Transcript 4.1.1, p 64 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
5. Transcript 4.1.1, p 66 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
6. Transcript 4.1.1, p 14 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010). The abundance of eels is one of the features of the territory, including at Te Kawa and the whenua known as Ouruwhero: transcript 4.1.1, p 7 (Rovina Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
7. Transcript 4.1.1, p 90 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
8. Transcript 4.1.1, p 135 (Rawiri Bidois, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
9. Transcript 4.1.1, p 91 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
10. Transcript 4.1.1, p 67 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
11. Transcript 4.1.1, p 33 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
out of food while travelling; ‘kua karakia, kua torohia e ia ngā ō ki tana karakia, ka ora mai ai’ ([he] offered up prayers and he was provided with sustenance).\textsuperscript{13} Even the German naturalist and geologist Ernst Dieffenbach, visiting in 1841, is said to have noted the Waipā’s fertility. We were told that ‘ka titiro mai te hunga rā me te miharo i tana titiro te āhuatanga o tēnei kāinga, te momona te tupu kai, te hangahanga o ngā whare’ ([Dieffenbach] looked with wonder on the kāinga, the fertility of the lands, and the fine construction of the houses).\textsuperscript{14}

The combination of ready access and bountiful resources meant Waipā–Pūniu attracted many groups who were ‘resettling for one reason or another’, perhaps because they had left settlements elsewhere or ‘had an argument with the previous tribe’.\textsuperscript{15} However, the ease of access could also make living there problematic. For example, as witness Harold Maniapoto noted, disputes over lands between the Pūniu, Mangapiko, and Mangahoe Rivers saw travelling war parties regularly use tracks connecting Ngāti Toa at Kāwhia, Ngāti Raukawa at Maungatautari, Waikato, and Maniapoto; their presence caused major disruptions for Ngāti Paretekawa.\textsuperscript{16}

A sizeable network of pā was established in the area round Kakepuku and Te Kawa. It extended through to Pirongia, north to Ngāroto and the other lakes near Ōhaupō, south to Ōtorohanga, and east to Te Awamutu. We heard evidence about several pā, including Pōtaetihi on the northern side of Kakepuku, where the ancestor Hore lived, and Mangatoatoa, a defensive pā on the Pūniu River from which the pepeha ‘ko Mangatoatoa kei waenganui’ (Mangatoatoa in the centre) is derived.\textsuperscript{17} According to Harold Maniapoto, Mangatoatoa was ‘te pā nunui mo te iwi, he pā whakarite pakanga, he pā pakanga hoki mō rātou. Ko tēnei te pā kaha o ngā pā katoa i tēnei takiwā’ (‘the great pā of the people. It was a pā where the people gathered. It was a fighting fort. Mangatoatoa was the strongest pā in the area.’)\textsuperscript{18} Meanwhile Taurangamirumiru was one of the main pā near Ngāroto and the birthplace of Reitu and Reipae, who provide key links to the iwi of Te Taitokerau. There were also three ‘floating pā’ on Ngāroto, in which about 200 people lived.\textsuperscript{19}

\textsuperscript{13} Transcript 4.1.1, p15 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\textsuperscript{14} Transcript 4.1.1, p126 (Karu Kukutai, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{15} Transcript 4.1.1, p135 (Rawiri Bidois, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1–2 March 2010).
\textsuperscript{16} Transcript 4.1.6, pp 90–91 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 9 June 2010).
\textsuperscript{17} Transcript 4.1.1, p42 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\textsuperscript{18} Transcript 4.1.1, p42 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\textsuperscript{19} Transcript 4.1.1, pp 33–34 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
1.2 Ngā Iwi me Ngā Hapū
Claimants in this takiwā affiliate to, or make claims on behalf of, the following groups:

1.2.1 Ngāti Paretekawa
The hapū takes its name from Paretekawa, the only daughter of Te Kanawa and Whaiapare. Harold Maniapoto and Rovina Maniapoto provided the following whakapapa, which shows how Te Kanawa descended from Maniapopo through Te Kawairirangi, Rungaterangi, Uruhina, and Te Kawairirangi II.  

\[
\begin{align*}
\text{Maniapopo} & = \text{Hinemānia} \\
\text{Te Kawairirangi I} & = \text{Mārei and Māroa (twins)} \\
\text{Rungaterangi} & = \text{Pare Raukawa} \\
\text{Uruhina} & = \text{Taongahuia} \\
\text{Te Kawairirangi II} & = \text{Urunumia} \\
\text{Te Kanawa} & = \text{Whaiapare} \\
\text{Paretekawa} & = \text{Te Momo o Irawaru}
\end{align*}
\]

Paretekawa married the Ngāti Raukawa chief Te Momo o Irawaru. Their oldest son was Maniapopo II, named by his parents and elders of Ngāti Te Kanawa at a great hui convened to bestow that particular name. Importantly, Maniapopo II is the tupuna of Marata who married Te Paerata, a marriage and lineage that links Ngāti Te Kohera, Ngāti Paretekawa, and Paerata and explains their later service and representation at the battle of Ōrākau.

Paretekawa’s seven children included Hore, from whom both Rewi Manga Maniapoto and Peehi Tūkorehu descend – Rewi from Hore’s marriage to Hinekai, and Peehi from Hore’s marriage to Ngungu. Huia Raureti also descends from that line, specifically from Ngungu’s previous marriage to Whati, Paretekawa’s brother.
and Hore’s uncle (Ngungu married Hore after Whati died). Winiata Tupotahi is another who descends from the same line; he was a grandson from Peehi’s marriage to his second wife Pareauahi. These chiefs were among Maniapoto’s noted combatants. Peehi Tūkorehu – closely allied with Pōtatau Te Wherowhero, with whom he fought in several (pre-Treaty) battles in the region – was part of the war-expedition Te Amiowhenua. Rewi Maniapoto, Winiata Tupotahi, Huia Raureti, and his son Te Huia Raureti all served in the Waikato War. Harold Maniapoto meticulously laid out their whakapapa to explain the links between them and why they fought at Ōrākau together.

Ngāti Paretekawa came to prominence as a hapū under the leadership of Peehi Tūkorehu (see section 2.7.1.1). An important turning point for Peehi and his people came when Ngāti Raukawa attacked Waikato-Maniapoto at Mangatoatoa. As they had done before, Waikato, Ngāti Te Kanawa, and Ngāti Paretekawa combined forces to defeat Ngāti Raukawa, whose survivors fled to Pouaiti. By this time, Peehi had grown dissatisfied with his Ngāti Raukawa elders Te Momo o Irawaru, Pikau Te Rangi, and others. His dissatisfaction turned to anger after the fighting at Mangatoatoa. In response, Peehi gave his hapū the name ‘Paretekawa’ after his Ngāti Maniapoto kuia, effectively denouncing his grandfather’s Raukawa bloodlines. In expressing his link with Paretekawa, Peehi also ensured that the mana of her father, the great chief Te Kanawa, would descend on Peehi himself. Peehi nonetheless made peace with Ngāti Raukawa, travelling with Te Wherowhero and others to Pouaiti to secure it.

During Peehi’s time, Paretekawa lived with Ngāti Apakura, Ngāti Hinetū, and ‘Waikato katoa’ in the numerous pā established in the Waipā and Te Awamutu areas, as well as at Te Kawa and Ngāroto. Armed conflict remained a feature

27. Transcript 4.1.1, pp 175–176 (Robert Te Huia, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
32. Transcript 4.1.1, pp 39–40 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010). Shane Te Ruki identified Paiaka as Peehi’s son, and Te Akanui as Peehi’s tua-kana: transcript 4.1.1, p 60 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
33. Transcript 4.1.1, p 40 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
of tribal life. In the early nineteenth century, Peehi was involved in the battle of Te Arawi, where Waikato and Maniapoto attacked Ngāti Toa at Tahāroa. When Peehi heard that Ngāti Whātua chief Apihai Te Kawau had begun the great war-expedition Te Amiowhenua to avenge the battles of Hingakākā, Peehi ceased the hostilities at Tahāroa and joined the expedition at Wharepuhunga. Throughout his time with Te Amiowhenua, Peehi's reputation grew.

The links between Waikato and Maniapoto were cemented by more than war. Peehi's two daughters (with his wife Kumeroa), Ngā Waiata and Ngā Waiora, both married Te Wherowhero. They variously lived among their kin in the Pūniu district, at Te Awamutu, Kihikihi, and pā along the Pūniu River. After Peehi's death, Pōtatau and others from Waikato remained in the area before returning home to Taupiri about 1857.

After Peehi died, his authority passed to one of his mokopuna, Tūkorehu, as well as to Manga (Rewi Maniapoto) and Tupotahi. Paiaka, Te Whakatauiiti, Raureti, and Te Waru came to the fore as rangatira after Peehi and the elders of his generation passed on. The new generation of chiefs built a whare rūnanga at Kihikihi, naming it Huiterangiora. Part of the house was for Ngāti Raukawa, part was for Waikato, and part for Ngāti Maniapoto. Pōtatau's son Tāwhiao Tūkāroto Matutaera Pōtatau Te Wherowhero lived there for a time, taking part in deliberations and hui that, by then, mainly concerned land matters and war with the Pākehā.

1.2.2 Ngāti Unu and Ngāti Kahu

The histories and identities of these two hapū are very much entwined; indeed, we were told that 'one cannot be spoken of without the other'. Geographically Ngāti Unu is located between the Waikato tribes to the north, the 'southern Maniapotos' from Ōtorohanga southwards, and the tribes of the West Coast. Their main marae is Te Kōpua, 'i runga i te papa tapu o Matakawa' (on the sacred lands of Matakawa). Their eponymous ancestor is Unu. Harold Maniapoto recited the main lines of descent, including Unu's descent from Hoturoa. He also detailed several other lines showing lateral whakapapa connections to Tūhoe and the Mataatua waka, Ngāti Mahuta at Kāwhia, and Ngāti Ngutu.

Unu's first wife was the high-born Hine Marama of Ngāti Kahupangapunga, usually referred to as Ngāti Kahu. According to Shane Te Ruki, their union gives
Ngāti Kahu and Ngāti Unu a ‘claim and a long standing in the land’. Ngāti Kahu were one of the several original peoples of the Waipā, well-established in the district before the Tainui landed. Their settlement once extended as far as Taupō and Tongariro, but their fires burned strongest (and longest) at Kakepuku and Pirongia. According to Mr Te Ruki, their hold in the area is expressed in the saying ‘Ko ngā hūhā o Kahurere’ (the thighs of Kahurere) – a reference to Kakepuku, ‘te rerenga o Kahurere’, who looks toward Pirongia, ‘te aroaro o Kahurere’. Mr Te Ruki also remarked that Ngāti Unu carry the name of Ngāti Kahu even though their Ngāti Kahu whakapapa and their historical accounts are ‘all but shadows’. Ngāti Kahu has long since been ‘enveloped within the fold of Ngāti Unu’ through ‘assimilation’ and intermarriage. The many marae on Kakepuku which once belonged to Ngāti Kahu are now kāinga of Ngāti Unu, and the area from Kakepuku to Pirongia is named ‘Ngā Takahanga o Motai’ (the tramping grounds of Motai).

Mr Te Ruki acknowledged that Ngāti Ngāwaero had ‘mana whenua’ over some land in Ngāti Unu territory. Ngāwaero was the sister of Te Kawau who descended

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40. Transcript 4.1.1, p 66 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
41. Transcript 4.1.1, pp 63–64 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
42. Transcript 4.1.1, p 66 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
43. Transcript 4.1.1, p 66 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
44. Transcript 4.1.1, p 64 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
45. Transcript 4.1.1, p 70 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
from Unu and Hine Marama’s second child, Tamaurangi. The hapū that carries her name came into being in specific circumstances connected to Te Kanawa who once visited Kakepuku, arriving unannounced with a ‘small ope’ of his people. Tarahitaua, the youngest of Unu and Hine Marama’s children, asked Te Kanawa what he was doing there. Te Kanawa took offence and killed Tarahitaua in the ensuing altercation. Te Kanawa was now in a difficult position, responsible for killing Unu’s son and – being on Kakepuku – surrounded by his people, Ngāti Unu and Ngāti Kahu. However, he and his men had captured Tarahitaua’s son, Te Ika Akiaapu, and used him as ransom so they could safely leave the mountain. During the negotiations to address Te Kanawa’s crime, Ngāwaero was married to his teina, Ingoa. That section of the people later became Ngāti Ngāwaero. As Mr Te Ruki pointed out, they have their mana, as does Ngāti Unu and Ngāti Kahu.

Other tribes lived among Ngāti Unu at various times. For example, Ngāti Te Wehiwehi, Ngāti Te Kauwhata, and Ngāti Matakore variously had kāinga at Ōngarue. Ngāti Ngutu had a kāinga at Kōhatutapu – a place that sometimes has an appearance of a stone or a slip, which heralds either the passing or the birth of a chief. Similarly, Harold Maniapoto noted that at one time Terai – a child of Te Peehi Tūkorehu – took Te Warahoe hapū to Kakepuku, where they lived at a place called Te Iakau at the base of the mountain. They also lived at other pā, including Whareraurekau, Hareawatea, and Mangatoaotoa, travelling and battling with Ngāti Paretekawa and others. Te Warahoe lived in the area for about three generations, returning to their homes after the battle of Ōrākau. While acknowledging that different tribal groups were living among Ngāti Unu at different times in history, Shane Te Ruki made it clear that it is Ngāti Unu and Ngāti Kahu who have maintained a constant presence in the area.

Te Kawa swamp has a special significance for Ngāti Unu. It was once central to the domain of Unu’s father, Motaiweherua and his people Ngāti Motai, who preceeded Ngāti Unu. In his time, Motaiweherua ‘held sway over the land in all points from Kakepuku to Pirongia and the surrounds . . . especially . . . the great Te Kawa swamp’. However, Mr Te Ruki acknowledged there were others in the area too. In

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46. Unu and Hine Marama had four children: Uetapu, Tamaurangi (also known as Mahaurangi), Hekemai, and Tarahitaua. Tamaurangi had Upokotaua who had Tukakewai, Whaiini, and Kuo. Kuo begat Hie, Hie begat Te Kāwau whose sister was Ngāwaero: transcript 4.1.1, pp 62–63, 72 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010). It is not clear from this evidence that Hie was the parent of both Te Kāwau and Ngāwaero. According to George Searancke, Kuo/ Kuo begat Tuhinui; and Tuhinui begat Tuwhakamene, the mother of Ngāwaero and Te Kawao: transcript 4.1.1, p 113 (George Searancke, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
47. Transcript 4.1.1, pp 72–73 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
48. Transcript 4.1.1, p 89 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
49. Transcript 4.1.1, pp 95–96 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
50. Transcript 4.1.1, p 89 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
51. Transcript 4.1.1, p 67 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010). Mr Te Ruki noted that Motaiweherua is not to be confused with Motaitangatarau.
particular, other tribes would come during the time of the tuna (eel) heke, which occurs when Kakepuku’s pōtae or kākahu – that is, the mist – ‘slips off his taumata and then envelops his bride Te Kawa’.\(^{52}\) Ngāti Motai exercised their authority over Te Kawa during the tuna heke by organising the many arrivals from elsewhere. Under their chief Motaiweherua, they would assign homes and eeling places along the swamps, making sure that these camps had all the provisions they needed.

The transition from Ngāti Motai to Ngāti Unu is linked to Makino, a woman who came to Te Kawa one season to eel. Makino was from Matawhaurua at Rotoiti and arrived with a ‘hokowhitu’, an ope 140-strong.\(^{53}\) Motai arranged a large site in the heart of the swamp for Makino and her people. But Makino was dissatisfied. She had her sights set on Kakepuku, which was Motai’s place and a ‘no-go’ zone where others were concerned. Undeterred, Makino left for Kakepuku; her people followed and ‘laid out feathers along the common pathways in Te Kawa swamp as a warning to all not to transgress her mana . . . she was now taking hold of Kakepuku’. At a place called Rarikititere (also known as Arikiturere) on the north-western slopes of Kakepuku, she built herself a house called Te Tini o Ohitu. Makino declared it tapu and prohibited all men from entering the whare.

Infuriated, Motai and his party – which included Unu – set off to lift the tapu and found Makino sitting outside her whare making a dog-skin cloak. But it was a trap; the cloak was the last thing Motai saw before Makino’s ‘guardsmen’ ended his life. Makino emerged the victor and many Ngāti Motai perished; others were enslaved or escaped, including Unu.\(^{54}\) He returned some years later and took back ‘the lands of his father’. It was around that time and under Unu’s leadership that Ngāti Motai became Ngāti Unu. Somewhat unusually, both Ngāti Motai and Ngāti Unu bore those names during the period that their respective namesake was alive.

According to Mr Te Ruki, Ngāti Unu was skilled at fighting and also witchcraft.\(^{55}\) Their military prowess was acknowledged by other tribes who named Hikurangi (the summit of Kakepuku) ‘Hikurangi Pā Tirohia’, indicating it ‘can only be looked at’ and ‘was never taken in battle’.\(^{56}\) He further explained that Ngāti Unu were mercenaries who sold their military services to ariki in the district. If allied hapū and iwi wanted to go to battle, Ngāti Unu and Ngāti Kahu would support them. They therefore engaged in many of the battles described by witnesses in the Kōrero Tuku Iho hui, often acting on their ‘special association’ with Paretekawa.\(^{57}\) Indeed, Harold Maniapoto noted that ‘ko rātou ko Ngāti Unu, ko Ngāti Ngāwaero

\(^{52}\) Transcript 4.1.1, p 67 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).

\(^{53}\) Transcript 4.1.1, p 68 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).

\(^{54}\) Transcript 4.1.1, pp 68–69 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).

\(^{55}\) Transcript 4.1.1, p 70 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).

\(^{56}\) Transcript 4.1.1, p 88 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).

\(^{57}\) Transcript 4.1.1, p 70 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
ngā tino toa ki waenganui i a mātou’ (Ngāti Unu and Ngāti Ngāwaero were the real warriors among Ngāti Paretekawa).\textsuperscript{58} According to Shane Te Ruki, Ngāti Unu also responded when Tāwhiao called upon Ngāti Maniapoto to go to war, even though they considered themselves to be ‘he iwi kē’, an iwi distinct from Ngāti Maniapoto.\textsuperscript{59} During the early years of the Kingitanga, people said of Ngāti Unu ‘he pakanga te kai, he toto te kamenga’ (their food was battle and blood was their sustenance).\textsuperscript{60}

During the middle of the nineteenth century, Ngāti Unu became wealthy by participating in local industries such as wheat and flour production. For several decades, ‘life was good’. But like others ‘from one end of Tainui to the other’, Ngāti Unu – who were among those who fought with Rewi at Ōrākau – was ‘severely affected’ by the wars of the 1860s. For example, Mr Te Ruki told the Tribunal about a place called Mate Wahine, – a rock within a creek on ‘the flanks’ of Kakepuku. Traditionally, women revitalised themselves there when menstruating. But it became more widely used after imperial troops invaded the Waikato, especially when Waikato peoples left their homes as a result of the war and headed to the Kakepuku-Pirongia precinct. Then, Mr Te Ruki said, women used it to heal and cleanse themselves after soldiers had abused them.\textsuperscript{61} Another impact of the wars on Ngāti Unu was that they effectively became \textit{persona non grata} after raising arms against the Crown. According to Mr Te Ruki, they were passed over by numerous government agencies, notably the Native Land Court. He commented that neighbouring hapū less active in the 1860s wars seemed to have fared much better before the court than Ngāti Unu and received land interests that rightfully belonged to Ngāti Unu.\textsuperscript{62}

Kakepuku, Ngāti Unu’s stronghold, is at the forefront of contemporary claims and grievances. Shane Te Ruki said that while the maunga has been in Ngāti Unu’s care from time immemorial, albeit ‘shared with others’, ownership of Kakepuku has now ‘gone into the hands of others’.\textsuperscript{63} Wayne Waitiahoaho Te Ruki spoke about growing up around Kakepuku, with the marae located next to the maunga, Pirongia in the distance, and the Waipā River running nearby.\textsuperscript{64} His mother grew up on Kakepuku, his grandmother lived on the other side of it, and whānau members are buried ‘up there on the maunga’: that is why, he emphasised, ‘you can

\begin{itemize}
\item \textsuperscript{58} Transcript 4.1.1, p 97 (Harold Maniapoto, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\item \textsuperscript{59} Transcript 4.1.1, pp 86–87 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\item \textsuperscript{60} Transcript 4.1.1, p 86 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\item \textsuperscript{61} Transcript 4.1.1, pp 71–72 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\item \textsuperscript{62} Transcript 4.1.1, pp 87–88 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\item \textsuperscript{63} Transcript 4.1.1, pp 70, 88 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\item \textsuperscript{64} Transcript 4.1.1, pp 78–81 (Wayne Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\end{itemize}
take us away from the mountain but you can't take the mountain away from us. He also recalled several important sites on the maunga such as Arikiturere, where Makino built her whare generations earlier, and 'the Waiwhakata', a kind of bowl that collects drinking water, probably from a spring that feeds it. According to Shane Te Ruki, the Waiwhakata once belonged to the patupaiarehe until it was made into an altar for Ngāti Kahu and Ngāti Unu. 

Alongside the other tribes in the area, Ngāti Unu expressed deep concern for the environmental degradation of the Waipā River, its tributaries, and once extensive swamplands. Shane Te Ruki said his great grandparents’ generation could take a ‘kāheru’ (spade) into the swamp and dig out a plug of earth, causing the eels to race up to the hole created. They were so plentiful that one place was called ‘Tuna waia’ because people had to compete with the eels to get a drink of water. He said such abundance has been lost due to a mix of pollution and the reassignment of land for other uses, such as farming.

1.2.3 Ngāti Ngutu

Throughout the Kōrero Tuku Iho hui, several kaikōrero acknowledged Ngāti Ngutu, named for eponymous ancestor Ngutu. Both Rovina Maniapoto and John Kaati identified them as one of the Maniapoto hapū with homes in the Kāwhia area, specifically at Rākaunui. Shane Te Ruki said Ngāti Ngutu were related to Ngāti Unu through descent from Hekemai, the third of Unu and Hine Marama’s four children. At one time they had a home at Kōhatutapu, on the southern slopes of Kakepuku.

At Te Kūiti, witness George Nelson told the Tribunal about Ngutu’s father, Whaitā, who fought at Kihikihi, Pikitū, Tokoroa, and Atiamuri where he built the marae Ōngāroto. He is remembered in pou in several marae across the Tainui region, including Maketū. Whaitā lived at Whakapirimata, a marae at the junction of the Pūniu and Waipā Rivers. Ngutu himself lived with Ngāti Paretekawa at Ōtāwhao, west of Te Awamutu, around the same time that Ngāti Hikairo, Ngāti

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66. Transcript 4.1.1, p 80 (Wayne Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
67. Transcript 4.1.1, pp 88–89 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
68. Transcript 4.1.1, pp 91–92 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
70. Transcript 4.1.1, p 62 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
71. Transcript 4.1.1, p 89 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
72. Transcript 4.1.6, p 290 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
Puhiawe, and Ngāti Apakura lived at Ngāroto. Ngāti Ngutu’s interests are spread about Te Māwhai, Te Köpua, Kakepuku, and Hamilton.\textsuperscript{73}

1.2.4 Ngāti Wharekōkōwai

Ngāti Wharekōkōwai are closely related to Rereahu.\textsuperscript{74} Claimants said that the tupuna Wharekōkōwai lived by the Waipā River at a place called Whakaarorangi, below where Te Kotahitanga now stands.\textsuperscript{75} Otewa Pā is a Wharekōkōwai marae.\textsuperscript{76}

According to witness Robson Chamberlin, once Ngāti Wharekōkōwai lands at Ōtorohanga were divided up and alienated, ‘[t]here was no viable existence there any longer’ – although he recalls Te Tutu Taiheke, a tupuna of Wharekōkōwai, maintaining ahī kā (home fires) in Ōtorohanga.\textsuperscript{77} Consequently, as Mr Chamberlin grew up, Te Wharekōkōwai was merely a name in his whakapapa and he did not know for a long time that Ngāti Wharekōkōwai was an iwi.\textsuperscript{78} His son, Pani Pāora-Chamberlin, also gave evidence in which he identified Wharekōkōwai as a distinct tribal grouping descended from Wharekōkōwai and Rangimakiri.\textsuperscript{79}

1.2.5 Ngāti Ngāwaero

At the Tribunal’s hearings at Te Kotahitanga Marae, George Searancke, Karu Kukutai, and Rawiri Bidois all presented kōrero tuku iho about Ngāti Ngāwaero.\textsuperscript{80} While at least four tūpuna whaea carried the name Ngāwaero, the hapū’s eponymous ancestor is Ngāwaero, sister of Te Kawao, who married Ingoa, brother of Te Kanawa.\textsuperscript{81} Ngāwaero and Te Kawao’s mother was Tuwhakamene, born on Kakepuku and baptised at the Waiwhakata about which Ngāti Unu also spoke. Tuwhakamene was known for extracting oil from titoki and hīnau berries to make ‘ointments’ for women, particularly her daughter.\textsuperscript{82} For her part, Ngāwaero had a reputation as a vigorous and knowledgeable woman, an expert at bringing people together on shared projects and negotiating with other hapū and iwi. Her

\textsuperscript{73} Transcript 4.1.6, p 291 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{74} Transcript 4.1.6, pp 306–307 (Robson Chamberlin, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{75} Transcript 4.1.6, pp 350–351 (Destry Murphy, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{76} Transcript 4.1.6, pp 350–351 (Destry Murphy, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{77} Transcript 4.1.6, p 306 (Robson Chamberlin, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010). p 306.
\textsuperscript{78} Transcript 4.1.6, pp 306–307 (Robson Chamberlin, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{79} Transcript 4.1.1, pp 85–86 (Pani Chamberlin, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\textsuperscript{80} Transcript 4.1.1, pp 112–121, 122–129, 130–137 (George Searancke, Karu Kukutai, Rawiri Bidois, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{81} Transcript 4.1.1, pp 133–137 (Rawiri Bidois, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{82} Transcript 4.1.1, p 113 (George Searancke, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
husband, Ingoa, was also an active leader of Ngāti Ngāwaero and known for ‘stewing’ before exploding in anger.\textsuperscript{83}

The Ngāti Ngāwaero stronghold was on the Waipā River, where they still have some land and at least one pā tuna. Other lands (the subject of their present claims) were at Takotokoraha, Tokanui, Te Kōpua, Whakahairoiro, Ouruwhero, Kakepuku, and Maungaeka.\textsuperscript{84} Karu Kukutai listed some of the Ngāti Ngāwaero settlements for the Tribunal, including Titahi where they had gardens, Te Aute, Taheke, and Ngaokowhia. Ramarama was established when the missionaries arrived. Mangarewarewa was established with other hapū, and all the hapū of Kakepuku and Waipā were involved with a mill there. Ngāti Ngāwaero were also prominent at Nohoteawhia, although other hapū settled there too. Te Whare o Mohi was a marae of Ngāti Ngāwaero, and they would harvest eels there to take to Kingitanga meetings at Whatiwhatihoe.\textsuperscript{85}

\textbf{1.2.6 Ngāti Apakura}

Ngāti Apakura are often regarded as a hapū of Ngāti Maniapoto. However, as Tom Roa put it, ‘he mana anō nō te hapū nei o Apakura’: Ngāti Apakura have their ‘own individual mana’.\textsuperscript{86} We were also told of the ‘dynamic and fluid nature’ of Ngāti Apakura identity. At times, they have been a ‘strong and vibrant iwi’ with up to 17 constituent hapū, whereas at other times, they have been considered a hapū of other groups.\textsuperscript{87}

Jenny Charman said Ngāti Apakura arrived before \textit{Tainui} waka,\textsuperscript{88} while Te Ra Wright described the tupuna Apakura as an ancestor of Maniapoto and a pacifist.\textsuperscript{89} The various kōrero presented about Ngāti Apakura centred on the British troops attacking them at Rangiaowhia in 1864 and forcing them off their land. During the fighting some Ngāti Apakura were burnt to death; others fled.\textsuperscript{90} Many took refuge among Ngāti Hikairo, among Ngāti Maniapoto near Kahotea, and with Ngāti Tūwharetoa at Tokaanu.\textsuperscript{91}

According to witness testimony, Ngāti Apakura’s experience of marginalisation, land confiscation, and non-recognition by the Crown in the nineteenth and

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\textsuperscript{83} Transcript 4.1.1, pp 124, 126 (Karu Kukutai, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{84} Transcript 4.1.1, p 136 (Rawiri Bidois, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{85} Transcript 4.1.1, p 125 (Karu Kukutai, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 2 March 2010).
\textsuperscript{86} Transcript 4.1.6, p 242 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{87} Document 497, p 89.
\textsuperscript{88} Transcript 4.1.4, pp 193–194 (Jenny Charman, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 27 April 2010).
\textsuperscript{89} Transcript 4.1.6, p 375 (Te Ra Wright, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{90} Transcript 4.1.1, pp 25–26 (Manga Ormsby, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
\textsuperscript{91} Transcript 4.1.6, p 241 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
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twentieth centuries had been foretold generations earlier. Jenny Charman told the Tribunal how Ngāti Apakura once stood below the maunga Tongariro, Ngauruhoe, and Ruapehu and sought direction from their tupuna. In response, Ngāti Apakura received three signs – lava, depicting the forthcoming wars; black smoke, signifying anger at the loss of the Ngāti Apakura people; and steam, representing the tears shed for the loss of whenua.

Tom Roa acknowledged that, since all Ngāti Maniapoto descend from Apakura, the pain of their eviction from Rangiaowhia is felt throughout the iwi. The well-known waiata E Pā tō Hau reflects the losses Ngāti Apakura suffered, with references to ‘te raruraru ki runga i a Ngāti Apakura’ (the calamity that came upon them). According to Manga Ormsby, the kuia Te Rangiāmoa composed E Pā tō Hau as a lament for the people who had been evicted from their homes and made to live in poverty, and she can be heard crying in that song: ‘He ua te ua e, tāheke ko wai i runga rā, ko au ki raro nei ai e, e ua i ako kamo, moe mai e . . . ’ (rain, oh rain, you above and I below, and tears fall as rain from my eyes).

Ngāti Apakura were among several hapū with settlements around Ngāroto. Their interests extended from Hamilton (in the vicinity of the hospital) to Ōhaupō, and encompassed Rukuhia and Ngāroto. Their settlements included Rangiaowhia and the floating pā Taurangamirumiru. Ngāti Apakura’s Rangiātea Pā is in Mangarongo. The tupuna Whatihua lived on the opposite hill, and Matakore had a pā in the neighbourhood.

For Ngāti Apakura, mana of the land is said to descend through women. We were told that the tupuna Hikairo, while travelling once in the Pirongia district, encountered a war party intent on finding and killing the Ngāti Apakura kuia, Te Ngaha. They wanted to acquire her mana over the land. As Hikairo spoke to the party, he noticed a weapon dangling from a tree above him. He also knew that the kuia was in the tree and said to the war party ‘Te raruraru ia, te kuia taku hungawai i a koutou, ko koutou te utu’ (if this kuia is troubled by you I will come after you). The party departed and Te Ngaha asked Hikairo to kill her. She instructed him to burn her body and disperse her ashes in the land, so anything that grew would be eaten by Te Ngaha’s descendants and they would have her mana. We note the Ngāti Hikairo version of this narrative differs in several aspects.

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93. Transcript 4.1.1, p 31 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
94. Transcript 4.1.1, p 34 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
95. Transcript 4.1.1, p 26 (Manga Ormsby, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
96. Transcript 4.1.1, p 33 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
97. Transcript 4.1.1, p 23 (Jenny Charman, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
98. Transcript 4.1.1, pp 32–33 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
Ngāti Apakura were among the forces present at Hingakākā, the great battle at Te Mango near Ōhaupō; it took its name from the chiefly cloaks (kākā) of the many slain. At Hingakākā, a combined force of Waikato and Maniapoto warriors soundly defeated Ngāti Toa, their victory establishing the binding political ties of Waikato and Maniapoto. One of the principal leaders in battle was Te Rauangaanga, teina of the Ngāti Apakura chief Tiriwa. When the battlefield was cleared, and the enemy's weapons and clothing gathered, so much of it was red that he named his son Te Wherowhero – subsequently the first Māori King.

After leaving Rangiaowhia in 1864, the Crown's actions meant Ngāti Apakura had no choice but to accept the support of iwi including Ngāti Maniapoto, Ngāti Hikairo, and Ngāti Mahuta. In the words of Tom Roa, the strong and longstanding kinship ties between these groups make it difficult 'to separate and individualise' them in definite ways. However, we also received evidence that some Ngāti Apakura descendants have always considered themselves as having a separate identity.

Among other marae, Ngāti Apakura belong to Kahotea, Tane Hopuwai, Waipātoto, and Rotowhiro – all marae that have held poukai at some time. Te Ra Wright said that Ngāti Apakura’s land at Tane Hopuwai was gifted by a Maniapoto rangatira; the name Tane Hopuwai refers to the valley flooding in heavy rain. Today Ngāti Apakura have two marae at Tane Hopuwai.

We were also told of several sites of particular significance to the hapū. Hautapu, for example, is a large and important rock; Te Kauri and Mokorua are to its side and in the distance are hills once occupied by Te Karere. Te Awaroa is at the base of this rock, Te Hautapu. Another rock sacred to Ngāti Apakura is Whenuapō. This high rock was a stronghold and safe haven for Ngāti Toa during times of war. Water runs out the top, while inside are caves. Many bodies are buried around Whenuapō.

We heard that when Ngāti Apakura still had much of their lands, the forests and streams teemed with food. People hunted for kai such as pigs and caught

99. Transcript 4.1.6, pp 242–243 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
100. Transcript 4.1.1, p 32 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
101. Transcript 4.1.1, p 32 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
102. Transcript 4.1.6, pp 242 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
103. Document A97, p 236.
104. Transcript 4.1.1, p 35 (Koro Wetere, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010). A comprehensive list of Ngāti Apakura affiliations to Te Rohe Pōtae marae is provided in their report 'Ngāti Apakura te Iwi Ngāti Apakura Mana Motuhake’ (doc A97).
105. Transcript 4.1.6, p 374 (Te Ra Wright, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
eels by stunning them. They travelled along the mountain ranges Wairaka and Wharepapa to find food, then down to Waipapa and Whakamaru, and onward to Hurakia. The large lake Ngāroto also helped to feed Ngāti Apakura, alongside other iwi in the district.

Other significant Ngāti Apakura sites include mahinga kai (many in or near streams and rivers), urupā at the confluence of the Moakurara and Ngākohia Streams and, in the same general locality, a pā tuna reached by travelling up-river from Whatiwhatihoe. It became visible following a severe drought around 2006, when the Waipā River dropped low enough to expose its timber structures. Other pā tuna have been identified but no longer exist – one in the Mangawhero Stream, at the base of Kakepuku, and another further upstream near the Ouruwhero wetlands.

1.2.7 Ngāti Parewaeono

Ngāti Parewaeono is a hapū of Ngāti Maniapoto. Te Keeti in Ōtorohanga is their marae. Claimant Kaawhia Muraahi supplied the following whakapapa for the period leading up to the birth of the eponymous ancestor.

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Maniapoto
   Te Kawairirangi (Mōkau ki Runga)
      Rungaterangi (Tāmaki ki Raro)

Maniapetini Wattu
   Uruhina
      Taitengahue
         Te Kawairirangi II

Maniauruahu
  Parewaeono = Te Kōrae
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Parewaeono’s spouse Te Kōrae was the younger brother of Te Kanawa. As the latter was so well-known among Ngāti Maniapoto at the time, the marriage furthered Parewaeono’s rank.

According to Kaawhia Muraahi, Ngāti Parewaeono has a special relationship with the Waipā River. The river flows past where Parewaeono was buried and a

108. Transcript 4.1.1, p 26 (Manga Ormsby, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
109. Transcript 4.1.1, p 33 (Tom Roa, Ngā Kōrero Tuku Iho hui, Te Kotahitanga Marae, 1 March 2010).
110. Transcript 4.1.6, pp 45–46 (George Searancke, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 9 June 2010).
111. Transcript 4.1.6, p 46 (George Searancke, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 9 June 2010).
112. Transcript 4.1.6, pp 213–214 (Kaawhia Muraahi, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010); doc G32 (Te Muraahi), p 6.
113. Transcript 4.1.6, p 216 (Kaawhia Muraahi, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010); doc G32, p 6.
marae now stands there.\textsuperscript{114} Witness Henry Clark also emphasised this relationship with a kōrero about a taniwha named Te Kōrae that lived in a lagoon beside a marae. Whenever the lagoon flooded, Te Kōrae travelled up and down the river. Te Kōrae disappeared when a water treatment plant was built by the lagoon.\textsuperscript{115} In the same area lived a barking eel; when it barked, something terrible would happen. In approximately 2005, one of Henry Clark’s grandchildren heard the eel bark. One month later, Ōtorohanga was hit by the biggest flood in living memory.\textsuperscript{116}

1.2.8 Ngāti Hikairo

Ngāti Hikairo ki Kāwhia is an independent iwi of Tainui origin based in Kāwhia, Ōpārau, and Waipā.\textsuperscript{117} A key ancestor is Rakataura III (Rakataura-a-Tokohei), a direct descendant of Rakataura II (Rakamaomao), and in turn Rakataura I, the son of Whakatau.\textsuperscript{118} In the words of claimant Frank Thorne, Ngāti Hikairo’s rohe spreads inland from Kāwhia to Pirongia, to Harapepe, to Manga-ō-Tama, north of Te Rore, then out to Rukuhia and Ōhaupō, then south to the Mangapōuri Swamp, to the Mangapōuri Stream confluence with the Waipā. It then crosses the Waipā to Whatiwhatihoe, and then south along the western bank of the Waipā to Te Arataura. It then ascends the eastern slopes of Pirongia to Tiwarawara, and then to the peak, Te Ake-ā-Hikapiro. The rohe then turns south to Ngāhīwitūrua and further south to Tirohanga Kāwhia. It then descends the spur southwest, all the way to the west of Waiinumia, and then south to the mouth [of the] Te Kauri Stream. From there it enters Kāwhia Harbour and from Tiritirimatangi, stretches out to Tānewhango. It then moves north, connecting to the shore at Paringātai. From there it heads westward to Te Puia on the coast, and then out to the Tasman Sea.\textsuperscript{119}

While strongly associated with Kāwhia Moana, Ngāti Hikairo claimants describe having wider interests beyond that area – including lands, waterways, and wāhi tapu in the Waipā–Pūniu takiwā.\textsuperscript{120} Within this takiwā, Ngāti Hikairo say the Waipā River – their ‘awa tupuna, ara matua, awa huhua noa\textsuperscript{121} – and other water

\textsuperscript{114} Transcript 4.1.6, p 214 (Kaawhia Muraahi, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{115} Transcript 4.1.6, p 215 (Henry Clark, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{116} Transcript 4.1.6, p 215 (Henry Clark, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010). It is not clear if this barking eel is the same as the barking eel known to Ngāti Te Kiriwhai and discussed below.
\textsuperscript{117} Document A98, pt 1, p 30. The claimants acknowledge other groups around the country also known as Ngāti Hikairo: Ngāti Hikairo ki Kaikohe (Ngā Puhi), Ngāti Hikairo ki Hauraki (Ngāti Maru), Ngāti Hikairo ki Rotorua (Ngāti Rangiwewehi), Ngāti Hikairo ki Rotoaira (Ngāti Tūwharetoa), and Ngāti Hikairo ki Te Mahia (Rongomaiwahine).
\textsuperscript{118} Submission 3.4.226, p 5.
\textsuperscript{119} Document A98, pt 1, p 24.
\textsuperscript{120} Document A98, pt 1, p 11.
\textsuperscript{121} Document N51, p 15.
bodies are of particular significance to their history and identity.\textsuperscript{122} Claimants told us about Ngāti Hikairo traditions and kōrero relating to Lake Ngāroto and its various taniwha and taonga, and also Lake Mangakaware. Frank Thorne referred to enduring stories about the battle of Hingakākā, at Te Mangeo at Ngāroto, ‘where the ancestral lake became the scene of a great bloodbath’.\textsuperscript{123} Ngāti Hikairo note that, at the battle of Hingakākā, Tiriwā was rangatira of Ngāti Hikairo. Although he was descended from Ngāti Apakura, at the time of the battle he was there as a Ngāti Hikairo rangatira as he was aligned to his cousin Hikairo, who had separated from Ngāti Apakura.

Mr Thorne described the late eighteenth-century struggle between Ngāti Hikairo and Ngāti Paretekawa over the pā tuna at Whatiwhatihoe, while a dispute over another pā tuna (at Tautepō on the Manga-o-Tama) resulted in a ‘battle of canoes’. According to Mr Thorne, the ‘thousands who lived at Whatiwhatihoe were fed by the extensive gardens on the banks of the Mangauika and Waipā, but also with the piharau, and tuna, and kakahi caught in huge numbers in the pā tuna on the Mangauika and Waipā’.\textsuperscript{124}

Mātakitaki is another Waipā–Pūniu site significant to Ngāti Hikairo, who describe it as their former base and a place where fires were lit to ‘keep an eye on the activities of the patupaiarehe on Pirongia’. Further significant sites include Kioreni (now known as Pirongia township), Mangauika Awa, and Pirongia Maunga. Ngāti Hikairo described Pirongia to the Tribunal as their ‘maunga tapu, maunga huahua, maunga patupaiarehe’.\textsuperscript{125} Ngāti Hikairo identify principal marae within Waipā–Pūniu as Pūrekireki (located on the edge of the former settlement of Whatiwhatihoe, just south of Pirongia), Te Haona Kaha (a marae reservation in Pirongia township), and Kaiewe on the western slopes of Pirongia Maunga.\textsuperscript{126} Te Rohe Pōtae was a rohe where the Kīngitanga and refugees took refuge amidst tangata whenua iwi. In 1883–86 and 1887–89, five iwi were recognised as the iwi to be engaged, partnered with, and encountered for the agreement, negotiation for the eventual surveying, and opening up of Te Rohe Pōtae. Ngāti Hikairo ki Kawhia are one of the five iwi that participated fully as an iwi in Te Ōhāki Tapū and Te Pitihana.

\textsuperscript{122} Document N51, p8.
\textsuperscript{123} Document N51, p9.
\textsuperscript{124} Document N51, p9.
\textsuperscript{125} Document N51, pp12, 14, 21–28; see also amended SOC 1.2.99, p100.
1.3 Waipā–Pūniu: ngā Kerēme

Claim title
Ngāti Māhana Claim (Wai 255)

Named claimant
Gloria Koia

Lodged on behalf of
Herself and Ngāti Māhana. Ngāti Māhana are a hapū of Raukawa and part of Ngāti Ahuru.

Takiwā
Waipā–Pūniu. The claim describes Ngāti Mahana as ‘a people of Te Kaokaoroa o Patetere in the Waikato/Kaimai region’. They say their principal marae is at Whakaaratamaiti and they also have rights at Ngātira and Mangakaretu Marae. The main focus of Ngāti Māhana land interests, according to the claim, is in the ‘Waikato Raukawa’ inquiry district, but they also have interests in the Te Rohe Pōtae, Tauranga Moana, and Central North Island inquiry districts. In Te Rohe Pōtae, they identify particular customary use rights in the Wharepuhunga block where it borders the Waikato River. This claim relates to lands in the South Waikato area including Whaiti Kuranui, Whakaratamaiti, Tokoroa, Mangakaretu, Mangapouri, Mangarautawhiri, and Maungatapu.

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 255 claim (1989) concerns Ngāti Māhana and their deprivation of rights in their lands in the South Waikato area. In 2008, counsel for claimants lodged an amended statement of claim which expands on their initial allegations and alleged Treaty breaches by the Crown. It alleges that the interests of Ngāti Māhana have been adversely affected by Crown policies and practices, specifically

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127. No claimants were named in the original claim (1998). A 2005 memorandum stated that the original claimants were Lucy Reuben (deceased) and Harry Martin (deceased) and requested that Gloria Koia replace these claimants: memo 1.1.8(a).
128. Claim 1.1.8(a).
129. Claim 1.1.8(c), pp 2–3.
130. Claim 1.1.8(c), p.1.
131. Claim 1.1.8, p.3.
132. Claim 1.1.8.
133. Submission 3.4.158, p 4.
134. Claim 1.1.8.
in relation to military activity; political engagement including Te Ōhākī Tapu; land alienation and the operation of the Native Land Court; Crown purchasing policies and practices; local government and rates; survey liens; native townships; public works and other compulsory land takings; consolidation, development schemes, and other land administration issues; Crown forestry policies; Crown policies relating to rivers, waterways, and environmental management; and socio-economic issues.\(^{135}\)

The final amended statement of claim represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\(^{136}\) The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district’.\(^{137}\) The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\(^{138}\)

\(^{135}\) Claim 1.1.8(c), pp 3–4.

\(^{136}\) Submission 3.4.158, p 4.

\(^{137}\) Submission 3.4.158, p 5.

\(^{138}\) Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Te Rohe Pōtae Lands and Resources Claim (Wai 389)

Named claimants
Hori J Deane, Haki D Thompson, Henare J Macown, and Daniel Thompson (1993)\(^{139}\)

Lodged on behalf of
The iwi and uri of Raukawa\(^{140}\)

Takiwā
Waipā–Pūniu. The claim is for all land in Te Rohe Pōtae ‘currently held in Crown title’\(^{141}\)

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\(^{142}\)

Summary of claim
The original Wai 389 claim (1993) alleges that the Crown breached the articles of the Treaty in its dealings to acquire Māori lands within Te Rohe Pōtae and also by breaching agreements and considerations contained within Te Ōhākī Tapu.\(^{143}\)

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\(^{144}\) The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled.’ Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this

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139. Claim 1.1.10, p [1].
140. Claim 1.1.10, p [1].
141. Claim 1.1.10, p [1].
142. Submission 3.4.158, p 4.
143. Claim 1.1.10, p [1].
144. Submission 3.4.158, p 4.

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inquiry district.”145 The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.146

145. Submission 3.4.158, p 5.
146. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Tokanui Land claim (Wai 440)

Named claimants
Robert Taohua Te Huia, Robert Mihi Elliot, Harold Te Pikikotuku Maniapoto, Jocelyn Rangimamame Johnson (nee Muraahi), Walter Wayne Winiata Taitoko, Tiriti-o-Waitangi Emery (nee Maraku) (1994), Glen Muraahi, John Farrah, and Pania Roa (2007)\textsuperscript{147}

Lodged on behalf of
Ngāti Paretekawa, Ngāti Paea, Ngāti Maniapoto/Raukawa affiliation, and Tainui.

Takiwā
Waipā–Pūniu. This claim relates to lands ‘that housed Mangatoatoa including Tokanui, Pōkuru, and Puniu.’\textsuperscript{148}

Other claims in the same claim group
Not applicable. Opening submissions were submitted with Wai 551 and Wai 846.\textsuperscript{149}

Summary of claim
This claim concerns the Crown’s actions in taking the Tokanui and Pokuru land blocks, and the alleged erosion of tribal mana and tino rangatiratanga that resulted.\textsuperscript{150} In closing submissions, counsel stated that the lands were taken through public works for the Tokanui Mental Hospital and Waikeria Prison, and were ‘amongst the largest, if not the largest, public works taking nationally.’ The claimants further argue that these takings were not covered sufficiently in the generic submissions.\textsuperscript{151}

Counsel submit that the Crown’s actions, policies, and practices ‘attacked the autonomy’ of tangata whenua, and ‘sought to punish Ngāti Paretekawa and Ngāti Paea in their efforts to assert their mana and rangatiratanga.’\textsuperscript{152} They also submit that the Crown breached the Treaty in relation to the Kingitanga; war and raupatū; the aukati line; the Aotea/Maniapoto Compact; the North Island Main Trunk Railway; the Native Land Court and native land legislation; survey liens; public works and compulsory acquisition; the taking of lands at Tokanui including pā, urupā, marae, and taonga; and natural resources.

\textsuperscript{147} Claim 1.1.13(b). In 2007, Charles Michael Farrar (deceased), Ruth Rutuhoariri Forshaw (nee Paerata) (deceased), and William Piriwiritua Remi Hughes (deceased) were replaced as claimants by Glen Murrahi, John Farrah, and Pania Roa.
\textsuperscript{148} Submission 3.4.198, p 6.
\textsuperscript{149} Submission 3.4.53.
\textsuperscript{150} Claim 1.1.13, pp 3–5; submission 3.4.198, pp 8–9, 41.
\textsuperscript{151} Submission 3.4.198, p 42.
\textsuperscript{152} Submission 3.4.198, pp 8, 9.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

For our discussion on the Crown’s public works takings for the Tokanui Hospital and Waikeria Prison, see section 20.4.3.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Raukawa Claim (Wai 443)

Named claimants
Wally Papa, Marino Te Hiko Jacobs, Sam Rangi, Elthia Pakaru, Ranui Te Kapua, Henry Smith, and Peter Manaia (1994)

Lodged on behalf of
Ngāti Raukawa iwi. The claim is supported by the constituent hapū of Raukawa, which include Ngāti Āhuru, Ngāti Huri, Ngāti Kikopiri, Ngāti Te Kohera, Ngāti Mahana, Ngāti Motai, Ngāti Puehutore, Ngāti Rahurahu, Ngāti Takihiku, Ngāti Te Apunga, Ngāti Tukorehe, Ngāti Wairangi, Ngāti Whāita, and many others.

Takiwā
Waipā–Pūniu. Ngāti Raukawa’s rohe ‘extends from Cambridge to Matamata in the North, Taupō in the south, Horohoro to Tarukenga in the east and Te Awamutu in the west’ including the regions known as Maungatautari, Te Kaokaoora o Pātete, Te Pae o Raukawa, and Wharepūhunga. Thus, their rohe falls across the Waikato-Raukawa, Te Rohe Pōtae, and Central North Island inquiry districts. In Te Rohe Pōtae, Raukawa have a ‘mana whenua interest relating to Pureora, Pirongia, Wharepūhunga, Rangitoto, and Kakepuku.’

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 443 claim (1994) concerns lands and resources of Ngāti Raukawa, specifically within the regions of Te Pae o Raukawa, Wharepūhunga, Maungatautari, and Te Kaokaoora o Pātete, as well as their customary fishing rights. They allege that the Crown breached the articles of the Treaty through Acts, actions, and omissions which prejudicially affected Ngāti Raukawa’s tribal and sovereign rights.

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s Treaty breaches and the resulting prejudice Raukawa allegedly experienced. The claims relate to political issues,
including the Kīngitanga, Te Ōhākī Tapu, and political engagement; war, raupatu, and their effects; inter-iwi relationships; the operation of the Native Land Court, associated litigation costs, and the reformation of land title; land loss, including the native land legislation, the failure to pay fair prices and to consult with owners, partitioning, the operation of surveys, and the North Island Main Trunk Railway; land administration; the vesting of lands in the Waikato-Maniapoto Maori Land Board; local government and rating; public works takings; socio-economic issues, including education; the loss of te reo Māori and Māori culture; environmental issues, including the loss of forests and issues with exotic forestry, waterways, hunting, fishing, mahinga kai, and environmental degradation; and wāhi tapu issues.160

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.161 The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled.’ Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’162 The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.163

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160. Claim 1.2.29, pp 6–68.
162. Submission 3.4.158, p 5.
163. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Hauturu East 3B2 and 3A blocks Claim (Wai 457)

Named claimants
Meihana Uenuku Tuwhata Tuhoro (1994), Caroline Turner, Marina Angina Tuhoro, Peter Tuhoro, John Tuhoro, James Tuhoro, Tommy Mike Tuhoro, Jimmy Tuhoro, Ilyace Darling Roberts (nee Tuhoro), Ann King-Webb (nee Tuhoro), Janie Te Aroha Kewpie Tuhoro, Joseph Sonny Tuhoro, and Anthony Mehana Tuhoro (2006)

Lodged on behalf of
Descendants of Te Meihana Tuhoro

Takiwā
Waipā–Pūniu. Claimants say they have traditional interests in land blocks in Hauturu East, Hauturu West, Karu o te Whenua, Kinohaku East, Kinohaku West, Orahiri, Otorohanga, Pokuru, Rangitoto–Tuhua, Whareina, Pukenui, Rangitoto, and Te Kuiti.

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns Crown takings of various land blocks and the cumulative associated economic, cultural, and spiritual impacts on the claimants. The original claim specifically addresses the taking of Hauturu East 3A and 3B2 blocks under the Public Works Act, for scenic purposes.

In their amended claim, claimants expand the area of their land interests and say their lands were alienated through the Native Land Court, Native Land Acts, survey liens, Maori Land Board processes, and Crown purchasing under ‘pre-emption in the 1890s’. Claimants also submit that, as a result of war and raupatu, their tupuna Te Meihana Tuhoro suffered severe injury to his mana as a rangatira. He lost his established trade with Pākehā and also his tūrangawaewae. As a result, the claimants say they have lost customary interests in land and suffered associated cultural and spiritual impacts. They too have lost their mana and tūrangawaewae, they allege.

In 2013, the claimants commissioned research on the Tuhoro whānau lands that revealed the whānau had significantly wider interests than initially claimed. These lands were taken under various Crown acts. In closing submissions, the

164. Memorandum 1.1.15(a).
165. Claim 1.2.113.
166. Claim 1.1.15.
167. Submission 1.2.113, p 3.
168. Claim 1.2.113, p 12.
169. Document A144 (Stirling), p 1; submission 3.4.238.
claimants expand on their allegations regarding the alienation of the Waitomo lands, the Otorohanga Township Lands, Orahiri Riverbank block, and Kinohaku East, Pokuru, and Rangitoto–Tuhua blocks. The claimants say that the lands they have retained (two Uekaha blocks) are landlocked as a result of the purchasing and subdivision of the 1890s and the fragmentation of interests. They allege that their landlocked status has ‘only brought further problems’, such as ongoing costs. The claimants also say the land takings have had a cumulative and detrimental effect on their whānau, affecting their health, culture (particularly the use of te reo), and more.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  In section 10.6.2.3, we discuss the impact of survey costs on the claimants’ lands in the Rangitoto–Tuhua block.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: See chapter 14 and the findings summarised at section 14.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

171. Submission 3.4.238, pp 30–32.
In section 20.4.2.2, we discuss the Crown’s taking of the claimants’ land for the Piopio school. The claimants’ allegations concerning the Mangaokewa Gorge scenery takings are addressed in section 20.4.4.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Waikowhitihiti Block (Ōtorohanga Town Hall) Claim (Wai 472)

Named claimant
Miria Tauariki (1994)\textsuperscript{172}

Lodged on behalf of
The descendants of Parehuia Maratini\textsuperscript{173}

Takiwā
Waipā–Pūniu. The claimant's interests are in land in the Waikowhitihiti block, which is in the town of Ōtorohanga.\textsuperscript{174}

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 472 claimant and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwae, Ngāti Paretepake, Ngāti Uekaha, Ngāti Parepapoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.\textsuperscript{175}

Summary of claim
The claimant alleges that the Crown’s practices and procedures in acquiring the Waikowhitihiti block were prejudicial.\textsuperscript{176} Miria Tauariki asks for the land to be returned to the descendants of Parehuia Maratini, her tupuna, and the original owner. She supports her claim with a newspaper article about a meeting between local Māori and the Otorohanga District Council, where the site was linked to concerns about excess land in the Ōtorohanga town area being taken for railway purposes.\textsuperscript{177} In evidence, she states that her grievance is against the Government as it passed the Native Township Act 1910, which took from Māori their communal ownership of land.\textsuperscript{178}

According to the claimant’s research, the Native Land Court determined the ownership of the Waikowhitihiti block in July 1892. The court awarded it to

\begin{itemize}
  \item \textsuperscript{172} Claim 1.1.16.
  \item \textsuperscript{173} Final SOC 1.2.20.
  \item \textsuperscript{174} Claim 1.1.16, p [1].
  \item \textsuperscript{175} Final SOC 1.2.20, pp 3–6.
  \item \textsuperscript{176} This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.3, 9.4.4, 9.4.7, 9.8.6, 15.4.3, and 15.4.3.1–15.4.3.4 and tables 9.1, 9.3, and 11.4.
  \item \textsuperscript{177} Claim 1.1.16, pp [1]–[2].
  \item \textsuperscript{178} Document O6 (Tauariki), p 2.
\end{itemize}
Ihakara Te Tuku and 18 others. Later that year, the block was further partitioned into smaller blocks. One block (the subject of this claim) was awarded solely to Parehuia Maratini; it is now the site of the Ōtorohanga Town Hall.

Research commissioned by the Tribunal and presented in evidence indicates this block became part of the Ōtorohanga Native Township, established in 1903. The owner died in 1906 and a succession order was made in 1909. In 1913, the Maori Land Board sold the site to the Borough of Otorohanga for £225. However, no record has been found of the owner instructing the board to sell the block. The researchers thus concluded it was impossible to determine whether, how, or when the vendor may have agreed to the sale.\(^{179}\)

In the amended statement of claim filed on behalf of the Te Hauāuru claim group, the taking of the land that became the town hall site is identified as an example of a compulsory public works taking. The claimants allege that this and similar takings demonstrate that the Crown breached its Treaty duties and the promises made in the Te Ōhākī Tapu agreements by failing to protect the already reduced land base of Māori by allowing further alienations by way of public works takings throughout the nineteenth and twentieth centuries.\(^{180}\) The Crown’s compulsory taking of Māori land for public works is one of several causes of action cited in the group’s claim: the others are the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto, the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^{181}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part ii).

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180. Final soc 1.2.20, p56.
181. Final soc 1.2.20, pp 19–85.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Whaita Claim (Wai 538)

Named claimants
Ivy Waitangi Kapua (1995) and Te Pare Joseph (1998)

Lodged on behalf of
Themselves and the Ngāti Whaita hapū of Ongaroto Marae

Takiwā
Waipā–Pūniu. The claimants describe their claim as covering ‘a border which goes from Pohaturoa Marae along the Waikato River to Reporoa to Horo Horo, to Ngongotaha to Kaimai, to Tirau, over to Arapuni and then back to Pohaturoa Maunga following the Waikato River.’

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 538 claim (1995) concerns various Crown actions by which the claimants argue Ngāti Whaita hapū lands were taken. The claimants submit that these actions were in breach of Treaty principles. Specifically, their allegations concern the Crown’s taking of lands under the Kaokaoroa-o-Patetere Proclamation; by survey liens; for a railway line and railway bridge; for the Atiamuri, Whakamaru, and Mangakino dams; under public works legislation for a hospital, native townships, and other purposes; and takings for water, hydroelectric dams, thermo gas, petroleum oil and gas, minerals, coal, gold, silver, and mining rights below the land and water surface.

The claimants also say urupā were desecrated, and the Crown took away their fishing and shellfish gathering rights in their ancestral marae rohe. Further, they allege the Crown destroyed, through policy, the marae’s indigenous forest as well as wild game, bird life, and insects indigenous to the rohe of Ngāti Whaita hapū.

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the

182. Claims 1.1.21(a), (b); memos 2.2.10, 2.2.99.
183. Claim 1.1.21. The amended statement of claim expressed this as being on behalf of ‘the Ngāti Whaita Hapu of Ongaroto Marae’: claim 1.1.21(b).
184. Statement 1.1.21(a), p [1].
186. Claim 1.1.21.
resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.188 The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’189 The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhāki Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.190

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188. Submission 3.4.158, p 4.
189. Submission 3.4.158, p 5.
190. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Ngāwaero Land Blocks Claim (Wai 551)

Named claimants
George Searancke, Piripi Te Ruruanga Kapa, Jack Te Ngaio, Rewi Santa Panapa, Pura Panapa, Reremoana Jones, Shannon Wetere, Pare Te Wiwini Hunia, Te Ngaeho Herangi, Ngaroimata Waaka, Janet Hede, and Rosie Herbert (1995)

Lodged on behalf of
The descendants of the hapū Ngāti Ngāwaero

Takiwā
Waipā–Pūniu. The claimants say that Ngāti Ngāwaero’s rohe is ‘centred upon their maunga tapu, Kakepuku. Their rohe includes the slopes of Pirongia from the mouth of the Maungauika stream and follows the Waipa River to the south. The rohe is also bound by the Puniu River, and embraces all of the hills, valleys, and wetlands in between, including Pokuru where their tupuna whare Unu now stands.’

Other claims in the same claim group
551, 948. The claimants in this group are Ngāti Ngawaero or Ngāti Unu, which is ‘interconnected through whakapapa’ with Ngāti Ngāwaero.

Summary of claim
The claim addresses the transformation of customary ownership of Ngāti Ngawaero land through native land legislation and Native Land Court processes. The claimants’ initial statement of claim alleges that the survey costs the Crown imposed on their land were unaffordable and unwanted. They cite Kakepuku 1D1, 1H1, 2C1A, 2C4A, 2C5A1, 2C5B1, 5D2A, 6E1, 6D1 as the land blocks particularly affected. Another specific allegation concerns the purchase of the Kopua 1 block. They claim that the Crown’s acquisition of these lands breached the principles of the Treaty.

In 2012, an amended statement of claim was lodged combining this claim with Wai 948, brought on behalf of Ngāti Unu, Ngāti Te Kanawa, and Ngāti Taumata. The amended statement of claim contains broad allegations about Crown actions in Te Rohe Pōtae that the claimants say undermined their autonomy and rangatiratanga. In these pleadings, the claimants make allegations about the Crown’s invasion of Te Rohe Pōtae, and the confiscation which followed the war;

191. Claim 1.1.22; final soc 1.2.130, p.2.
192. Final soc 1.2.130, p.2.
193. Final soc 1.2.130, p.3.
194. Final soc 1.2.130, p.2.
195. Claim 1.1.22, para 2. The Kopua 1 block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.6.2.2.2, 10.6.2.2.3, 11.3.3.5, 11.4.3, 11.4.5, 11.4.5.3, 11.4.7, and 11.5.5.
196. Final soc 1.2.130, pp 3, 5.
the Crown’s efforts to undermine the mana of the Kingitanga; and the work of the Compensation Court. The claimants’ joint closing submissions also note that the Crown’s failure to deal honourably with the Kingitanga represented a missed opportunity which ‘has created over a century and a half of grievance where the relationship has been reinterpreted and transformed from that which Rohe Potae Māori understood could exist.’

The joint Wai 551 and Wai 948 claim also addresses the following general issues: the Crown’s pursuit of Te Rōhe Pōtae lands following Te Ōhākī Tapu; the enactment of legislation that failed to give effect to Te Ōhākī Tapu or address the appeals of Te Rohe Pōtae Māori in the 1883 petition; the Crown’s alleged use of the North Island Main Trunk Railway to open up Te Rohe Pōtae for settlement; the introduction of the Native Land Court system and the imposition of survey costs on Māori land owners; the creation of Maori Land Boards to manage the claimants’ land; public works legislation; the Crown’s delegation of authority to local bodies; the Crown’s failure to recognise the claimants’ ownership over their lands forests, rivers, and natural food sources and its imposition of a resource management regime detrimentally affecting those taonga; the Crown’s failure to protect Ngāti Ngawaero pā, wāhi tapu, and other taonga within their rohe; and the Crown’s failure to provide Ngāti Ngawaero with sufficient education, health services, housing, roading, employment, or other entitlement or to provide for the economic development of Ngāti Ngawaero communities.

Finally, the claim addresses two specific allegations of Crown Treaty breaches relating to sites of particular importance to the claimants: Te Kawa swamp, which was drained for farming, and Kakepuku maunga, where a scenic reserve was established.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).
Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).
The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

In section 21.5.3, we consider in more detail the drainage of the Te Kawa swamp for land utilisation.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Kauwhata Lands and Resources Claim (Wai 784)

Named claimants

Lodged on behalf of
Themselves, the Kauwhata Treaty Claims Komiti, and Ngā Uri Tangata o Ngāti Kauwhata ki Te Tonga

Takiwā
Waipā–Pūniu. The claimants say that while the Ngāti Kauwhata rohe also includes core lands within the Porirua ki Manawatū, Taihape, Waikato-Tainui, and south-east Waikato inquiry districts, this claim is limited to Ngāti Kauwhata interests in Te Rohe Pōtae. Here, they say their rohe ‘extends from Pukekura/Maungatautari district, across the Puniu River towards Otorohonga (the Northern rohe)’. Within these areas, four waterways define their rohe: the Waikato, Pūniu, and Waipā Rivers, and the Mangapiko Stream.

Other claims in the same claim group
972, 784, 1482

Summary of claim
This claim concerns allegations of Crown actions and omissions that undermined Ngāti Kauwhata’s customary land base at Pukekura, Puahue/Puahoe, Ngamoko 2, Whanake, and Maungatautari. In regard to war and raupatu, the claimants say the Crown wrongly confiscated Ngāti Kauwhata lands at Rangiaowhia for alleged rebellion. Other claimant allegations relate to the Crown’s purchasing practices, public works takings, vested land schemes, consolidation and development schemes, environmental issues, and local government and rating matters.

The claimants adopt the generic pleadings concerning Te Ōhākī Tapu, war, and raupatu, the Native Land Court, Crown purchasing and private purchasing, public works, railways, Māori land administration, vested lands, local government and rating, economic development, tikanga, health, education, and loss of land base. They further add some commentary about Ngāti Kauwhata’s nuanced historical
experience of these general issues. Of particular concern to the claimants is the alienation and subsequent administration of the Wharepuhunga block.\textsuperscript{210} The claimants also refer to their customary ownership of the Waiwhenua, Waipuna, and Wairoma aquifers, and allege the Crown failed to recognise and protect their tino rangatiratanga over these underground resources.\textsuperscript{211} As the aquifers are not within this inquiry district, however, the claimants sought no finding on this allegation.

The claimants say the cumulative effect of the Crown’s actions was social and economic destabilisation of Ngāti Kauwhata hapū and whānau. As a result, the claimants are dislocated from their traditional lands, wāhi tapu, and resources.\textsuperscript{212}

The Wai 784 claimants filed joint opening submissions with the Wai 972 and Wai 1482 claimants, but made independent closing submissions\textsuperscript{213}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- **Crown purchases of Māori land in the inquiry district between 1840 and 1865:** see chapter 5 and the findings summarised at section 5.8 (part 1).

- **Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū:** see chapter 6 and the findings summarised at section 6.11 (part 1).

  We discuss Ngāti Kauwhata’s interests in the Waikato raupatu district at sections 6.9.2.4 and 6.9.2.5. At section 6.9.7.1, we examine the Ngāti Kauwhata claims commission of 1881. In addition, the following finding at section 6.7.12 is especially relevant to the claimants’ allegations about Rangiaowhia:

  [T]he Crown’s forces killed Māori non-combatants at Rangiriri, Rangiaowhia, Hairini, and Ōrākau. At Rangiaowhia and Ōrākau, we have found that non-combatants were massacred when the Crown attacked a defenceless kāinga and its forces set a whare alight, and at Ōrākau when combatants and non-combatants were fleeing from the battle. These Crown actions, set out in full in sections

\textsuperscript{210} Claim 1.1.37(f), p.6. The Wharepuhunga block is discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7.

\textsuperscript{211} Claim 1.1.37(a), pp.1–3.

\textsuperscript{212} Final SOC 1.2.28, p.21.

\textsuperscript{213} Submission 3.4.17; submission 3.4.147.

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6.7.7 and 6.7.10, were egregious and in breach of the principles of the Treaty. The Crown’s relationship with the peoples of Te Rohe Pōtæ is still overshadowed today by the events at Rangiaowhia in particular.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtæ Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

Section 6.7.12 is relevant to the claimants’ allegations about the Pukekura, Puahue, Ngamoko 2, and Maungatautari blocks. There, we say:

A great deal of evidence was submitted on the efforts of Ngāti Kauwhata to have their Waikato interests acknowledged by the Crown following the raupatu. Much of this evidence, however, related to the Pukekura, Puahue, Ngamoko 2, and Maungatautari blocks, which lie east of the Military Settlements block. The blocks were excluded from this inquiry except ‘to the extent that their title and alienation history’ related to blocks which were included. Judge Ambler directed that ‘Ngāti Kauwhata Raupatu claims in relation to Rangiaowhia only are to be included’.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

Of relevance to the claimants’ allegations about Wharepuhunga is the following discussion at section 11.4.4.1:

In Wharepuhunga, Wilkinson was instructed to start buying individual shares in August 1890, even though the court had not yet formally issued the title, let alone considered owners’ relative interests or ordered any subdivision along tribal lines. Furthermore, the external boundary was disputed by one of
the owners. The court did not issue its final judgment on the block until May 1892, by which time Wilkinson and other purchasing officers had succeeded in acquiring some or all of the shares owned by three of the four claimant groups.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of
accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised section 24.10 (part v).
Claim title
Kakepuku Mountain and Kakepuku Block Claim (Wai 846)

Named claimants

Lodged on behalf of
Ngāti Kahu, Ngāti Unu, the Te Kopua Marae Committee and the Te Kopua Marae Trustees216

Takiwā
Waipā–Pūniu. The claim area is focused on Kakepuku maunga, Te Kōpua Marae, and also towards Te Kawa, Ouruwhero, the Waipā River and Mangawhero Stream, and toward Pirongia maunga. Formerly there were significant interests north of the Pūniu River.217

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 846 claim addresses issues related to the Crown’s erosion of Ngāti Kahu and Ngāti Unu’s tino rangatiratanga and the imposition of a 'homogeneous and discriminatory Western polity'.218 The claimants point to the Crown's appropriation and exploitation of their lands, waterways, forests, wahi tapū, and other sites of significance, and other taonga tuku iho. The claim also highlights the impact of the Crown’s activity on Ngāti Kahu and Ngāti Unu’s cultural, spiritual, social, and economic way of life.219

The claimants say they have been prejudiced by alleged Crown Treaty breaches arising from early political engagement, war, and raupatū, Te Ōhāki Tapu, the North Island Main Trunk Railway, the Native Land Court and survey liens, Māori councils and boards, public works and other takings, local government, ratings, natural resources, wahi tapū, conscription, health, alcohol, and the commercial economy.

Claimants allege that the Crown imposed political dominance on Te Rohe Pōtae Māori. They say the Crown sought to erode Māori autonomy and impose representative institutions without effective Māori representation. They also say Māori...
were excluded from political decision-making and exercising political power at a national level, and that the Crown ‘deliberately set about to destroy Māori Tribal society’. In addition, they allege the Crown prioritised settler interests, utilised racist doctrines for development, punished and denigrated Māori leadership, and eradicated Māori law, language, and knowledge.

Claimants allege the Crown conducted war to supress Ngāti Kahu and Ngāti Unu’s tino rangatiratanga. They allege factions were falsely labelled as rebels to justify martial law and war, and overtures of peace were ignored by the Crown in their efforts to occupy ‘places of richness’ for the purposes of settlement. Claimants allege the invasion negatively impacted Ngāti Kahu and Ngāti Unu’s socio-political fabric, forced them into a ‘state of extreme deprivation’, and resulted in the confiscation of their land. The claimants highlight the Crown’s actions at Rangitawa, a refuge for women, children, and the elderly. There, they claim that the Crown conducted a surprise attack and torched pā and whare with occupants inside, broke promises of peace talks, sacked settlements in Kihikihi, and killed Māori fleeing Ōrākau (including women and children). Claimants also allege women were raped by soldiers, and that prisoners of war became infected with smallpox.

Claimants allege the legislation used by the Crown to confiscate the lands of Ngāti Kahu and Ngāti Unu removed them from their tūrangawaewae, and deprived them of their rich land and resource base. They say the compensation for the confiscation of lands was inadequate and did not facilitate the retention of land. Claimants add that lands granted to Māori tended to be in areas least suitable for development.

The claimants allege that the Crown acted oppressively and in bad faith to influence negotiations and distort the confederative political unity within the Kingitanga. They also allege the Crown set out to undermine the agreements within the Te Ōhākī Tapu by opening up their land for the North Island Main Trunk Railway, creating the Native Land Court, and secretly purchasing undivided interests in land to facilitate large settlements of the district. They allege that the Crown acquired significant portions of Ngāti Kahu and Ngāti Unu lands – far more than was promised, and well below the determined value of the land. Claimants say the Crown on-sold lands for settlement at a considerable profit. Blocks alleged to have been ‘earmarked’ for purchase in 1889 include Ouruwhero, Puketarata, Maungarangi, Kakepuku (proper), Mangamahoe, Pokuru, and Rapaura.

220. Claim 1.2.133(a), p 13.
221. Claim 1.2.133(a), p 7.
222. Claim 1.2.133(a), pp 16–17.
225. Claim 1.2.133(a), pp 31–33. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.3.2, 8.9.4.8–9.3.6, 9.4.3–9.4.4, 9.4.7, 9.8.1–9.8.2, 9.8.3–9.8.4, 10.4.3.1–10.4.3.2, 10.4.4, 10.5.1.1, 10.5.1.2, 10.6.2.1.1, 11.4.3–11.4.4, 11.4.5.2, 11.4.6–11.4.9, 11.5.4, 13.5.5, 20.4.3, 21.5.3, and 21.5.3.3 and tables 9.3, 11.4, 11.5, and 13.3.
The claimants say the court separated Māori from their lands, created a ‘destructive’ process of assimilation, commodified and fragmented Māori political cohesion, and suppressed and extinguished Māori political authority.’” Claimants also say the court failed to reflect or acknowledge tikanga and ‘bastardised the use of whakapapa.’ The prejudicial consequences of the court process, the claimants allege, included significant land loss, destruction of community ties and relationships with neighbouring kin, and the erosion of Ngāti Kahu and Ngāti Unu’s ability to develop land in a communal manner or exercise mana and rangatiratanga as hapū. Claimants allege the Crown forced Māori to pay court costs, including survey costs, which led to the loss of disproportionate amounts of land.

The claimants outline a number of blocks that were lost: Kakepuku, Korakanui, Kohitane, Mangamahoe, Mangauika, Mohoanaui, Ngamahanga, Otorohanga, Ouruwhero, Parihoro, Piroonga West, Pokuru, Pourewa, Puketarata, Rangitoto A, Rangitoto C, Takotokoraha, Te Iakau, Te Kopua, Tokanui, Waiwhakaata, and Whakairoiro.

The claimants further raise allegations concerning the administration of their lands. They point to the establishment of native committees by the Crown, which they say did not honour Te Ōhāki Tapu. They allege the native committees were ‘implements of the Native Land Court to maintain its importance . . . and ensured that no effective power was given to Māori to administer their lands.’ They allege that the land councils and the Maniapoto Maori Land Board were ‘tools of confiscation and were implemented by the Crown primarily to facilitate the opening up of Māori land for the purposes of European settlement.’ The claimants raise further allegations concerning the Ōtorohanga Native Township, where they claim that the land council failed to protect Māori owners. The claimants also allege that the Māori Trustee further disenfranchised Māori owners from their land.

The claimants say that in breach of the Treaty, the Crown empowered local government to levy rates on Ngāti Kahu and Ngāti Unu lands. Allegedly, the Crown imposed rates on Māori land but not on its own unoccupied lands. They claim that local bodies failed to maintain up to date records, resulting in rating liability being attributed to inaccessible lands and to Māori who had sold or leased lands. They also allege the Crown imposed charges over lands while also imposing restrictions on their use of lands, and local authorities charged rates against unoccupied and unproductive land based on ‘preposterous’ land valuations. Further, the claimants allege the Crown empowered the Native Land Court to grant charging orders over

226. Claim 1.2.133(a), p 34.
227. Claim 1.2.133(a), p 36.
228. Claim 1.2.133(a), pp 37–39.
229. Claim 1.2.133(a), pp 46–47.
230. Claim 1.2.133(a), p 40.
231. Claim 1.2.133(a), p 50.
232. Claim 1.2.133(a), p 53.
233. Claim 1.2.133(a), pp 55.
234. Claim 1.2.133(a), pp 56–57.
land and enforce methods of collection, including forced leasing and vesting of the claimants’ land.\footnote{235}

The claim states that the Crown’s land consolidation regime prevented Ngāti Kahu and Ngāti Unu from exercising their rangatiratanga over the development of their lands. The claimants allege a number of blocks deemed unproductive were put under the agency of the Māori Trustee (pursuant to the Maori Purposes Act 1950) for the purposes of alienation, and that most applications went ahead without any input from the landowners. Specific allegations are made in respect of the Kakepuku, Kopua, Ōtorohanga, Parihoro, Rangitoto, and Waiwhakaata blocks. The claimants say the regime was coercive and implemented as a remedy for unpaid rates rather than development assistance. It allegedly diminished their ability to realise economic potential from their land and because of the failure of the consolidation regime, Māori land ownership was seen by local authorities as a barrier to efficient land use.\footnote{236}

The claimants allege that the Crown’s public works legislation dispossessed Māori of their land, resources, and taonga, and was imposed without consultation with Māori. Claimants also allege the Crown acted in bad faith by using public works legislation coercively – in particular, taking more land than was required; failing to adequately compensate for takings; using public works to extract resources without compensation; and using taken land for an alternative purpose. Furthermore, they claim the offer back provisions under the Public Works Act 1981 are inconsistent with the Treaty. Claimants say they rely on the Wai 440 pleadings regarding land taken for Tokanui Hospital and Waikeria Prison. They allege a number of takings from blocks beginning from 1919: Kaipiha, Kakepuku, Korakonui, Mangamahoe, Ouruwhero, Pirongia West, Pokuru, Puketarata, Rangitoto A, Takotokoraha, Tokanui, Waiwhakaata, and Whakairoiro.\footnote{237}

The claim also addresses Crown actions which have allegedly extinguished Ngāti Kahu and Ngāti Unu’s rangatiratanga over their lands, forests, rivers, food sources, and natural resources. They allege the Crown purchased large amounts of Ngāti Kahu and Ngāti Unu land bordering on rivers and streams, and thereby prevented Ngāti Kahu and Ngāti Unu from accessing those water resources. They say land confiscations, the imposition of the Native Land Court and public works takings have severely impacted their ability to practice kaitiakitanga. The claimants also point to the Crown’s resource management regime and claim that it has impacted detrimentally on their lands, rivers, and freshwater resources. They say Crown policy has resulted in the draining of Te Kawa for farming, the deterioration of the health of the Pūniu and Waipā Rivers due to farming, other farming-related pollution, industry discharge, and storm water drainage, and the depletion of fresh water food stocks.\footnote{238}
The claimants also allege the Crown has failed to protect Ngāti Kahu and Ngāti Unu pā, wahi tapu, and taonga. They allege a number of pā have been destroyed. They also allege the Crown has failed to protect taonga from treasure hunters and archaeologists. They say Crown institutions such as councils, museums, and heritage institutions tell tangata whenua history from a ‘Eurocentric perspective’.239

The claimants raise additional allegations concerning the Crown’s imposition of conscription on Ngāti Kahu and Ngāti Unu. In doing so, they say the Crown ignored efforts to engage in dialogue and imposed a regime that punished some Māori objectors with imprisonment – unlike Pākehā, who were not imprisoned. The claimants add that Māori who made objections on the grounds of Christianity did not face imprisonment, contrary to Māori who relied on the Treaty of Waitangi. They claim that six objectors were sentenced to hard labour at Mount Eden prison.240

The claimants make further allegations regarding health and alcohol. On the first, claimants allege the war and confiscation led to overcrowding, food shortages, and disease. They say that Māori were also exposed to disease by engaging in extended Native Land Court sittings. Furthermore, the claimants say that the Crown breached Te Ōhākī Tapu and the agreement reached with Te Rohe Pōtae Māori regarding alcohol, and imposed an ineffective alcohol control regime. They claim the Crown failed to address the illegal liquor trade, and prevented Māori from exercising their authority over alcohol control and licencing.241

Today, the claimants say Māori have significantly higher rates of illness and mortality compared to Pākehā, and that growing inequality and social deprivation for Māori has been linked to smoking, alcoholism, and mental illness. The claimants allege the Crown failed to protect Ngāti Kahu and Ngāti Unu’s way of life and economic well-being. As a consequence of the Crown’s failure to ‘provide proper and adequate education, health services, housing, roading, employment and other entitlements to Ngāti Kahu and Ngāti Unu’, many descendants have been forced to move away from their ancestral lands.242

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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239. Claim 1.2.133(a), pp 88–91.
240. Claim 1.2.133(a), pp 88–91.
241. Claim 1.2.133(a), pp 94–98.
242. Claim 1.2.133(a), pp 100–103.
- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

  For further detail on the gifting and land taking for the North Island Main Trunk Railway see the appendix to chapter 9. Our findings on the Pokuru block are at section 9.8.1; Kakepuku 10 and 12 blocks are at section 9.8.2; Ouruwhero North and South blocks are at section 9.8.3; and the Puketarata 2 and 11 blocks are at section 9.8.4.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of
accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Kōpua 1 Block and Other Lands Claim (Wai 847)

Named claimant
Beryl Roa (2000)

Lodged on behalf of
Hapū in the Ngāti Maniapoto rohe

Takiwā
Waipā–Pūniu. The claim concerns land interests in the Kopua 1, Waiwhakaata, and Mangauika blocks.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 847 claimant and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Parekawhi, Ngāti Uekaha, Ngāti Parepoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The Wai 847 claim alleges that the hapū has been prejudiced by Crown land takings committed under legislation. The claim concerns land in the Kopua 1, Waiwhakaata, and Mangauika blocks. It alleges the Crown acquired the land by questionable means inconsistent with the principles of the Treaty of Waitangi. These include the Native Land Court, survey liens, Crown purchasing practices, public works takings, and endowments. The claim also states that the disposal of surplus land held by the Government and its agencies, and the disposal of mineral rights and traditional harvesting and gathering rights, without reference to their iwi, is inconsistent with the Treaty of Waitangi.

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of
the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth-century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\textsuperscript{248}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ĭhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).
- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909

\textsuperscript{248} Final soc 1.2.20, pp 19–85.
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

  With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Tokanui and Ōtorohanga Land Confiscation Claim (Wai 948)

Named claimants

Lodged on behalf of
Ngāti Unu, Ngāti Te Kanawa, and Ngāti Taumata

Takiwā
Waipā–Pūniu. This claim relates to the Te Raki region of Maniapoto. The claimants’ rohe includes the slopes of Pirongia maunga from the mouth of the Maungauika Stream, the Waipā River to the south, and the Pūniu River.

Other claims in the same claim group
551, 948. The claimants in this group are members of Ngāti Ngāwaero or Ngāti Unu, which is ‘interconnected through whakapapa’ with Ngāti Ngāwaero.

Summary of claim
The original Wai 948 statement of claim broadly addresses the Crown’s role in the loss of the claimants’ lands in the Takotokoraha blocks. The claimants also raise a specific issue regarding the vesting of their Takotokoraha lands in the Waikato-Maniapoto Maori Land Board, and the subsequent sale of these lands to pay back rates to the Ōtorohanga County Council.

In 2012, an amended statement of claim was lodged combining this claim with the Wai 551 claim, brought on behalf of the descendants of the hapū Ngāti Ngāwaero. It contains broad allegations about Crown actions in Te Rohe Pōtae that the claimants say undermined their autonomy and rangātiratanga. In these pleadings, the claimants make allegations about the Crown’s invasion of Te Rohe Pōtae, and the confiscation which followed the war; the Crown’s efforts to undermine the mana of the Kingitanga; and the work of the Compensation Court.

The claimants’ joint closing submissions also note that the Crown’s failure to deal honourably with the Kingitanga represented a missed opportunity which ‘has created over a century and a half of grievance where the relationship has been

249. Final soc 1.2.130, pp [2]–[4]; The claim was originally filed by Rawiri Bidois and Piripi Kapa: claim 1.1.51; Millie Bidois was subsequently added as a named claimant in 2006: claim 1.1.51(a).
250. Final soc 1.2.130, p 2.
251. Submission 3.4.250, p 2.
252. Final soc 1.2.130, p 2.
253. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.3.3.1, 11.4.5, and 11.5.4 and tables 11.4 and 11.5.
254. Claim 1.1.51.
255. Final soc 1.2.130, pp 3, 5.
256. Final soc 1.2.130, pp 9–12.
reinterpreted and transformed from that which Rohe Potae Maori understood could exist. The joint Wai 551 and Wai 948 claim also addresses the following general issues: the Crown’s pursuit of Te Rōhe Pōtē lands following Te Ōhākī Tapu; the enactment of legislation that failed to give effect to Te Ōhākī Tapu or address the appeals of Te Rohe Pōtē Māori in the 1883 petition; the Crown’s alleged use of the North Island Main Trunk Railway to open up Te Rohe Pōtē for settlement; the introduction of the Native Land Court system and the imposition of survey costs on Māori land owners; the creation of Maori Land Boards to manage the claimants’ land; public works legislation; the Crown’s delegation of authority to local bodies; the Crown’s failure to recognise the claimants’ ownership over their lands forests, rivers, and natural food sources and its imposition of a resource management regime detrimentally affecting those taonga; the Crown’s failure to protect Ngāti Ngawaero pā, wāhi tapu, and other taonga within their rohe; and the Crown’s failure to provide Ngāti Ngawaero with sufficient education, health services, housing, roading, employment or other entitlement, or to provide for the economic development of Ngāti Ngawaero communities. Finally, the claim addresses two specific allegations of Crown Treaty breaches relating to sites of particular importance to the claimants: Te Kawa swamp which was drained for farming, and Kakepuku maunga, where a scenic reserve was established.

Is the claim well founded?
This claim is part of the Te Rohe Pōtē district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtē Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtē iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtē Māori patrolled and protected.

257. Submission 3.4.250, p 2.
258. Final SOC 1.2.130, pp 9–81.
259. Final SOC 1.2.130, p 69.
against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtæ Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

In section 21.5.3.3, we address the claimants’ allegations concerning the drainage at the Te Kawa swamp.

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Kauwhata ki te Tonga Surplus Lands Claim (Wai 972)

Named claimants
Edward Tautahi Penetito, Shane Dean Tautahi Penetito, Adeline Francis Anderson, Penahira Simeon, William Papanui, Kewana Emery, Anaru Te One Himiona, Donald Koro Tait, and Margaret Anne Love

Lodged on behalf of
Themselves, the Ngāti Kauwhata Claims Committee, Te Marae Komiti o Kauwhata Trust and Ngā Uri Tangata o Ngata Kauwhata

Takiwā
Waipā–Pūniu. The ‘core lands of Ngāti Kauwhata are the western slopes of Maungatautari, the upper end of the Wharepuhunga block, Puhekura, Puahue and Ngamoko.’ The claimants, who say they are ‘presently based in the Manawatu, primarily around the Feilding area,’ are also participating in the Porirua ki Manawatū, Rangitīkei ki Rangipō, and Waikato-Raukawa district inquiries.

Other claims in the same claim group
784, 972, 1482

Summary of claim
This claim concerns Crown actions that allegedly undermined the ancestral lands, rangatiratanga, and resources of Ngāti Kauwhata ki te Tonga. The claimants adopt generic pleadings in relation to the following issues: the Te Rohe Pōtae compact, war and raupatū, Crown and private purchasing, the Native Land Court, public works, vested lands, land administration and development, local government and rating, socio-economic, health, and environment issues. They also add commentary about Ngāti Kauwhata’s nuanced historical experience of these general issues, including allegations about the Crown’s sacking of Rangiaowhia, its subsequent labelling of Ngāti Kauwhata as rebels, and the confiscation of their lands ‘around Rangiaowhia and east towards Maungatautari.’ The claim also

260. The Wai 972 claim was brought by Edward Penetito in 2002. Shane Penetito, Adeline Anderson, Penahira Simeon, William Papanui, Kewana Emery, and Anaru Himiona were added as named claimants in 2007, with Donald Tait and Margaret Love added in 2011: claim 1.1.53; claim 1.1.53(a); claim 1.1.53(c).
263. Submission 3.4.134, p.6; final soc 1.2.23, p.1.
264. Final soc 1.2.23, p.9.
265. Final soc 1.2.23, pp 10–12.
contains detailed allegations about the alienation and subsequent administration of the Wharepuhunga block.\textsuperscript{266}

The claimants take issue with the Crown’s policy of disposing of surplus Crown or local government lands in a manner that they say is inconsistent with the Treaty of Waitangi and its principles.\textsuperscript{267} Further, the claimants allege the Crown’s assimilationist policies, namely the Tohunga Suppression Act 1907 and the Maori Purposes Act, interfered with and subverted the tikanga of Ngāti Kauwhata.\textsuperscript{268}

The claimants say the cumulative effect of these acts and omissions rendered Ngāti Kauwhata without significant lands and resources.\textsuperscript{269} Consequently, the erosion of the claimants’ customary land base contributes to Ngāti Kauwhata’s lack of recognition as a traditional iwi, thereby undermining their mana, and social and spiritual well-being.\textsuperscript{270}

The Wai 972 claimants filed joint opening submissions with Wai 784 and Wai 1482, but made independent closing submissions.\textsuperscript{271}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

The following finding at section 6.7.12 is especially relevant to the claimants’ allegations about Rangiaowhia:

\begin{itemize}
\item \textsuperscript{266} This block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 2.6.2.2, 11.4.2, 11.4.5, 11.4.5.3, 13.3.3, and 13.3.7.4 and table 11.5.
\item \textsuperscript{267} Claim 1.1.53, p 2.
\item \textsuperscript{268} Final SOC 1.2.23, p 47.
\item \textsuperscript{269} Claim 1.1.53(b), p 17.
\item \textsuperscript{270} Final SOC 1.2.23, p 44.
\item \textsuperscript{271} Submission 3.4.17; submission 3.4.147.
\end{itemize}
The Crown’s forces killed Māori non-combatants at Rangiriri, Rangiaowhia, Hairini, and Ōrākau. At Rangiaowhia and Ōrākau, we have found that non-combatants were massacred when the Crown attacked a defenceless kāinga and its forces set a whare alight, and at Ōrākau when combatants and non-combatants were fleeing from the battle. These Crown actions, set out in full in sections 6.7.7 and 6.7.10, were egregious and in breach of the principles of the Treaty. The Crown’s relationship with the peoples of Te Rohe Pōtāe is still overshadowed today by the events at Rangiaowhia in particular.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtāe Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  Section 6.7.12 is relevant to the claimants’ allegations about the Pukekura, Puahue, Ngamoko 2, and Maungatautari blocks. There, we say:

  A great deal of evidence was submitted on the efforts of Ngāti Kauwhata to have their Waikato interests acknowledged by the Crown following the raupatu. Much of this evidence, however, related to the Pukekura, Puahue, Ngamoko 2, and Maungatautari blocks, which lie east of the Military Settlements block. The blocks were excluded from this inquiry except ‘to the extent that their title and alienation history’ related to blocks which were included. Judge Ambler directed that ‘Ngāti Kauwhata Raupatu claims in relation to Rangiaowhia only are to be included.’

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtāe Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

  Of relevance to the claimants’ allegations about Wharepuhunga is the following discussion at section 11.4.4.1:

  In Wharepuhunga, Wilkinson was instructed to start buying individual shares in August 1890, even though the court had not yet formally issued the title, let alone considered owners’ relative interests or ordered any subdivision along tribal lines. Furthermore, the external boundary was disputed by one of the owners. The court did not issue its final judgment on the block until May 1892, by which time Wilkinson and other purchasing officers had succeeded in acquiring some or all of the shares owned by three of the four claimant groups.
The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ōtorohanga Township and Lands Claim (Wai 986)

Named claimants
May Te Kanawa and others (2002)²⁷²

Lodged on behalf of
Ngāti Urenumia, Ngāti Hinewai, Ngāti Rungaterangi, Ngāti Rora, Ngāti Taiwa, and Ngāti Parewaeono²⁷³

Takiwā
Waipā–Pūniu

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 986 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urenumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeono, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewahata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretpōto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.²⁷⁴

Summary of claim
The claimants allege the Crown’s land takings in Ōtorohanga under the Native Townships Act 1895 have prejudiced them. They allege this prejudice includes desecration of traditional sustenance and cultural sites.

The amended statement of claim filed on behalf of the Te Hauāuru claim group identifies the development of the native townships as one of a series of measures which aimed to extend Crown control over Māori land and facilitate the spread of Pākehā settlement. The claimants allege that the Crown breached its Treaty duties and the promises made in the Te Ōhākī Tapu agreements by ‘fail[ing] to actively protect Māori lands by ensuring that Māori maintained management and control of their native township lands’.²⁷⁵

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss

²⁷² Claim 1.1.54.
²⁷³ Final SOC 1.2.20, p 2.
²⁷⁴ Final SOC 1.2.20, pp 3–6.
²⁷⁵ Final SOC 1.2.20, p 67.
of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909

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276. Final soc 1.2.20, pp 19–85.
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

  With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Neha King Country Lands Claim (Wai 993)

Named claimants
Eddie Neha and others (2001)\textsuperscript{277}

Lodged on behalf of
Himself and others for and on behalf of Ngāti Urunumia, Ngāti Rungaterangi, Ngāti Te Rahurahu, Ngāti Matakorere, Ngāti Hinewai, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Taiwa, Ngāti Parewhaeono, Ngāti Uekaha, and Ngāti Paretiaperso\textsuperscript{278}

Takiwā
Waipā–Pūniu. This claim concerns lands within the Orahiri, Otorohanga, Puketarata, Ouruwhero, and Takotoraha blocks.\textsuperscript{279}

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1665, 2120, 2335. The Wai 993 claimants and most others in the group form part of the Whanake Ake Trust. All the claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewhaeono, Ngāti Te Rahurahu, Ngāti Matakorere, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretiaperso, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.\textsuperscript{280}

Summary of claim
The claimants allege that the Crown’s land takings, enabled by legislation, prejudicially affected them. Their claim concerns land in the Orahiri, Otorohanga, Puketarata, Ouruwhero, and Takotorahara blocks.\textsuperscript{281} According to the claimants, the Crown acquired land in these blocks by questionable means that were inconsistent with the principles of the Treaty of Waitangi, including the Native Land Court, survey liens, Crown purchasing practices, public works takings, and endowments. The claimants also allege that the disposal of surplus land held by

\textsuperscript{277} Claim 1.1.57, p 2.
\textsuperscript{278} Final soc 1.2.20, p 2.
\textsuperscript{279} Claim 1.1.57, p 2.
\textsuperscript{280} Final soc 1.2.20, pp 3–6.
\textsuperscript{281} These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.3–9.4.4, 9.4.7, 9.8.3–9.8.4, 9.8.6, 10.4.3.1, 10.5.1.1–10.5.1.2, 11.3.3.1, 11.4.5–11.4.9, 11.5.4, 15.4.3.1–15.4.3.4, 20.5.2, 21.5.3, and 21.5.3.3 and tables 9.1, 9.3, 11.4, 11.5, and 13.3.
the Government and its agencies, without reference to their iwi, and the disposal of traditional harvesting rights are inconsistent with the Treaty of Waitangi.

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part 11).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

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283. Final soc 1.2.20, pp 19–85.
The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Hauturu West Block Claim (Wai 1004)

Named claimants
Mike Taitoko, Nelson Herbert, Kape Te Kanawa, Jim Taitoko, Piko Davis, Steve Walsh, Mavis Walters, and Kathy Te Kanawa (2001)

Lodged on behalf of
All the descendants of ‘nga tuupuna, Ko Turongo, Ko Whatihua, Ko Matuaiwi, Ko Apakura, Ko Matamata ki te Rangi’

Takiwā
Waipā–Pūniu

Other claims in the same claim group
Not applicable.

Summary of claim
The original claim (2001) alleges that the claimants’ tino rangatiratanga over their tangible and intangible resources, specifically in relation to the Hauturu West block, has been ‘systemically and comprehensively usurped by the Crown’. They claim they have been, and continue to be, prejudicially affected by Crown acts and omissions. The claim does not specify the particular laws, acts, omissions, or prejudicial effects that are in issue.

In 2002, an amended statement of claim was lodged that expanded on the lands and resources their claim refers to, it includes: the Te Kauri, Taharoa, Turoto, Hauturu East, Kawhia E, Te Motu Island, Orahiri, Rangitoto–Tuhua, Maraetaua, Puketarata, Ouruwhero, Whangaingatakupu, ‘Te Awaroa, Mangamahoe, Taumatatotara, Pakeho, Pukenui, Otorohanga, Mokau–Mohakatino, Mohakatino–Paraninihi, Kakepuku, Manguika, Uekaha, Poko o Riri, Whatairoiro, and Wharepuhunga blocks, and ‘everything on them, over them, and under them’.

A memorandum (2002) stated that the claim required research to be completed before it could go to hearing and be heard with other claims.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae District Inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

284. Claim 1.1.59, p [1].
285. Claim 1.1.59(a), p [1]. The initial statement of claim (claim 1.1.59) stated it was lodged on behalf of ‘all the descendants of the Tuupuna, Maniapoto, Mango, Haumia and Kinohaku’.
286. Claim 1.1.59, p [1]. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 6.10.7, 10.4.4 (fn 321), 10.6.2.2.2., 11.3.3.2 (fn 150), 11.4.3, and 20.4.4.3 and tables 11.5 and 13.3.
287. Claim 1.1.59(a), p [1].
288. Memorandum 2.1.59, p [1].

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affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part II).

In respect of the claimants’ allegation about the Hauturu West block, chapter 13 refers to evidence that Hauturu West G2 section B2 was vested in the Waikato-Maniapoto District Māori Land Board without a 350-acre area being reserved for the owners, as the Native Land Commission had recommended in 1907.\(^{289}\) As we note in section 13.3.10, such vestings were ‘scarcely an act of good faith’.

We record in section 13.3.7.3 that the land board proceeded to prepare a subdivision plan offering the reserve for sale, but ‘halted the sale after hearing from the owners’. Eventually, the block was returned to its owners, but not until 1975 (section 13.5.9). We comment that this block and other ‘remnants of the vested lands scheme’ were taken from their owners ‘on the pretext that they were unproductive, then [were] locked up under board or trustee control for 50 years or more while all pleas for their return were dismissed. They returned little or no income, and contributed little or nothing to their owners’ welfare, nor to the settlement of the district, and were finally returned when the Trustee could find no better use for them’ (section 13.5.9).

Overall, we find in chapter 13 that the Crown breached the Treaty principles of partnership, reciprocity, mutual benefit, good governance, and the guarantee of Te Rohe Pōtae Māori tino rangatiratanga over their lands in its establishment of the vested land scheme, its oversight of the land board’s administration, and its failure to make statutory provision for re-vesting as of right. The Crown’s actions were also inconsistent with its duty of active protection (section 13.5.11). We conclude in section 13.7 that ‘Te Rohe Pōtae Māori suffered serious and long-lasting prejudice as a result of the Crown’s Treaty breaches, particularly through the loss of control and ownership of their land, as well as the financial impacts of the vested lands scheme.’

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\(^{289}\) Other Hauturu West blocks are referred to elsewhere in *Te Mana Whatu Ahuru*, including in sections 14.4.2.1.2 and 16.4.4.3.
Claim title
Ngāti Maniapoto Te Awaroa Block Claim (Wai 1015)

Named claimants
Jack Tamaki and Bob Tata (2001) and Manny Tata (2011)

Lodged on behalf of
Hapū in the Ngāti Maniapoto rohe

Takiwā
Waipā–Pūniu. This claim concerns lands in the Te Awaroa block on the eastern side of Kāwhia Harbour.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1015 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwae, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretāpoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claimants allege that the Crown’s land takings, enabled by legislation, prejudicially affected them. Their claim is concerned with land in Te Awaroa block. The claim alleges the Crown acquired land in the block by questionable means which were inconsistent with the principles of the Treaty of Waitangi. These include land taken to compensate other iwi for confiscations, the Native Land Court, survey liens, Crown purchasing practices, public works takings and endowments. The claimants also allege that the disposal of surplus land held by the Government and its agencies, without reference to their iwi, and the disposal of traditional harvesting rights are inconsistent with the Treaty of Waitangi.

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of

290. Claim 1.1.60; final soc 1.2.20, p 2.
291. Final soc 1.2.20, p 2.
292. Claim 1.1.60, p 1.
293. Final soc 1.2.20, pp 3–6.
294. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.1.3–10.4.1.4, and 10.5.1.5 and table 11.5.
295. Claim 1.1.60, p 1.
the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\textsuperscript{296}

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909

\textsuperscript{296} Final SOC 1.2.20, pp 19–85.
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

  With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Te Awaroa B4 Section 4B1 and Hauturu Waipuna C Blocks Claim (Wai 1016)

Named claimants
Loui Rangitaawa and others

Lodged on behalf of
Hapū affiliated to Ngāti Maniapoto

Takiwā
Waipā–Pūniu. The Te Awaroa and Hauturu Waipuna C blocks are on the south-eastern side of Kāwhia Harbour.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1016 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Ururnumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeono, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Parepapoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claimants allege the Crown’s legislation and land takings in the Te Awaroa B4 section 4B1 block, and in the Hauturu–Waipuna C block have prejudiced them. They allege the Te Awaroa B4 section 4B1 block was taken by expropriation. In the Hauturu–Waipuna C block, they allege that government policies on consolidation and uneconomic interests alienated land from owners.

In the amended statement of claim filed on behalf of the Te Hauāuru claim group, the effects of Crown legislation in Te Awaroa B4 section 4B1, and in Hauturu–Waipuna C, are identified as examples of twentieth century land alienation. The claimants allege this and similar takings demonstrate that the Crown breached its Treaty duties and the promises made in the Te Ōhāki Tapu agreements by ‘fail[ing] to protect the significantly reduced land base still remaining

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297. Final soc 1.2.20, p 2. The original statement of claim (2002) includes these names: Panataua Ben Rangitaawa, Bob Tata, Mike Taitoko, Merekaro Karena, Jacqui Amohanga, Loui Rangitaawa, James Ormsby, and others that are unclear: claim 1.1.61.
298. Final soc 1.2.20, p 2.
299. Claim 1.1.61.
300. Final soc 1.2.20, pp 3–6.
301. The Awaroa B4 block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 14.3.3 (fn 105) and 19.5.3. The Hauturu–Waipuna C block is discussed in sections 16.5.1.2 and 16.5.3.
in the claimants ownership during the period from the early 1900s to the present day.\textsuperscript{302}

The group’s amended statement of claim also sets out the following causes of action: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto, the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\textsuperscript{303}

The group’s closing submissions also raise issues about the compulsory acquisition of uneconomic shares. Compulsory acquisition, the claimants allege, resulted in some Te Rohe Pōtae Māori being deprived of their tūrangawaewae, breaching the Treaty of Waitangi and its principles.\textsuperscript{304}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
  \item The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).
  \item The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part 11).
  \item The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).
\end{itemize}

\textsuperscript{302} Final soc 1.2.20, pp 80, 83–84.
\textsuperscript{303} Final soc 1.2.20, pp 19–85.
\textsuperscript{304} Submission 3.4.140, p 33.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtæ under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtæ Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Pirongia Allotment No 265 Claim (Wai 1054)

Named claimant
Walter Te Huia Tata (2002)

Lodged on behalf of
His family and the descendants of Reihana Wahanui Te Huatare

Takiwā
Waipā–Pūniu. This claim concerns Pirongia Allotment No 265.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1054 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Ururumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretāpoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claim alleges that the Crown’s taking of Pirongia Allotment No 265 prejudiced the claimant’s family by usurping their ancestor’s land.

In his evidence, Walter Tata noted that the Crown granted the allotment to his tupuna Wahanui in 1885. Wahanui had a house on the allotment. According to Mr Tata, his family believed the land had been taken for unpaid rates, but Tribunal research now indicates the land was taken under the Land Act. Mr Tata said that ‘the taking of this land was just another example of the Crown using legislation to take land from his tupuna’. It is alleged that the Crown breached its Treaty duty to actively protect the claimants and their land and to act with the utmost good faith towards them by disposing of the allotment without the knowledge of Wahanui’s descendants.

305. Claim 1.1.64.
306. Claim 1.1.64; final SOC 1.2.20, p 2.
307. Claim 1.1.64.
308. Final SOC 1.2.20, pp 3–6.
309. Researcher Craig Innes refers to the allotment as Allotment 265, Alexandra East, in his report on the alienation of Māori land in the Te Rohe Pōtāe Parish extension. He says the allotment was taken as ‘unclaimed’ and was proclaimed Crown land in 1930: doc A30 (Innes), pp175–176.
311. Submission 3.4.140, p 40.
These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Otorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^1\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

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1. Final soc 1.2.20, pp 19–85.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Orahiri and Other Blocks Claim (Wai 1058)

Named claimant
Barry Benjamin Carr (2002)

Lodged on behalf of
Hapū in the Ngāti Maniapoto rohe

Takiwā
Waipā–Pūniu. The claim relates to lands within the Orahiri, Otorohanga, Puketarata, Ouruwhero, and Takotokoraha blocks.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1058 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Ururnumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Parepoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, andWaitomo areas.

Summary of claim
The claim alleges that the Crown’s land takings, enabled by legislation, prejudicially affected the claimant and his hapū and iwi. The claim is concerned with land in the Orahiri, Otorohanga, Puketarata, Ouruwhero, and Takotokoraha blocks. According to the claimant, the Crown acquired this land by questionable means inconsistent with the principles of the Treaty of Waitangi including the Native Land Court, survey liens, Crown purchasing practices, public works takings, and endowments. The claimant also alleges that the disposal of surplus land held by the Government and its agencies, without reference to their iwi, and the disposal of traditional harvesting rights, is inconsistent with the Treaty of Waitangi.

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are the Crown’s failure...
to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^{319}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

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\(^{319}\) Final soc 1.2.20, pp 19–85.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Huiputea Block Claim (Wai 1095)

Named claimant
Thomas Charles Roa (2003)

Lodged on behalf of
His family and hapū Ngāti Hinewai, Ngāti Rungaterangi, Ngāti Matakore, Ngāti Parewaeno, Ngāti Urunumia, Ngāti Paretāpoto, Ngāti Taiwa, and other hapū of Ngāti Maniapoto

Takiwā
Waipā–Pūniu. This claim concerns the Huiputea block.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1095 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretākawa, Ngāti Uekaha, Ngāti Paretāpoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claim allege the Crown’s land takings in the Huiputea block under the Native Townships Act 1910 and the Public Works Act 1908 prejudiced the claimant and his hapū by usurping their tino rangatiratanga. According to claimant evidence, Huipūtea is in the middle of the Ōtorohanga township and was critically important to the Kingitanga; it was there that Maniapoto gave their protection to Te Wherowhero after Mātakitaki and defeated Ngā Puhí.

The amended statement of claim filed on behalf of the Te Hauāuru claim group identifies the development of the native townships as one of a series of measures during the 1890s which aimed to extend Crown control over Māori land and facilitate the spread of Pākehā settlement. It notes that the Native Township Act 1910 provided that the Crown could purchase any land in a native township and

320. Claim 1.1.69.
321. Final SOC 1.2.20, p 2.
322. Claim 1.1.69.
323. Final SOC 1.2.20, pp 3–6.
324. The Huiputea block is discussed elsewhere in Te Mana Whatu Ahuru, including in section 20.5.2 and table 21.1.
325. Document O17(a) (Roa), pp 1–2.
that private purchases had to be confirmed by the Maori Land Board. The claimants allege that this demonstrates that the Crown breached its Treaty duties and the promises made in Te Ōhākī Tapu by ‘fail[ing] to ensure that Māori retained ownership of their native township lands and, instead, facilitated the sale of native township lands.’

The amended statement of claim identifies the Public Works Act 1908 as part of a public works regime introduced by Crown within the Te Rohe Pōtae lands which allowed land and resources to be compulsorily taken from Māori. The claimants allege this again demonstrates that the Crown breached its Treaty duties and the promises made in Te Ōhākī Tapu by ‘fail[ing] to protect the already reduced land of Māori by allowing further alienations by way of public works throughout the 19th and 20th centuries.’

In addition to the compulsory taking of land for public works and the development of native townships, the group’s amended statement of claim also sets out the following causes of action: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto, the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, local government, environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.

The claimants’ allegations about the Huiputea block are further developed in the closing submissions, which describe the block as ‘a microcosm of the claims in Te Rohe Pōtae given the number of ways Crown breaches of Te Tiriti have impacted upon it, whittling it away to but a small remnant of what it once was.’ The claimants say the Crown acquired significant portions of the block in various ways, including developing the railway through it, implementing stop banks for river control, and the use of the Native Township Act and the Public Works Act. By these actions, the claimants say, the Crown breached its duty to actively protect the claimants and their lands to the fullest extent practicable – a breach made worse ‘given the significance of the area to tangata whenua and its history which was inextricably tied to Ngāti Maniapoto.’

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

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326. Final soc 1.2.20, pp 63, 69–70.
327. Final soc 1.2.20, pp 49, 56.
328. Final soc 1.2.20, pp 19–85.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ohākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell.’ We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty
principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  The taking of land within the Huiputea block for the Ōtorohanga flood banks is discussed in section 20.5.2.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Waikeria Regional Prison Farm Claim (Wai 1098)

Named claimants
John Mana Roa

Lodged on behalf of
Himself and ‘the collective of the Muraahi, Waho, Patea and Mokau whānau’. They belong to Ngāti Te Rahurahu, Ngāti Ngutu, Ngāti Manga and Ngāti Paretekawa.

Takiwā
Waipā–Pūniu. The claim concerns land within the Tokanui/Waikeria block on which the Waikeria Prison is established.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the Crown has failed to acknowledge his whānau’s tino rangatiratanga and rights of self-government in relation to their people, lands, resources, wildlife, fisheries, forests, waterways, and taonga. It is alleged that the failure has occurred through various statutes, policies and actions and omissions of the Crown, including its:

- failure to comply with Te Ōhākī Tapu;
- refusal to use section 71 of the Crown Constitution Act 1852 to allow for tribal jurisdiction;
- purchasing policies; and
- establishment of the Native Land Court and implementation of the Native Land legislation.

The closing submission particularises the effects on the claimant and his tūpuna of the Crown’s compulsory acquisition of excessive land at Tokanui through public works legislation, which went ahead without consultation with Maori landowners. It is also alleged the Crown failed to offer back any of the land taken that was not ultimately required for the stated purpose; instead, it was privately sold or transferred for use by other government departments. The claimant states that his
great-grandfather, Muraahi Niketi, had to shift south from the Tokanui/Waikeria area once his land was taken. Counsel describes this as a ‘clear example of the negative impact that stemmed from the Crown’s taking of the land at Tokanui.’

The closing submission also highlights the death of the claimant’s tupuna Poneke at the battle of Ōrākau, which Mr Roa said in evidence had ‘a long lasting impact’ on Poneke’s descendants. Mr Roa described the loss of a ‘leadership and father influence’ that ‘would without doubt have been positive and enduring’. He said the stories and teachings of his tupuna ‘would have been able to be filtered down to us and helped us navigate our way through the many challenges we have had to endure.’

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae District Inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  
  The battle at Ōrākau is discussed in detail in section 6.7.10.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886-to 1907, and its effects on Te Rohe Pōtae Maori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

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335. Submission 3.4.137, p 9.
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century; see chapter 20 and the findings summarised in section 20.9 (part IV).

The Crown’s taking of the land that became the site for the Tokanui Hospital and Waikeria Prison is discussed in detail in section 20.4.3. We note there that the taking has ‘created an inter-generational problem’ and – even though the Crown has since had ample opportunities to provide redress to the former Māori owners of the Tokanui lands – it has not done so.
Claim title
Tokanui Block Claim (Wai 1099)

Named claimant
Raymond Francis Mokau (2003)\(^{337}\)

Lodged on behalf of
Ngā tūpuna Mokau Hapimana and Te Whakataute Te Huia of Ngāti Maniapoto and their descendants\(^{338}\)

Takiwā
Waipā–Pūniu. This claim relates to the Tokanui block ‘on the south side of the Puuniu river and west of Wharepuhunga, with the Pokuru block situated to the north west’.\(^{339}\)

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeno.

Summary of claim
The original Wai 1099 statement of claim focuses on Crown actions which allegedly undermined the tino rangatiratanga of the claimant, his tūpuna, and other descendants within the Tokanui block.\(^{340}\) It says the Crown introduced legislation and attempted from the 1880s to ‘open up’ Te Rohe Pōtai. The claim also alleges that the Crown’s failure to comply with Te Ōhākī Tapu, and its refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtai, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions’.\(^{341}\)

The claimant alleges that Crown actions caused or permitted their lands to be alienated, and identifies survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands.\(^{342}\) The Crown, the claim says, failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources detrimental to their interests and customary rights.\(^{343}\) The claim alleges that legislation regulating hunting and fishing denies their rights to exercise kaitiakitanga over

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\(^{337}\) Claim 1.1.71.

\(^{338}\) Claim 1.1.71.

\(^{339}\) Claim 1.1.71, para 3.

\(^{340}\) Claim 1.1.71, para 4.3. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.3.6, 10.4.4 (fn 321), 11.3-3.1 (fn 145), 11.4.4.4, 14.3.1, 14.4.3.1, and 20.4.3 and table 11.4.

\(^{341}\) Claim 1.1.71, para 5.1.1.

\(^{342}\) Claim 1.1.71, paras 5.2.1–5.2.2.

\(^{343}\) Claim 1.1.71, paras 5.2.3–5.2.4.
their taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.344

The Wai 1099 claim subsequently joined with eight other claims relating to the Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu hapū. This larger grouping produced further pleadings addressing a wide range of Crown actions in an amended consolidated statement of claim.345 Here, the claimants contend broadly that ‘the Crown relentlessly pursued the peoples of Ngaati Paretekawa, Ngatai Parewaeono and Ngaati Rahurahu in the Te Rohe Potae District which was seen as one of the last bastions of Maori resistance.346 They claim the Crown sought to punish them for their efforts to maintain their mana and rangatiratanga.347 Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu assert that ‘they had a right to expect that they would be able to maintain and support their people on their ancestral lands, with their taonga tuku iho to sustain and nurture them.348

These themes are developed through the claimants’ allegations on the following general issues: the erosion of rangatiratanga and the denigration of the Kingitanga; war and raupatu; the aukati; Te Ōhākī Tapū; the introduction of the native land regime and Native Land Court processes; private and Crown purchasing in the Tokanui blocks, where the claimants have interests; the North Island Main Trunk Railway; the survey costs that Māori were forced to meet; the Crown’s public works regime; the Crown’s resource management regime, and its failure to protect the claimants’ rights over their lands, forests, rivers, and natural food sources; and the Crown’s failure to provide adequate education, health services, housing, roading, employment, and other social benefits.349

In relation to the Crown’s legal regime for public works land takings, the claimants raise a specific local issue concerning the establishment of a mental hospital and prison on their Tokanui lands. They allege that, against vehement opposition, the Crown used the Public Works Act 1908 to take land at Tokanui, Pōkuru, and Pūniu. The claimants say the Crown failed to return excess takings or otherwise ensure the claimants retained sufficient lands to sustain their families. Nor did the Crown adequately compensate the land owners for these appropriations.350 Adding insult to injury, they claim, further land was taken in lieu of liens for surveys, which the owners had not consented to.351 The claimants see the Crown’s actions as further punishment for their resistance and say that ‘rather than allow Ngaati Paretekawa and Ngaati Te Rahurahu their source of identity the Crown chose to cover the lands in a concrete prison, drain the remainder and sell them to settlers.

344. Claim 1.1.71, paras 5.3.3–5.5.
345. Submission 3.1.477, para 2; final soc 1.2.139.
346. Final soc 1.2.139, para 2.2.
347. Final soc 1.2.139.
348. Submission 3.4.189, para 4.17.
349. Final soc 1.2.139, paras 6–14.
350. Final soc 1.2.139, para 12.3.
351. Final soc 1.2.139, para 12.3.
for farming development.'352 This matter was originally addressed in the Wai 1136 claim.

The amended statement of claim also further particularises the Wai 1132 claim relating to the creation of the Ōtorohanga Native Township. The claimants allege that the creation of the township by the Native Land Council was rejected by Māori, who wanted to retain the area as a place of Māori settlement. When Māori opposition to settlement was overcome by the establishment of the township, they claim that this imposed high costs on the landowners, and eventually led to the lease of their land by the Maori Land Board.353 Further, when the land board was disestablished, and the claimants' land vested in the Māori Trustee, they allege that 'the Crown effectively disenfranchised Maori owners from their lands.'354

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal's jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

352. Final soc 1.2.139, para 12.6.
353. Final soc 1.2.139, para 12.47–12.55.
354. Final soc 1.2.139, para 12.66.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifttings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

We discuss the Ōtorohanga Native Township in section 15.4.3, and our findings on that specific issue are at section 15.4.3.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

› The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

› The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

› The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

› The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

355. See section 20.4.3 of volume III.
Te Māpara and Kahuwera Land Blocks Claim (Wai 1100)

Named claimant
Harriet Rose Chase (2003)

Lodged on behalf of
The extended whānau of Napinapi Marae and local hapū

Takiwā
Waipā–Pūniu

Other claims in the same claim group
1099, 1100, 1132, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeno.

Summary of claim
The original Wai 1100 statement of claim focuses on Crown action which the claimant alleges impacted the tino rangatiratanga of her hapū and whānau within those blocks known as Te Mapara and Kahuwera Department of Conservation reserves. In particular, the claim alleges the Crown introduced legislation and attempted from the 1880s to ‘open up’ Te Rohe Pōtai. It further alleges that the Crown’s failure to comply with Te Ōhākī Tapu, and its refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtai, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.

The claim asserts that the Crown’s actions caused or permitted the lands of the hapū and whānau to be alienated, and identifies survey liens, court fees, and other debts associated with the Native Land Court as further facilitating this alienation. It alleges that the Crown failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources which was detrimental to their interests and customary rights. The claim also alleges that legislation regulating hunting and fishing denies their rights to exercise kaitiakitanga over their taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.

356. Claim 1.1.72.
357. Claim 1.1.72.
358. Claim 1.1.72, para 1. The Kahuwera block is referred to elsewhere in Te Mana Whatu Ahuru, in table 11.5.
359. Claim 1.1.72, para 5.1.1.
360. Claim 1.1.72, paras 5.2.1–5.2.2.
361. Claim 1.1.72, paras 5.2.3–5.2.4.
362. Claim 1.1.72, paras 5.3.3–5.5.
The Wai 1100 claim was subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu hapū. As part of this larger grouping, the claimants produced further pleadings addressing a wide range of Crown actions in an amended consolidated statement of claim.\(^{363}\) The pleadings produced by this grouping are elaborated in the entry for Wai 1099.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

\(^{363}\) Submission 3.1.477, para 2; final SOC 1.2.139.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

We discuss the Ōtorohanga Native Township in section 15.4.3, and our findings on that specific issue are at section 15.4.3.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Of particular relevance to this group's claim is our finding that: 'Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre
Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.\textsuperscript{364}

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtāe: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtāe Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtāe Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtāe from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

\textsuperscript{364} See section 20.4.3 of volume III.
Claim title
Kaipiha Block Alienation Claim (Wai 1115)

Named claimant
Harry Turner (2002)

Lodged on behalf of
His family and hapū Ngāti Taramatau, Ngāti Hikairo, Ngāti Apakura, and other hapū of Ngāti Maniapoto

Takiwā
Waipā–Pūniu. This claim relates to the Kaipiha block.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1115 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeneo, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretapoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claim alleges the hapū have been prejudiced by the Crown’s land takings in the Kaipiha block under the Public Works Act 1908. It alleges the prejudice includes the alienation of ancestral lands and the destabilisation of their tikanga and traditional way of life.

The amended statement of claim filed on behalf of the Te Hauāuru claim group identifies the Public Works Act 1908 as part of a public works regime introduced by Crown within the Te Rohe Pōtāe lands, which allowed land and resources to be compulsorily taken from Māori. The claimants allege this demonstrates that the Crown breached its Treaty duties and the promises made in the Ōhākī Tapu by ‘fail[ing] to protect the already reduced land of Māori by allowing further alienations by way of public works throughout the 19th and 20th centuries.’

365. Claim 1.1.75; final soc 1.2.20. The claimant is referred to as Haretana Turner in the original statement of claim.
366. Final soc 1.2.20, p 2.
367. Claim 1.1.75.
368. Final soc 1.2.20, pp 3–6.
369. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.1.1, 10.4.1.3, 10.7.2.1.1, and 11.3.3.1 (fn145).
370. Final soc 1.2.20, pp 49, 56.
In addition to the compulsory acquisition of land for public works, the group’s amended statement of claim also sets out the following causes of action: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto, the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, the Ōtorohanga Native Township, local government, environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^\text{371}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

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\(^{371}\) Final soc 1.2.20, pp 19–85.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ōtorohanga Land Block Claim (Wai 1132)

Named claimants
Wiremu Clarke and Winifred Rika (2003)\textsuperscript{372} and Raymond Monk (2009)\textsuperscript{373}

Lodged on behalf of
Themselves and the descendants of Ngāti Parewaeono\textsuperscript{374}

Takiwā
Waipā–Pūniu

Other claims in the same claim group
1099, 1100, 1132, 1133, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1132 statement of claim concerns the claimants’ interests and rights in their Ōtorohanga lands within Te Rohe Pōtae.\textsuperscript{375} They claim the Crown introduced legislation and attempted from the 1880s to ‘open up’ Te Rohe Pōtae. They further allege that the Crown’s failure to comply with Te Ōhākī Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtae, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.’\textsuperscript{376}

The claimants allege the Crown’s actions caused or permitted their lands to be alienated, and identify survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands.\textsuperscript{377} They also raise legislation such as the Native Townships Act 1895, and the public works regime which they claim sought to hasten alienation and increase settlement of their lands.\textsuperscript{378} They allege legislation constituting the native townships caused the claimants’ land to be proclaimed a native township, their lands surveyed, and streets and reserves to be vested in the Crown.\textsuperscript{379} The claimants also introduce a specific claim regarding the native towns in Ōtorohanga, Te Kūiti, and Taumarunui.

\begin{itemize}
\item \textsuperscript{372} Claim 1.1.76.
\item \textsuperscript{373} Claim 1.1.76(a); memo 2.2.84.
\item \textsuperscript{374} Claim 1.1.76, p [1].
\item \textsuperscript{375} The Ōtorohanga block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 9.4.3, 9.4.6, and 9.8.5 and table 11.5.
\item \textsuperscript{376} Claim 1.1.76, para 5.1.1.
\item \textsuperscript{377} Claim 1.1.76, paras 5.2.1–5.2.2.
\item \textsuperscript{378} Claim 1.1.76, para 5.2.5.
\item \textsuperscript{379} Claim 1.1.76, para 5.2.3.
\end{itemize}
Through its acts and omissions, the claimants say, the Crown failed to protect their interests in land and imposed a regulatory and management regime over their lands and natural resources detrimental to their interests and customary rights. They also claim that legislation regulating their hunting and fishing denies their rights to exercise kaitiakitanga over their taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.

The Wai 1132 claim subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced an amended statement of claim with further pleadings addressing a wide range of Crown actions. The pleadings produced by this grouping are elaborated in the entry for Wai 1099.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

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380. Claim 1.1.76, paras 5.2.3–5.2.4.
381. Claim 1.1.76, paras 5.3.3–5.5.
382. Submission 3.1.477, p 2; final soc 1.2.139.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

We discuss the Ōtorohanga Native Township in section 15.4.3, and our findings on that specific issue are at section 15.4.3.5. The Te Kūiti native township is discussed at section 15.4.4; our findings are at section 15.4.4.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

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383. See section 20.4.3 of volume III.
Claim title
Ouruwhero Land Block Claim (Wai 1133)

Named claimants
Wiremu Clarke and Winifred Rika (2003) and Raymond Monk (2009)

Lodged on behalf of
Themselves and the descendants of Ngāti Parewaeono

Takiwā
Waipā–Pūniu

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1133 statement of claim concerns the claimants’ interests and rights in the Ouruwhero block within Te Rohe Pōtae. They claim the Crown introduced legislation and attempted from the 1880s to ‘open up’ Te Rohe Pōtae. They further allege that the Crown’s failure to comply with the Ōhākī Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtae, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.

The claimants allege that Crown actions caused or permitted their lands to be alienated, and identify survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands. They further identify a number of important pieces of prejudicial legislation including the Native Townships Act 1895, and the public works regime. The claimants also introduced a specific claim regarding the legislation constituting the native townships in Ōtorohanga, Te Kūiti, and Taumarunui.

Through these acts and omissions, the claimants say, the Crown failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources detrimental to their interests and customary rights. They allege the legislation constituting the native township caused

384. Claim 1.1.77.
385. Claim 1.1.77(a); memo 2.2.85.
386. Claim 1.1.77, p [1].
387. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.3–9.4.4, 9.4.7, 9.8.3–9.8.4, 11.4.4.2, 11.4.5, 11.4.8, 11.5.4, 21.5.3, and 21.5.3.3 and tables 9.3 and 11.5.
388. Claim 1.1.77, para 5.1.1.
389. Claim 1.1.77, paras 5.2.1–5.2.2.
390. Claim 1.1.77, para 5.2.5.
391. Claim 1.1.77, paras 5.2.3–5.2.4.
the claimants’ land to be proclaimed a native township, and their lands surveyed, whereupon streets and reserves were vested in the Crown. They further claim that legislation regulating hunting and fishing denies their rights to exercise kaitiakitanga over their taonga, and that the Crown generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.

The Wai 1133 claim subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced further pleadings addressing a wide range of Crown action in an amended consolidated statement of claim. These further pleadings are elaborated in the entry for Wai 1099.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

392. Claim 1.1.77, para 5.2.3.
393. Claim 1.1.77, paras 5.3.3–5.5.
394. Submission 3.1.477, para 2; final SOC 1.2.139.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903) ; the Crown's actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

We discuss the Ōtorohanga Native Township in section 15.4.3, and our findings on that specific issue are at section 15.4.3.5. The Te Kūiti native township is discussed at section 15.4.4; our findings are at section 15.4.4.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

395. See section 20.4.3 of volume III.
Claim title
Tokanui and Pokuru Land Blocks Claim (Wai 1136)

Named claimants

Lodged on behalf of
The extended whānau of Te Muraahi Niketi, Taurangamowaho Te Kohika, Pareumuroa Te Kohika and Patea Taanirau of Ngaati Te Rahurahu and Ngaati Paretekaawa

Takiwā
Waipā–Pūniu. This claim relates to the Tokanui and Pokuru 1B blocks.

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1136 statement of claim addresses the claimants’ interests and rights in the Tokanui lands. In particular, the claim concerns the Pokuru 1B block which would become the Tokanui Mental Hospital, and the original Tokanui block including the Tokanui Crown Research Farm. They claim that the Crown attempted from the 1880s to ‘open up’ Te Rohe Pōtae. They further allege that the Crown’s failure to comply with Te Ōhāki Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtae, led to the eventual replacement of the claimants’ ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.’

The claimants allege that Crown actions caused or permitted their lands to be alienated, and identify survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands. They also raise legislation, such as the Native Townships Act 1895, and the public works regime which they claim sought to hasten alienation and increase settlement of their lands. Through these acts and omissions, the claimants say, the Crown...
failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources detrimental to their interests and customary rights. They further claim that legislation regulating hunting and fishing denies their rights to exercise kaitiakitanga over their taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.

The Wai 1136 claim was subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced an amended statement of claim addressing a wide range of Crown actions. The pleadings produced by this grouping are elaborated in the entry for Wai 1099.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ohāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

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403. Claim 1.1.78, paras 5.2.3–5.2.4.
404. Claim 1.1.78, paras 5.3.3–5.5.
405. Submission 3.1.477, para 2; final soc 1.2.139.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtai (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtai Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtai Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtai under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III). We discuss the Ōtorohanga Native Township in section 15.4.3, and our Treaty analysis and findings on that specific issue are at section 15.4.3.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtai Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

406. See section 20.4.3 of volume III.
Claim title
Aōtea Land Blocks Claim (Wai 1137)

Named claimants

Lodged on behalf of
The tūpuna of Rewi Manga Maniapoto and other rangatira within Maniapoto and Te Rohe Pōtæ

Takiwā
Waipā–Pūniu

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1137 statement of claim concerns the entire Te Rohe Pōtæ, or what was then called the Aōtea block. The claimants allege the Crown introduced legislation and attempted from the 1880s to ‘open up’ Te Rohe Pōtæ. They further allege that the Crown’s failure to comply with Te Ōhākī Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtæ, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.’

The claimants allege that Crown actions caused or permitted their lands to be alienated, and identify survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands. The Crown, the claimants say, failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources detrimental to their interests and customary rights. They claim that legislation regulating the claimants’ hunting and fishing rights denies their rights to exercise kaitiakitanga over their taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.

The Wai 1137 claim subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced further pleadings addressing a wide range

407. Claim 1.1.79.
408. Claim 1.1.79.
409. Claim 1.1.79, para 5.1.1.
410. Claim 1.1.79, paras 5.2.1–5.2.2.
411. Claim 1.1.79, paras 5.2.3–5.2.4.
412. Claim 1.1.79, paras 5.3.3–5.5.
of Crown actions in an amended consolidated statement of claim. The pleadings produced by this grouping are elaborated in the entry for Wai 1099.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

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413. Submission 3.1.477, p 2; final SOC 1.2.139.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtane Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

The Crown’s scheme requiring Te Rohe Pōtane Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtane Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtane under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

We discuss the Ōtorohanga Native Township in section 15.4.3, and our Treaty analysis and findings on that specific issue are at section 15.4.3.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtane Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource

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414. See section 20.4.3 of volume III.
sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Waipā River Claim (Wai 1138)

Named claimants
Winifred Rika and Kaawhia Muraahi (2003)\(^{415}\) and Raymond Monk (2009)\(^{416}\)

Lodged on behalf of
Themselves, their tūpuna, the Te Keeti Marae, and the hapū of Ngāti Parewaeono\(^{417}\)

Takiwā
Waipā–Pūniu. This claim relates to the Waipā River from its source in the Waipā Valley to the confluence of the Waipā and Waikato Rivers at Ngāruawāhia.\(^{418}\)

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1138 statement of claim concerns the Waipā River where the claimants say they have important customary interests. The claimants also allege that the Crown's failure to comply with Te Ōhākī Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtae, led to the eventual replacement of Māori 'cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.'\(^{419}\)

The claimants allege that Crown action caused or permitted their lands to be alienated, and they identified survey liens, court fees, and other debts associated with the Native Land Court as having further facilitated the alienation of their lands.\(^{420}\) They also raise legislation such as the Native Townships Act 1895, and the public works regime which they claim sought to hasten alienation and increase settlement of their lands.\(^{421}\) Through these acts and omissions, the claimants say, the Crown failed to protect their interests in land and also imposed a regulatory and management regime over their lands and natural resources; this regime was detrimental to their interests and customary rights.\(^{422}\) The claimants assert that legislation regulating their hunting and fishing rights denies their rights to exercise kaitiakitanga over their taonga, and that the Crown had generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.\(^{423}\)

\(^{415}\) Claim 1.1.80.
\(^{416}\) Claim 1.1.80(a); memo 2.2.86.
\(^{417}\) Claim 1.1.80.
\(^{418}\) Claim 1.1.80, para 3.
\(^{419}\) Claim 1.1.80, para 5.1.1.
\(^{420}\) Claim 1.1.80, para 5.2.1–5.2.2.
\(^{421}\) Claim 1.1.80, para 5.2.5.
\(^{422}\) Claim 1.1.80, paras 5.2.3–5.2.4.
\(^{423}\) Claim 1.1.80, paras 5.3.3–5.5.
The Wai 1138 claim was subsequently grouped with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced further pleadings addressing a wide range of Crown actions. These group pleadings are elaborated in the entry for Wai 1099.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

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424. Submission 3.1.477 p 2; final soc 1.2.139.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

We discuss the Ōtorohanga Native Township in section 15.4.3, and our Treaty analysis and findings on that specific issue are at section 15.4.3.5.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Of particular relevance to the group’s claim is our finding in section 20.4.3 that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ketemaringi-Hurakia Forest Reserve Claim (Wai 1139)

Named claimants

Lodged on behalf of
Their ancestors in common and the hapū of Ngāti Parewaeono.

Takiwā
Waipā–Pūniu

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1139 statement of claim concerns the claimants’ interests and rights in the Ketemaringi-Hurakia Conservation Reserve, which includes the Hurakia block. They claim the Crown introduced legislation and attempted from the 1880s to ‘open up’ Te Rohe Pōtae. They further allege that the Crown’s failure to comply with Te Ōhākī Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtae, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions.’

The claimants allege that Crown actions caused or permitted their lands to be alienated, and identify survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands. They also raise legislation, such as the Native Townships Act 1895, and the public works regime which they claim sought to hasten alienation and increase settlement of their lands. Through these acts and omissions, the claimants say, the Crown failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources which was detrimental to their interests and customary rights. They claim that legislation regulating hunting and fishing rights denies their rights to exercise kaitiakitanga over their

425. Claim 1.1.81.
426. Claim 1.1.81(a); memo 2.2.87.
427. Claim 1.1.81, p [4].
428. The Hurakia block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 2.6.2.2 (fn 328), 8.9.2.1, 8.9.3.4, 10.5.3, 10.7.1.1, 10.7.2.2, 13.5.9, and 21.4.6.3 and tables 11.5, 13.3, and 13.10.
429. Claim 1.1.81, para 5.1.1.
430. Claim 1.1.81, paras 5.2.1–5.2.2.
431. Claim 1.1.81, para 5.2.5.
432. Claim 1.1.81, paras 5.2.3–5.2.4.
taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.\textsuperscript{433}

The Wai 1139 claim was subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced further pleadings addressing a wide range of Crown action in an amended consolidated statement of claim.\textsuperscript{434} The pleadings produced by this grouping are elaborated in the entry for Wai 1099.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtai district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the

\textsuperscript{433} Claim 1.1.81, paras 5.3.3–5.5.
\textsuperscript{434} Submission 3.1.477, p 2; final SOC 1.2.139.
railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

  We discuss the Ōtorohanga Native Township in section 15.4.3, and our findings on that specific issue are at section 15.4.3.5.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

435. See section 20.4.3 of volume III.
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Motai Claim (Wai 1340)

Named claimant
James Timothy Clair (2005)

Lodged on behalf of
Himself and Ngāti Motai

Takiwā
Waipā–Pūniu. Ngāti Motai say they are ‘a people of Te Kaokaoroa o Patetere in the Waikato/Kaimai region. Their principal marae are Kuranui, Paparaamu, and Rengarenga located near Te Poi at the foot of the Kaimai Range. Their lands lie across the Waikato-Raukawa, Tauranga Moana, and Te Rohe Pōtai inquiry districts; within the latter, they have associations ‘going back many centuries’ to Kakepuku.

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 1340 claim (2008) concerns Ngāti Motai interests in land, lakes, rivers, forests, fisheries, and other resources within their traditional rohe. It alleges these interests have been adversely affected by Crown policies and practices which breached the principles of the Treaty. These policies and practices relate to political engagement, including Te Ōhākī Tapu; the Native Land Court and Native Lands Acts; local government and rates; land alienation; land administration and development; native townships; public works; survey liens; Crown forestry policies; policies affecting rivers, waterways, and environmental management; and socio-economic issues.

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

436. Claim 1.1.93, p 2.
437. Claim 1.1.93, p 2.
438. Claim 1.1.93(b), pp 2–3.
441. Claim 1.1.93(b), p 4.
Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’ The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.

442. Submission 3.4.158, p 4.
443. Submission 3.4.158, p 5.
444. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Te Uri o Te Hira Kīngi Claim (Wai 1360)

Named claimant
Lee Ann Head (2006)

Lodged on behalf of
Te Uri o Te Hira Kīngi  The claim is whānau-based. The whānau belong to Ngāti Kaputuhi, Ngāti Pourāhui, Ngāti Parewaeono, Ngāti Paretekawa-Ngāti Manga, and Ngāti Te Rahurahu, all hapū of Ngāti Maniapoto.

Takiwā
Waipā–Pūniu. This claim relates to the Tokanui land block and Ōtorohanga township area.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim allege the Crown has usurped the whānau’s sovereign authority and right to self-government. It also alleges that land transactions and statute law have expropriated their land and resources.

The amended statement of claim sets up two causes of action. The first concerns public works takings in the Tokanui block in 1910 for a mental hospital and a reformatory farm. The claim alleges the Crown breached its Treaty duties by taking more land than necessary and ‘fail[ed] to ensure that Māori landowners retained a sufficient amount of land for their support and livelihood’. In the second cause of action, the claim alleges that in establishing the Ōtorohanga Native Township, the Crown breached its Treaty duties by failing to protect the land and resources of Ōtorohanga Māori and by failing to consult with them.

The closing submission develops the allegation about the Tokanui taking, stating that ‘in relation to the claimants, the Crown acquired 3,149 acres of Māori owned land in Tokanui’ in 1910, for the purposes of the hospital and farm in 1910. This land was taken under the Public Works Act 1894. The absence of consultation or negotiation regarding this taking, the claimants assert, ‘was a failure by the Crown to protect Māori interests and breached Article 2 of Te Tiriti’.

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445. Claim 1.1.95.
446. Submission 3.4.150(a), p 3.
447. Claim 1.1.95, p 3; final SOC 1.2.15, p 1.
448. Claim 1.1.95.
449. The Tokanui block is discussed elsewhere in Te Mana Whatu Ahuru, most fully in section 20.4.3 but also in sections 10.4.3.6, 10.4.4 (fn 321), 11.3.3.1 (fn 145), 11.4.4.1, 14.3.1, and 14.4.3.1 and table 11.4.
450. Final SOC 1.2.15, pp 17, 19.
Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

› The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part III).

› The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

› The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

› Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

› The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

› With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

› The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The taking of Māori land for the mental hospital and reformatory farm (the latter subsequently becoming the Waikeria Prison) is discussed in detail in section 20.4.3, along with other examples of how the Crown’s compulsory land taking provisions were applied in practice. There, we note the Crown’s concession that the Tokanui taking ‘involved an “excessive amount” of land’ and caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing.’ Therefore, the Crown concedes that the taking of land for the Tokanui hospital breached the Treaty and its principles. In section 20.4.3, we also note the Crown’s failure to return hospital lands as they have been declared surplus.

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Te Akaiimapuhia Māori Land Incorporation Claim (Wai 1389)

Named claimant
Mike Taitoko

Lodged on behalf of
Te Akaiimapuhia Maori Incorporation

Takiwā
Waipā–Pūniu

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the claimant’s tino rangatiratanga and mana Māori motuhake over their assets, economic base, and taonga tuku iho (including waterways, intellectual and spiritual property, flora, fauna, and minerals), which they allege the Crown has ‘systemically and unjustly usurped’. The claim identifies assets and resources including the Hauturu West, Te Kauri, Taharoa B, Turoto, Hauturu East, Kawhia E, Te Motu Island, Orahiri, Rangitoto–Tuhua, Maraetaua, Puketarata, Ouruwhero, Whangaingatakupu, Te Awaroa, Mangamahoe, Taumatatotara, Pakeho, Pukenui, Otorohanga, Mokau–Mohakatino, Mohakatino–Paraninihi, Kakepuku, Manguika, Uekaha, Poko-o-Riri, Whakairoiro, and Wharepuhunga blocks, and everything ‘on them, under them, over them and within them’.

The claim says that the Crown has breached the guarantees made in Te Tiriti. They also allege Te Rohe Pōtae Māori have been denied natural justice, continue to have their tikanga and constitutional rights violated by the Crown, and have been (and remain) prejudicially affected by the Crown’s acts or omissions. No further amended statements, evidence or submissions were lodged for this claim.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

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452. For a list of hapū and whānau the Incorporation are descendants of, see claim 1.1.102, p.1.
453. Claim 1.1.102, p.1.
454. Claim 1.1.102, p.3.
the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

- our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.

A number of the land blocks listed in this claim are discussed throughout the report, such as the various Hauturu West blocks examined in chapters 13, 14, and 16 (see sections 13.3.7.3, 14.4.2.1.2, and 16.4.4.3).
Claim title
Parish of Pirongia Lot 359 Claim (Wai 1437)

Named claimant
Te Aroha Norman Apirana (2007)\(^{455}\)

Lodged on behalf of
The descendants of Mihi Piro\(^{456}\)

Takiwā
Waipā–Pūniu. This claim concerns Parish of Pirongia, Lot 359.\(^{457}\)

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1437 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeono, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretāpoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.\(^{458}\)

Summary of claim
The claim alleges the Crown’s land takings in Lot 359 have prejudiced the descendants of Mihi Piro. It alleges that they were subjected to 15 years of pressure to sell Lot 359 to the Crown. This alleged pressure culminated in the land being taken by the Crown by proclamation in 1930.\(^{459}\)

Te Aroha Norman Apirana stated in evidence that Lot 359 is located on Tahuanui Peak on Maunga Pirongia. The area was used for gathering materials for traditional medicine. The Crown began purchasing in the block in 1916 and in 1921 issued the first of many prohibitions on alienation. The lot was declared Crown land in 1930 and is now part of the Pirongia State Forest. The claimant alleges the Crown failed to ensure Ngāti Hikairo retained enough land for their needs.\(^{460}\) The claim was further developed in the closing submissions, where it was alleged the Crown breached its Treaty duties by purchasing and declaring Lot 359

\(^{455}\) Claim 1.1.108.
\(^{456}\) Final soc 1.2.20, p 3. In evidence, Te Aroha Norman Apirana states that this claim ‘should be seen under the wider Ngāti Hikairo claims’: doc N40, p 3.
\(^{457}\) Claim 1.1.108.
\(^{458}\) Final soc 1.2.20, pp 3–6.
\(^{459}\) Claim 1.1.108, p 1.
\(^{460}\) Document N40, p 7.
to be Crown land. It was a significant site to the claimants and is now out of their effective control.\textsuperscript{461}

These allegations also inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing, and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\textsuperscript{462}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

\textsuperscript{461} Submission 3.4.140, p 44.
\textsuperscript{462} Final SOC 1.2.20, pp 19–85.
The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Apakura ki Kahotea Lands Claim (Wai 1469)

Named claimants
Jenny Charman, Jack Cunningham, Rangitiepa Huriwaka, and Te Ra Wright (2007) 463

Lodged on behalf of
Ngāti Apakura. The claimants are ‘members of the iwi of Ngāti Apakura, who formerly lived at Rangiaohia, and whose kāinga is now at Kahotea, north of Ōtorohanga’. 464

Takiwā
Waipā–Pūniu. Ngāti Apakura held ‘customary connections, acknowledged by other iwi, stretching from the great forest, or Nehenehenui, south of Te Kuiti to Kaniwhaniwha north of Hamilton’. Important places for Ngāti Apakura in the inquiry district included Kāwhia, Pirongia, the Kawa swamplands, and Waikeria. 465

Other claims in the same claim group
1469, 2291. These claims ‘represent the comprehensive Ngāti Apakura te iwi claims before this Inquiry District’. 466

Summary of claim
The original Wai 1469 claim addresses the Waikato War and Raupatu, and the Raupatu’s ongoing impacts. It stresses that Ngāti Apakura had been forced into the Waikato War because of the Crown’s invasion and then, having been deemed ‘rebels’, lost all their traditional Waikato lands in the resulting confiscation. The claimants allege that the Crown made no provision for the resulting Ngāti Apakura refugees, who were left instead with lands made available to them by Ngāti Maniapoto relatives at Puketarata, and go on to observe that this meagre land base was further reduced by later alienations against their wishes, including the public works taking for Kahotea Road. 467

The final statement of claim for Wai 1469 describes in greater detail the losses suffered as a result of Crown actions during the Waikato War, and the confiscation of Ngāti Apakura lands under the New Zealand Settlements Act 1863. 468 In particular, it asserts that Crown forces attacked the undefended settlement of Rangiaowhia, where non-combatants had gathered, and carried out atrocities against women, children, and the elderly, including mass killings. The statement

463. Claim 1.1.115.
464. Final soc 1.2.97; claim 1.1.115, p 2. The statement of claim expressed this as being made on behalf of ‘Ngāti Apakura ki Kahotea’: claim 1.1.115, p [1].
465. Final soc 1.2.97, p 2.
466. Submission 3.4.228, p 3.
468. Final soc 1.2.97, pp 3–9.
also asserts that Crown forces sacked Kihikihi and deliberately torched the carved meeting house of Hui-te-Rangiora (in contrast to the respect Ngāti Apakura showed for settler property at Te Awamutu); and that they shot women fleeing Ōrākau. 469 With respect to the confiscation, the claimants say that the small extent of unproductive lands offered under the 1880 confiscated lands legislation left large numbers of Ngāti Apakura landless. 470 They claim that this landlessness should have been taken into account in terms of the liability of their meagre remaining holdings to rating; the generic pleadings on rating are also adopted. 471 A further local government grievance is the failure of the Crown to require that local bodies give effect to iwi management plans, and more broadly, to the Treaty of Waitangi. 472

The claimants also introduce allegations concerning the environment, and observe that the confiscation included waterbodies important to Ngāti Apakura such as Lake Ngāroto and the Pūniu River, and that the beds of further waterways were taken by the Crown via the Coal Mines Amendment Act 1903. 473 The degradation of Lake Ngāroto, the loss through drainage of the Te Kawa swamp eel fishery, and the modification of the Waipā River for flood protection are all highlighted, while the lack of protection for wāhi tapu on the land taken for Waikeria Prison, and more generally, is also noted. 474 The claimants also allege that the Crown failed to consult with Ngāti Apakura on developing measures to adapt to climate change. 475 Education is the final issue raised by the claim, with it being argued that Crown policies for promoting assimilation through schooling, and not encouraging the use of tikanga and te reo, have been particularly harmful to Ngāti Apakura. 476

Subsequently, the Wai 1469 and Wai 2291 (Fenton whānau within Ngāti Apakura) claimants presented joint closing submissions. These added two new aspects to the claimants’ war and raupatu claims, namely the loss of investment in the construction of a large produce storehouse at Onehunga in Auckland, 477 and loss of benefit from 300 acres gifted for a church school in 1854. 478 The Wai 2291 contribution to the closing submissions mainly consists of various Native Land Court, twentieth century land title reform, and development scheme issues. The claimants point to the experience of the Fenton whānau to show how Ngāti Apakura holdings were diminished by partitioning and Crown purchasing, and that mana whenua was diluted because remaining land interests were commonly minor shareholdings in others’ awards.

469. Final soc 1.2.97, pp 4–7.
470. Final soc 1.2.97, pp 8–10.
471. Final soc 1.2.97, pp 10–11.
472. Final soc 1.2.97, p 11.
473. Final soc 1.2.97, p 11.
474. Final soc 1.2.97, pp 11–13.
475. Final soc 1.2.97, p 14.
476. Final soc 1.2.97, p 14.
477. Submission 3.4.228, pp 63–69.
478. Submission 3.4.228, pp 74–76.
Of the twentieth-century issues, the most prominent in the claimants’ submissions are the compulsory conversion of shares\textsuperscript{479} and the assertion that Mangaora 2 was not only included in the Mangaora land development scheme, against the express wishes of owner Rihi Te Rauparaha that it be left out of the scheme, but also that the Crown fraudulently gained consent for its amalgamation with other Mangaora blocks.\textsuperscript{480} The claimants also address two examples of adverse outcomes of public works takings (one for roading and one for gravel).\textsuperscript{481} Lastly, they address socio-economic issues, namely the dispersive effects on Ngāti Apakura of urban migration, and the undermining of Ngāti Apakura’s cultural identity due to the severance of traditional relationships with their confiscated lands.\textsuperscript{482}

The Wai 1469 and Wai 2291 joint submissions adopt the generic submissions for constitutional issues, the Waikato War and raupatu, pre-1865 alienations, the Native Land Court, Crown purchasing, economic development, Māori land administration, land development schemes, public works, rating, environment, and social and cultural issues.\textsuperscript{483}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtai district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtai Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtai Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtai iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

- We note our earlier findings that non-combatants were massacred at both Rangiaowhia and Ōrākau (section 6.7.12), that the burning of Hui-te-Rangiora

\textsuperscript{479}. Submission 3.4.228, pp 89–90.

\textsuperscript{480}. Submission 3.4.228, pp 88–89, 91–94. The Mangaora 2 block is discussed elsewhere in Te Mana Whatu Ahuru, including in section 20.4.4.3.

\textsuperscript{481}. Submission 3.4.228, pp 94–95.

\textsuperscript{482}. Submission 3.4.228, pp 105–107.

\textsuperscript{483}. Submission 3.4.228, pp 3–5.
had no military purpose (section 6.7.12), and that Ngāti Apakura suffered from being dispersed from their ancestral lands (section 6.9.8.2). The report also records the loss of their investment at Onehunga (section 6.10.4) and in the church lands at Rangiaowhia (section 5.6).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown's response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown's subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The inclusion of Mangaora 2 in a development scheme, against the objections of owners (and particularly those of Rihi Te Rauparaha) is described in section 17.3.4.1.2.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  In reporting on Lake Ngāroto (see section 22.3.7.1), including its progressive reduction in area, the Tribunal concluded that it had been managed in the interests of the Pākehā community since the raupatu.

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

Specific local allegations requiring additional Tribunal findings
In relation to the issue of climate change, we note the decision of the Presiding Officer, dated 6 September 2012, that ‘the issues of climate change/global warming and the Emissions Trading Scheme will not be inquired into as part of this inquiry’.\textsuperscript{484} It was the conclusion of the Presiding Officer that ‘climate change/global warming and the Emissions Trading Scheme are kaupapa issues that are more suited to be heard as part of a separate kaupapa inquiry than this district inquiry’.\textsuperscript{485}

\textsuperscript{484} Memorandum 2.5.132, para 5.36.
\textsuperscript{485} Memorandum 2.5.132, para 5.34.
Claim title
Ngāti Wairangi Claim (Wai 1472)

Named claimants
Hurama Te Hiko, Kahurangi Te Hiko, Nigel Te Hiko, Miriata Te Hiko, Paul Te Hiko, Alan Te Hiko, Henrietta Te Hiko, and Georgina Te Hiko (2008)

Lodged on behalf of
Themselves and the hapū of Ngāti Wairangi

The claimants say that Ngāti Wairangi, Ngāti Whakatere, and Ngāti Kauwhata are hapū of Raukawa. While 'Kauwhata is considered an iwi in its own right' in the southern area, they consider Ngāti Kauwhata to be a hapū of Raukawa. Their principal marae are Mōkai and Waiwharangi, located between Tokoroa and Taupō, and Rurunui, in Wharepūhunga.

Takiwā
Waipā–Pūniu. Ngāti Wairangi are located in Te Pae o Raukawa in the Taupō district.

Other claims in the same claim group
255, 389, 443, 538, 1340, 1473, 1472, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 1472 claim (2008) concerns Crown Acts, actions, and omissions that have allegedly prejudiced Ngāti Wairangi. They allege that they have suffered the loss of lands within the boundaries of Te Rohe Pōtae (including through the operation of the Native Land Acts and Crown purchasing); alienation from natural resources; loss of customary rights in their own rohe; and acts of hostility by Crown forces. They argue that these matters are contrary to the principles of the Treaty.

In 2011, counsel for claimants lodged an amended statement of claim which expands on their initial allegations and Treaty breaches by the Crown. They further allege that their interests were adversely affected by Crown actions and

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487. Claim 1.1.116. The amended statement of claim expressed this as on behalf of 'themselves and Ngāti Wairangi, Ngāti Whakatere, and Ngāti Kauwhata': claim 1.1.116(a).
489. 'Waiwharangi and Rurunui are ancient pā sites and are no longer standing today': claim 1.1.116(a), p 1.
490. Claim 1.1.116, p [1].
492. Claim 1.1.116, p [1].

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omissions in the following areas: political engagement, as well as Te Ōhākī Tapu; land alienation and the operation of the Native Land Court; surveys; local government and rates; public works and other compulsory land takings; consolidation, development schemes, and other land administration issues; non-land resources and environmental issues; and socio-economic issues. These Crown actions and omissions constitute breaches of the Treaty, they allege.

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ’settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ’Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’ The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.

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495. Submission 3.4.158, p 5.
496. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Āhuru Claim (Wai 1473)

Named claimant
Te Aokatoa Tawhi (2008)

Lodged on behalf of
The hapū of Ngāti Āhuru, a hapū of Raukawa. Ngātira, Whakaaratamaiti, and Mangakaretu are their principal marae.

Takiwā
Waipā–Pūniu. Ngāti Āhuru are located in Te Kaokaoro o Patetere, in the South Waikato district.

Other claims in the same claim group
255, 389, 443, 538, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 1473 claim (2008) concerns various Crown Acts and actions that the claimants allege were in breach of the Treaty and its principles. The claimant asserts that, as a result, Ngāti Āhuru have suffered loss of lands (including within the boundaries of the former Aotea block), alienation from natural resources, loss of customary rights in their own rohe, and acts of hostility by Crown forces.

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown's alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled.’ Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the
history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.\footnote{503} The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\footnote{504}
Claim title
Ngāti Motai and Ngāti Te Apunga Claim (Wai 1474)

Named claimants
Mahirahi Hireme Tamehana and Tui Thompson (2008)

Lodged on behalf of
Themselves and Ngāti Motai and Ngāti Te Apunga. Ngāti Motai is a hapū of Raukawa and Ngāti Te Apunga are ‘a part of Ngāti Mokai’

Takiwā
Waipā–Pūniu. Ngāti Motai are located in Te Kaokaoroa o Pātetere. Claimants say their principal marae ‘are located at the foot of the Kaimai near Te Poi, called Rengarenga, Kuanui and Paparaamu.’ Ngāti Te Apunga are also located in Te Kaokaoroa o Pātetere. Their principal marae is Paparaamu.

The lands of the two hapū lie across three inquiry districts: Te Rohe Pōt ae, Waikato-Raukawa, and Tauranga Moana. Hapū interests in Te Rohe Pōt ae include blocks of land around the Waitomo Caves and Kakepuku.

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
In the original Wai 1474 claim (2008), the claimants allege that Ngāti Motai and Ngāti Apunga interests in the inquiry district have been adversely affected by Crown policies and practices in relation to political engagement including Te Ōhākī Tapu; land alienation and the Native Land Court and Native Lands Acts; surveys; local government and rates; native townships; public works and other compulsory land takings; consolidation, development schemes, and other land administration issues; non-land resources and environmental issues; and socio-economic issues.

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\(^{510}\) The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’\(^{511}\) The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\(^{512}\)

\(^{510}\) Submission 3.4.158, p 4.
\(^{511}\) Submission 3.4.158, p 5.
\(^{512}\) Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Te Kopua Marae, Ngāti Ngā Waero, and Ngāti Unu Hapū Claim (Wai 1481)

Named claimants
Jack Te Ngaio Tamaki, Bishop Brian Tamaki, Patricia Anne Cowley, and Douglas Allen Tamaki

Lodged on behalf of
Ngāti Ngawaero and Ngāti Unu

Takiwā
Waipā–Pūniu. The ‘interests and significant sites and taonga’ of Ngāti Ngāwaero and Ngāti Unu include Kakepuku, Te Kawa, and Pirongia maunga, and Kakepuku, Rotokawa, Te Kopua, Puketarata, Ouruwhero, Takotokoraha, Whakairoiro, and Ngamahanga land blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1481 claim addresses a range of broad issues including the allegedly prejudicial impact of Native Land Court processes on the claimants, the Crown’s alleged failure to protect their rangatiratanga over their taonga, and the acquisition of the claimants’ land under public works legislation. These pleadings were subsequently particularised in an amended statement of claim, where the claimants allege general prejudice related to the war and raupatu, Te Ōhākī Tapu, Crown purchasing, Crown policy on the development and administration of Māori land, the operation of local government in Te Rohe Pōtae, the Crown’s actions relating to the environment in their rohe, and its putative failure to protect taonga, wāhi tapu, and natural resources within their rohe.

The claimants also raise a number of local issues in their amended statement of claim, including a claim that excessive subdivision facilitated the Crown’s ability to purchase interests in the Kakepuku block. By 1907, the Crown had allegedly acquired 458 acres from individual owners, with a further 248 alienated to discharge

513. Final soc 1.2.93; claim 1.1.120(a). The claim was brought by Jack Tamaki and Bishop Brian Tamaki in 2008, and in 2012 Patricia Cowley and Douglas Tamaki were added as named claimants: claim 1.1.120; memo 2.2.147.
514. Final soc 1.2.93, p 1.
515. Final soc 1.2.93, pp 2–3.
516. Claim 1.1.120, p 2.
517. Final soc 1.2.93, pp 3, 11–16.
518. Final soc 1.2.93, p 8. The Kakepuku block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.4, 9.8.2, 10.4.4, 10.5.1.1, 10.6.2.1.1–10.6.2.1.2, 10.7.2.1.1 (fn 573), 11.4.5.2, 11.4.8, 11.5.3 (fn 662), 13.3.4, 13.5.4, and 21.5.3.3 and tables 9.3, 11.5, 13.3, and 13.9.
survey liens. The claimants raise similar concerns about the Ouruwhero block, alleging that the Crown purchased the interests of individual owners over a number of years and had acquired 1,761 acres by 1894. They also point to the Te Kopua and Pirongia blocks, where the Crown allegedly purchased almost two-thirds of their land. The claimants say that the Crown facilitated the alienation of their lands without regard for their present or future needs, and only a small fraction of the original blocks remains in Māori ownership.

Finally, the claimants raise two further specific local issues in their amended statement of claim. The first concerns the Crown’s use of the Public Works Act 1928 to extract shingle and stone from the Whakairoiro block. They also raise the Te Kawa drainage scheme, created in 1908, as a specific issue. They claim that the scheme almost destroyed the tuna (eel) population in three reserves created in the Kakepuku block.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

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519. Final soc 1.2.93, p.6.
520. Final soc 1.2.93, pp.7–8. The Ouruwhero block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.3–9.4.4, 9.4.7, 9.8.3–9.8.4, 11.4.4.2, 11.4.5, 11.4.8, 11.5.4, 21.5.3, and 21.5.3.3 and table 9.3 and 11.5.
521. Final soc 1.2.93, p.10. The Te Kopua and Pirongia blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4.4.2.1, 5.4.5.2.1, 7.3.5.1, 7.4.1.1, 7.4.4.1, 8.9.3.2, 10.5.2, 11.3.3.5, 11.4.3, 11.4.5, 11.4.7 (fn 531), 11.5.4, 11.7.4, 17.3.4, 17.3.4.2.2.1, 20.5.3, and 20.5.3.2 and tables 4.1, 5.3, 11.4, and 11.5.
522. Final soc 1.2.93, pp.10–11.
523. Final soc 1.2.93, p.10.
524. Final soc 1.2.93, p.15.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

We discuss in section 10.5.1.1 the impact of continued subdivision on Māori landowners during the period identified by the claimants. We also discuss the impact of survey costs on Māori landowners in section 10.6.2. In both these sections, we consider the consequences of both subdivision and imposed survey costs on the claimants’ Kakepuku lands.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

For our findings on the alienation of the claimants’ Kakepuku and Ouruwhero lands, see table 11.5.

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

For our discussion of the Te Kawa drainage scheme, see section 21.5.3.3.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Of particular relevance to this claim is our discussion at section 22.6.8 of the importance of tuna and their value to Māori as a taonga.
Claim title
Te Kotahitanga o te Iwi o Ngāti Wehi Wehi Claim (Wai 1482)

Named claimants
Richard Edward Orzecki, Ropata William Miratana, and Patricia Ngatakutai Jacobs

Lodged on behalf of
Themselves and Te Kotahitanga o Te Iwi o Ngāti Wehi Wehi

Takiwā
Waipā–Pūniu. While Ngāti Wehi Wehi ‘are located in the Horowhenua and have their marae at Manakau’, they say their ‘lands of significance . . . are within and around the Wharepuhunga block’. Other important areas are around Maungatautari and the Kokako block at Putaruru.

Other claims in the same claim group
784, 972, 1482

Summary of claim
This claim concerns the alienation of Ngāti Wehi Wehi customary lands and waters as a result of land purchasing and the Native Land Court system. Of particular concern to the claimants is the Crown’s alienation and subsequent administration of the Wharepuhunga block, as a result of which they ‘no longer have any legally recognised interests’ in the block. The claimants also allege the Crown’s management of waterways and subsequent environmental degradation undermined the tino rangatiratanga promised by the Treaty of Waitangi and its principles. Additional allegations relate to the Crown’s failure to protect other Ngāti Wehi Wehi taonga including forests, mahinga kai, fisheries, and wāhi tapu.

The claimants adopt generic pleadings in relation to the following issues: the Te Rohe Pōtae compact and constitutional claims, war and raupatu, the Native Land Court, Crown and private purchasing, public works and the railway, Māori land administration and development, vested lands, local government and rating, economic development, assaults on tikanga, socio-economic effects, environmental issues, and protection of land base. The claimants add commentary about Ngāti Wehi Wehi’s nuanced historical experience of these general issues – including the

525. Submission 3.4.154(a). The claim was brought by Richard Orzecki and Ropata Miratana in 2008, and Patricia Jacobs was included as a named claimant by 2011: claim 1.1.121; memo 3.1.351.
526. Submission 3.4.154(a).
527. Final SOc 1.2.90, pp 2–3.
528. Final SOc 1.2.90. The Wharepuhunga block is discussed extensively in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7.
529. Claim 1.1.121.
530. Final SOc 1.2.90, pp 3–4.
531. Amended SOc 1.2.90.
Crown’s attack on Rangiaowhia, where Ngāti Wehi Wehi has ‘significant customary interests’ along with other iwi/hapū. After the attack, the claimants allege the Crown wrongly confiscated their lands in the Rangiaowhia area because they considered Ngāti Wehi Wehi to have been in rebellion.

The Wai 1482 claimants filed joint opening submissions with the Wai 784 and Wai 972 claimants, but made independent closing submissions.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

  The following finding at section 6.7.12 is especially relevant to the claimants’ allegations about Rangiaowhia:

  [T]he Crown’s forces killed Māori non-combatants at Rangiriri, Rangiaowhia, Hairini, and Ōrākau. At Rangiaowhia and Ōrākau, we have found that non-combatants were massacred when the Crown attacked a defenceless kāinga and its forces set a whare alight, and at Ōrākau when combatants and non-combatants were fleeing from the battle. These Crown actions, set out in full in sections 6.7.7 and 6.7.10, were egregious and in breach of the principles of the Treaty. The Crown’s relationship with the peoples of Te Rohe Pōtae is still overshadowed today by the events at Rangiaowhia in particular.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation,
labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II). Of relevance to the claimants’ allegations about Wharepuhunga is the following discussion at section 11.4.4.1.

In Wharepuhunga, Wilkinson was instructed to start buying individual shares in August 1890, even though the court had not yet formally issued the title, let alone considered owners’ relative interests or ordered any subdivision along tribal lines. Furthermore, the external boundary was disputed by one of the owners. The court did not issue its final judgment on the block until May 1892, by which time Wilkinson and other purchasing officers had succeeded in acquiring some or all of the shares owned by three of the four claimant groups.

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and
resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown's support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
**Claim title**
Effects of Crown Government (Searancke and Others) Claim (Wai 1504)

**Named claimants**
Mihirawhiti Searancke, Renee Hinerangi Searancke, Doreen Hinemania Richards, and others (2008)\(^\text{534}\)

**Lodged on behalf of**
Herself, her mother Renee Hinerangi Searancke, and their whānau\(^\text{535}\)

**Takiwā**
Waipā–Pūniu

**Other claims in the same claim group**
Not applicable.

**Summary of claim**
The original Wai 1504 claim addresses three main issues: hapū authority, the sale of land belonging to women and their children, and the establishment of the Public Trust Office in 1873. The claim points to article 2 of the Treaty and asserts that the operation of the Native Land Court led to the claimants’ hapū being extinguished as an identity.\(^\text{536}\) They say that the individualisation of title led to the alienation of lands and the disruption of their relationship with natural taonga including waterways, forests, and maunga.\(^\text{537}\)

The claimants develop these pleadings in an amended statement of claim, and adopt the generic pleadings filed in the inquiry in so far as they relate to their experience.\(^\text{538}\) Beyond the generic pleadings, they claim that the Crown laid the pathway for the alienation of their lands in the Te Ōhākī Tapu agreements and the new land tenure system subsequently imposed upon Ngāti Maniapoto through

\(^{534}\) Submission 3.4.357. The statement of claim was brought by Mihirawhiti Searancke and ‘others named in this document’. Listed signatories were Renee Searancke, Doreen Richards, Kingi Tuheka Hetet, Boyce Te Wharemaru Ihakara ti Taylor, Sharon Bettina Rakena, Jackie Murray, Te Aroha Gray, and Georgi Marchioni Job. Additional signatures were provided by Didi Atawhai Gray, Georgina Matemoana Walters, Bonnie Manaia Hughes, Daphne Manaia Hughes Tapara Te Nahu, Thomas Charles Roa, Marjorie Matekopere Kaati, Albert McQueen, and Te Amohia McQueen (Ormsby): claim 1.1.130, pp 1, 6–7.

\(^{535}\) Submission 3.4.225, p 2. The final statement of claim noted that the claim was made on behalf of ‘herself, her mother Renee Searancke and all other named claimants as set out in the first Statement of Claim’: final SOC 1.2.116, p 2.

\(^{536}\) Claim 1.1.130, p 3.

\(^{537}\) Claim 1.1.130, p 4.

\(^{538}\) Final SOC 1.2.116, p 4.
the Native Land Court.\textsuperscript{539} In particular, the claimants raise the Crown’s failure to protect the mana whenua rights of wāhine within Ngāti Maniapoto.\textsuperscript{540} They point to the widespread alienation of Ngāti Maniapoto land through the first decades of the court’s operation, and raise a specific claim concerning the Crown’s purchase of the interests of minors in Te Kopua 1Q block.\textsuperscript{541}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).
- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ūhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

\textsuperscript{539} Final SOC 1.2.116, pp 4–8.
\textsuperscript{540} Submission 3.4.225, p 4.
\textsuperscript{541} Final SOC 1.2.116, pp 6–8. The Te Kopua 1Q block is discussed elsewhere in *Te Mana Whatu Ahuru*, including in section 11.4.7.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II). Also see section 10.5 for our discussion of the effect that the introduction of the Native Land Court had on tribal organisation and society.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II). For our discussion of the Maori Real Estate Management Act 1888, see section 11.4.5.3. In this section, we consider how the proceeds from any sale or lease were required to be held in trust by the Public Trustee, and how three minors’ shares in Te Kopua 1Q block were vested in the Public Trustee.

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part II).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any specific local allegations or issues requiring additional Tribunal findings
This claim raises issues related to the Crown’s alleged failure to protect the mana whenua rights of wāhine within Te Rohe Pōtae. Claims specific to the status and recognition of mana wāhine are not encompassed by the general findings.

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presented in chapters 4–24 of the report. The issues they raise are to be addressed in the Waitangi Tribunal’s ongoing mana wāhine kaupapa inquiry. However, the special contribution of mana wāhine to the inquiry district is discussed at section 18.5.4 and throughout parts I–IV of the report.
Claim title
Ngāti Ingoa (McDonald) Claim (Wai 1523)

Named claimant
Morehu McDonald

Lodged on behalf of
The Rawiri and Rapata whānau

Takiwā
Waipā–Pūniu. This claim relates to land in the Puketarata, Tokanui, Ouruwhero, Kakepuku, and Pokuru blocks. The rohe of the claimants’ tūpuna traditionally included ‘substantial lands in the region south of the Puniu River to Kakepuku, Pokuru, Kawa and Kopua’.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges Crown land takings in Te Rohe Pōtae have prejudiced the Rawiri and Rapata whānau. The sources of alleged prejudice it cites include land confiscation, the operation of the Native Land Court, and public works takings.

The amended statement of claim sets up six causes of action: war and raupatu; protection of land base; railways; public works; desecration of wāhi tapu; and constitutional issues concerning self-determination and autonomy. The claim alleges the whānau lost land to confiscation following the Waikato War, but as the land was not offered back to them, they are unable to determine the full extent of their traditional rohe or the area confiscated. The claim alleges their tūpuna were left ‘socially disordered’ by the war and unable to participate in the hearings of the Native Land Court. Consequently, they lost their land south of the Pūniu River in the Kakepuku and Pokuru blocks and other areas.

The closing submissions adopt the generic pleadings on war and raupatu, the Native Land Court and land, railways, public works, and wāhi tapu so far as they apply to the claimants. In addition, claimants submit that the Crown, in breach of

542. Submission 3.4.157.
543. Submission 3.4.157. The claimants are ‘Nga uri o Te Whareiti Harawira/Rapata me te tupuna a Ingoa.’ They are ‘of Tainui descent with close whakapapa and kinship links with Ngāti Maniapoto and Waikato iwi and hapu including, among others, Ngāti Te Kanawa, Ngāti Paretekawa, and Ngāti Ngawaero: final soc 1.2.42, pp 4–5.
545. Claim 1.1.131.
546. Final soc 1.2.42, pp 7–9. The Kakepuku and Pokuru blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.3, 9.4.4, 9.8.1, 9.8.2, 10.4.4, 10.5.1.1, 10.6.2.1.1–10.6.2.1.2, 10.7.2.1.1 (fn 573), 11.4.5.2, 11.4.8, 11.5.3 (fn 662), 13.3.4, 13.5.4, 20.4.3, and 21.5.3.3 and tables 9.1, 9.3, 11.5, 13.3 and 13.9.
its Treaty duties, established the Native Land Court, which extinguished Māori customary title to land and replaced it with individual titles derived from the Crown. The claim contends that this was done by the Crown to create a form of title that could be alienated by Crown and private purchasers. This, and the lack of other protections, led to the dispossession of the claimant’s whānau. On the issue of wāhi tapu, the claim argues that, despite knowing of wāhi tapu as sites of significance from the earliest period of contact, the Crown made no attempt to protect them.

Is the claim well founded?

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtæ iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtæ Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

547. Submission 3.4.157, p 29.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships
with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Descendants of Te Maawe Uri o Newha and Nathaniel Barrett Claim (Wai 1586)

Named claimant
Dawn Magner (2008)

Lodged on behalf of
Herself and the descendants of Te Maawe Uri o Newha and Nathaniel Barrett

Takiwā
Waipā–Pūniu. This claim concerns the Hauturu, Kinohaku, and ‘related land blocks of Tainui’.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1586 claimants and all others in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretpoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claim alleges the descendants of Te Maawe Uri o Newha and Nathaniel Barrett have been prejudiced by the Crown’s taking of land and resources in the Hauturu, Kinohaku, and other related land blocks, and by the Crown enacting and implementing various Acts concerned with scenery preservation, public works, reservations, and surveying.

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained

548. Claim 1.1.135.
549. Claim 1.1.135; final SOC 1.2.20, p 3.
551. Final SOC 1.2.20, pp 3–6.
552. The Hauturu block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.7, 9.8.8, 10.4.3.3, 10.4.4, 10.5.2, 10.6.2.2.2, 11.3.3.2 (fn 150), 11.3.4.3, 11.4.3, a11.4.9 and tables 9.1, 9.3, 10.1 and 11.5.
553. Claim 1.1.135, p [1].
sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.554

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part 11).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part 111).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part 111).

554. Final soc 1.2.20, pp 19–85.
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtāe: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtāe Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Te Whakataute Interests Claim (Wai 1593)

Named claimants

Lodged on behalf of
Nga Uri o Te Whakataute

Nga Uri o Te Whakataute are members of Ngāti Paretekawa, a hapū of the ‘Te Kanawa section of Ngāti Maniapoto’. The claimants also descend from Ngāti Tuwhakataha and Ngāti Toahua, and ‘provide an important link between Ngāti Maniapoto and Ngāti Tuwharetoa’. Mangatoatoa is the claimants’ marae.

Takiwā
Waipā–Pūniu. The claimants ‘assert customary interests and historical associations both north and south of the Pūniu River’. Before the raupatu, a principal kāinga was Pitoritori, along the banks of the Pūniu. This claim relates to land in the Tokanui block taken under the Public Works Act.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege the actions and omissions of the Crown in their traditional rohe have prejudiced them. The alleged prejudice accruing from these actions and omissions includes the loss of land, culture, and taonga, and tino rangatiratanga rights.

The amended statement of claim notes that the claimants are descendants of Te Whakataute, also known as Te Huia Raureti. He fought against the Crown in the Waikato War. Subsequently, the claimants’ land north of the Pūniu River was confiscated, and they relocated south of the river. They did not receive any awards from the Compensation Court, although the Native Land Court later included their tūpuna in the ownership of many Te Rohe Pōtae land blocks. Their main interests were in the Tokanui and Wharepuhunga blocks, both of which

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555. Submission 3.4.230; claim 1.1.142; final SOC 1.2.62.
556. Submission 3.4.230; claim 1.1.142. The final statement of claim states it is brought on behalf of ‘Nga Uri o Te Whakataute and more specifically the hapu sections of Waiku, Te Kawa, Hepi Raureti, Wairehu and Ngahieke’: final SOC 1.2.62, p 1.
557. Final SOC 1.2.62, p 3; submission 3.4.230, p 3.
558. Final SOC 1.2.62, pp 2–3.
559. Submission 3.4.230, pp 1, 4, 7–14.
560. Claim 1.1.142.
have been almost entirely alienated.\textsuperscript{561} The claimants allege the Crown waged war against them, confiscated their land, breached Te Ōhāki Tapu, failed to ensure they retained sufficient land, and failed to set aside wāhi tapu and other sites of significance.\textsuperscript{562}

Claimant counsel repeat these allegations in their opening submission, adding that the Crown took the Tokanui block without consultation and without considering the claimants’ present or future needs or the availability of other lands. In addition, the Crown took more land there than was necessary.\textsuperscript{563}

Seven claimants gave evidence in support of the claim. Dana Erina Maniapoto said she and her cousins are sixth generation refugees. Raupatu forced her tūpuna to settle on the land of other families. They have no marae of their own and are losing their history and culture. This, she said, has derailed some lives and has made their children ‘profoundly disconnected from our tupuna land.’\textsuperscript{564}

Thomas Te Whiwhi Maniapoto alleged in his evidence that the Crown’s invasion and confiscation of the claimants’ land was premeditated. He said his tūpuna were forced by the Crown to defend themselves and then had their land north of the Pūniu River confiscated. They retained some small areas south of the river, but there was very little land to go around. His people became refugees on other people’s dwindling land base.\textsuperscript{565}

Joint evidence was given by Thomas Maniapoto, Valerie Ingle, Rovina Anderson, Dana Moala, and Harold Maniapoto. Their evidence focused on land loss, the taking of land for the Tokanui Mental Hospital and for Waikeria Prison, continuing protest over these takings, and environmental and breaches of the Treaty regarding the environment and wāhi tapu. They allege that the taking of the Tokanui land was punitive in intent ‘because it was the primary lands of the so-called “rebel” leaders and rangatira who opposed the Crown invasion of Waikato and of whom the Crown had not yet been able to exact retribution.’\textsuperscript{566}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

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\textsuperscript{561} The Tokanui block is discussed elsewhere in *Te Mana Whatu Ahuru*, most fully in section 20.4.3 but also in sections 10.4.3.6, 10.4.4 (fn 321), 11.3.3.1 (fn 145), 11.4.4.1, 14.3.1, and 14.4.3.1 and table 11.4. The Wharepuhanga block is discussed extensively, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7.

\textsuperscript{562} Final SOC 1.2.62, pp 6–7.

\textsuperscript{563} Submission 3.4.52, p 2.

\textsuperscript{564} Document K14 (Maniapoto), p 4.

\textsuperscript{565} Document K15 (Maniapoto), pp 5, 18.

\textsuperscript{566} Document P15 (Maniapoto et al), p 44.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

› Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

› The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

› The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

› The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

› The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

› The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

› The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

› The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

› Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōt ae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōt ae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōt ae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The Crown concedes that a lack of ‘sufficiently detailed planning’ in 1910 led it to acquire more Māori land than was needed for the Tokanui Mental Hospital (see section 20.2.3). In taking this ‘excessive amount’ of land, the Crown acknowledges it caused ‘significant prejudice to the Māori owners whose land base had already diminished as a result of raupatu and extensive Crown purchasing’, and as such its taking of land for the Tokanui hospital breached the Treaty and its principles. In section 20.4.3, we also note the Crown’s failure to return hospital lands as they have been declared surplus.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōt ae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōt ae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōt ae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōt ae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Te Kanawa and Ngāti Te Peehi (Green) Claim (Wai 1595)

Named claimant
Elvie Green (2008)

Lodged on behalf of
Ngāti Te Kanawa and Ngāti Te Peehi

Takiwā
Waipā–Pūniu

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1595 claim addresses the Crown’s failure to protect Ngāti Te Kanawa and Ngāti Te Peehi interests around Te Rore and Pirongia during the ‘Raupatu’ enacted under the New Zealand Settlements Act 1863. The claim also points to the Sim Commission of 1927–28, set up to investigate confiscations under the 1863 Act, and alleges it failed to appropriately identify hapū with interests in Te Rore and Pirongia. The claim also addresses the forced displacement of the claimants during the Waikato War 1863–64. It asserts that Ngāti Te Kanawa and Ngāti Te Peehi fled to Te Rohe Pōtae after the destruction of a ‘refugee centre’ at Te Mahoe by New Zealand Forest Rangers. Furthermore, this displacement allegedly occurred during a smallpox outbreak, which the claim alleges killed dozens of their number.

It is also alleged that, during the invasion of the Waikato, the Crown destroyed wāhi tapu at Aotea, and ordered that property be seized or destroyed there. Following the war, the claimant’s tūpuna were allegedly subjected to religious persecution as a consequence of the Crown’s punitive policy towards Māori religious movements. Furthermore, it is claimed that the introduction of the Native Land Court led to the alienation of Ngāti Te Kanawa and Ngāti Te Peehi whenua.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

569. The Pirongia block is discussed in Te Mana Whatu Ahuru, including in sections 7.3.5.1, 7.4.1.1, 7.4.4.1, 10.5.2, 11.7.4, 17.3.4, and 17.3.4.2.2.1 and tables 11.4 and 11.5.
570. Claim 1.1.143, p 2.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  
  For a more detailed discussion of the Crown’s advance upon and occupation of Te Roe, see section 6.7.5.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

Any additional Tribunal findings on local allegations or claims
The claim makes the additional allegation that Forest Rangers destroyed a ‘refugee centre’ at Te Mahoe, causing Ngāti Te Kanawa and Ngāti Te Peehi to flee to the Te Rohe Pōtae region. Having considered all the evidence presented to us, we find this aspect of the claim is not well founded because:

- The Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations or issues raised in the claim.
Claim title
Ngāti Te Kohera (Hodge) Claim (Wai 1602)

Named claimant
Rangikataua Bedley Hodge (2008)\(^{574}\)

Lodged on behalf of
Ngāti Te Kohera, a hapū of Raukawa

Takiwā
Waipā–Pūniu. Ngāti Te Kohera is based in the Taupō district, in the rohe of Te Pae o Raukawa. Mōkai Marae is the principal marae.\(^{575}\)

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\(^{576}\)

Summary of claim
The original Wai 1602 claim (2008) alleges that Ngāti Te Kohera have been prejudicially affected by Crown Acts, actions, and omissions that they say breach the Treaty and its principles. The claimant says, as a result, they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.\(^{577}\)

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown's alleged Treaty breaches, and the resulting prejudice the claimants submit Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\(^{578}\) The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are 'settled'. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that 'Raukawa's role in the history of the Rohe Pōtae is given due place in the Tribunal's report relating to this inquiry district.'\(^{579}\) The most important substantive issues for Ngāti Raukawa are,

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574. Claim 1.1.148.
575. Claim 1.1.148, p [1].
578. Submission 3.4.158, p 4.
579. Submission 3.4.158, p 5.
they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\footnote{Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3-3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).}
Claim title
Taumatatotara Blocks Claim (Wai 1608)

Named claimant
Weno Iti (2008)\textsuperscript{581}

Lodged on behalf of
Ngāti Maniapoto\textsuperscript{582}

Takiwā
Waipā–Pūniu. This claim relates to lands in the Taumatatotara blocks.\textsuperscript{583}

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1608 claimants and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descended from Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeono, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Parepāpito, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.\textsuperscript{584}

Summary of claim
The claim alleges the Crown has prejudiced Ngāti Maniapoto by its actions in the Taumatatotara block.\textsuperscript{585} It asserts these included the levelling of survey liens and the laying out of roads, which impeded them from using, developing, and accessing their lands.\textsuperscript{586}

The amended statement of claim filed on behalf of the Te Hauāuru group alleges the imposition of survey liens and the creation of ‘survey blocks’ led directly to the alienation of land. The claimants allege the Crown breached its duties under the Treaty and the promises it made as part of the Ōhākī Tapu agreements by creating legislation that imposed significant and unreasonable costs through survey requirements. In some cases, this led to land being sold to pay survey costs.\textsuperscript{587} The claimants allege the Crown’s breach of its duties caused them to lose lands and forests to which they have strong spiritual ties.

\textsuperscript{581} Final SOC 1.2.20, p 3.
\textsuperscript{582} Claim 1.1.151; final SOC 1.2.20, p 3.
\textsuperscript{583} Claim 1.1.151.
\textsuperscript{584} Final SOC 1.2.20, pp 3–6.
\textsuperscript{585} This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.7.2.1.2, 11.5.3 (fn 662), 13.5.1, 13.5.5, and 13.5.6 and table 13.3.
\textsuperscript{586} Claim 1.1.151.
\textsuperscript{587} Final SOC 1.2.20, pp 33–34.
The group’s amended statement of claim also cites the following causes of action: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government, environmental management and degradation, twentieth-century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^{588}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

\(^{588}\) Final soc 1.2.20, pp 19–85.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

With specific reference to Ōtorohanga, section 5.6.3 concludes that a significant proportion of the township was ultimately sold rather than leased. We comment that the evidence presented to us makes it clear that ‘for far too long the Crown’s emphasis was on pushing Māori to sell’. We thus find that, in Ōtorohanga, ‘the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga on Te Rohe Pōtae Māori and of the land itself’.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Pohatuiri Marae Trust Claim (Wai 1612)

Named claimant
Dawn Magner (2008)\textsuperscript{589}

Lodged on behalf of
The descendants of Ngāti Uekaha\textsuperscript{590}

Takiwā
Waipā–Pūniu. This claim relates to the Uekaha A15A block (a marae reserve) in the Waitomo area.\textsuperscript{591}

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1612 claimants and most of the others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Urunumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeno, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngawaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretpopo, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.\textsuperscript{592}

Summary of claim
This claim alleges that, through enacting and implementing various Acts concerned with scenery preservation, public works, reservations, and surveying, the Crown’s actions in the Uekaha A15A block have prejudiced Māori.\textsuperscript{593} In the group’s amended statement of claim, it is alleged that the Crown breached its Treaty duties and the promises made as part of the Ōhākī Tapu agreement by putting in place such legislation, which imposed on Māori significant and unreasonable costs. In some cases, land was sold to pay the survey costs.\textsuperscript{594}

In evidence, Dawn Magner states that the Uekaha A5A block, in Waitomo, is now the location of the Pohatuiri Marae. There was a temepara (temple) on the block associated with the Pai Mārire faith and opened by Kingi Te Rata in 1910. In

\textsuperscript{589} Claim 1.1.153.
\textsuperscript{590} Final soc 1.2.20, p 3. In the original statement of claim this was expressed as being made on behalf of ‘myself and the Pohatuiri Marae Charitable Trust and all the descendants of Uekaha being Ngāti Uekaha’: claim 1.1.153.
\textsuperscript{591} Claim 1.1.153, p [2]; doc s20 (Magner), p 1.
\textsuperscript{592} Final soc 1.2.20, pp 3–6.
\textsuperscript{593} Claim 1.1.153, p [2]. The Uekaha A15A block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in section 21.4.6.
\textsuperscript{594} Final soc 1.2.20, p 33.
the 1970s, a neighbouring farmer wanted to put up a fence and discovered that the boundary went through the back of the temepara. As the building needed repair, it was agreed – in light of its sacredness – to bury the temepara onsite, leaving the boundary question for later.\(^{595}\)

The claim is further developed in closing submissions, which notes that the temepara was likely to have been built over the boundary line because surveyors in the late 1890s simply ran a survey line from one point to another without regard to what lay in between. The closing submission alleges the Crown failed in its duty to protect the claimants’ land. This breach of Te Tiriti caused the loss of a temepara of significance to the Pai Mārire and a taonga to Ngāti Uekaha.\(^{596}\)

As an additional issue, Dawn Magner raised the Crown’s actions in the survey of the Hauturu East block. Her tūpuna could not pay for the survey and the Crown took the Matakana blocks to cover the survey costs.\(^{597}\) Matakana was sacred to her hapū as it was home to their patupaiarehe.\(^{598}\) The closing submissions allege that the survey charges in respect of Matakana were an unfair burden and a breach of article 2 of the Treaty.\(^{599}\)

The Wai 1612 allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^{600}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

In section 10.6.2, we discuss the effects on Māori landowners of the expense of surveys being charged to them. We cite the Hauturu East block – areas of which were sold to pay for survey costs – as an example of how such costs could increase significantly following partitions.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

Section 21.4.6.2 discusses in some detail the impact of the 1899 survey on the sacred temepara that stood on the Uekaha A15A block.

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
**Claim title**
Ngāti Takihiku and Ngāti Whaita (Gray) Claim (Wai 1615)

**Named claimants**

**Lodged on behalf of**
The hapū of Ngāti Takihiku and Ngāti Whāita\(^{602}\)

**Takiwā**
Waipā–Pūniu. Ngāti Takihiku and Ngāti Whaita are hapū of Raukawa based in South Waikato and Wharepūhunga. Their principal marae are Aotearoa Marae and Ongaroto Pā. While their interests are primarily in the Raukawa-Waikato inquiry district, they also have interests in Te Rohe Pōtae, Central North Island, and Tauranga Moana districts.\(^{603}\)

**Other claims in the same claim group**
255, 443, 538, 1340, 1472, 1474, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\(^{604}\)

**Summary of claim**
The original Wai 1615 claim alleges that Ngāti Takihiku and Ngāti Whāita have been prejudicially affected by Crown Acts, actions, and omissions that they allege breach the Treaty and its principles. The claimants say, as a result, they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.\(^{605}\)

The final amended statement of claim represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

**Is the claim well founded?**
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\(^{606}\)

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\(^{601}\) The claim was initially lodged in 2008 by Colleen Tumanako Gray (deceased). In 2011, Colleen Tumanako Gray was replaced as a claimant by way of memorandum 2.2.150.

\(^{602}\) Claim 1.1.154; claim 1.1.154(a).

\(^{603}\) Claim 1.1.154.

\(^{604}\) Submission 3.4.158, p 4.

\(^{605}\) Claim 1.1.154.

\(^{606}\) Submission 3.4.158, p 4.
The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions. While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtæ is given due place in the Tribunal’s report relating to this inquiry district.’ The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.

607. Submission 3.4.158, p 5.
608. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Waerangi Pouakani Lands Claim (Wai 1708)

Named claimants
Herbert Winiata Steedman (2008) and Arapiu Pohokura Seymour (2011)

Lodged on behalf of
Ngāti Waerangi, a hapū of Raukawa

The principal marae of Ngāti Waerangi is Mōkai, located between Taupō and Tokoroa. Other marae are Waiwharangi and Rurunui, which are no longer in use. Rurunui is in Wharepūhunga and was the principal marae of the claimants’ tūpuna Wairangi.

Takiwā
Waipā–Pūniu. While Ngāti Waerangi have interests in several inquiry districts, their core lands ‘include land within the Pouakani block’. In Te Rohe Pōtae, the claimants ‘allege interests in . . . the Wharepūhunga and Maraeroa districts.’

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 1708 claim was not specific to Te Rohe Pōtae but concerned claimants’ core lands within the Pouakani block, which Raukawa acknowledge lies outside the inquiry district. The claimants allege that the Crown breached its Treaty obligations by introducing the Native Land Court system; they say it failed to recognise the customary interests of the claimants and their core lands at Pouakani, and to ensure they retained sufficient lands there. They also allege the Crown failed to protect the claimants’ other taonga, including its mahinga kai and fisheries.

In 2011, the claimants lodged an amended statement of claim specific to the Te Rohe Pōtae inquiry. They state that Ngāti Wairangi have maintained their interests in the Wharepūhunga and Maraeroa districts. The claim identifies various Crown

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609. Claim 1.1.158(a); memo 2.2.127.
610. Claim 1.1.158. In amended statements of claim this was expressed as being on behalf of ‘Ngāti Wairangi’; claims 1.1.158(a)–(b).
611. Claim 1.1.158(b), pp 1–2.
613. Memorandum 2.2.132.
615. Submission 3.4.158, p 9.
actions and omissions that allegedly breached the Treaty and adversely affected the claimants’ interests in Te Rohe Pōtae – political engagement, including Te Ōhākī Tapu; the operations of the Native Land Court and land alienation; Crown purchasing policies and practices; survey liens; Crown forestry policies; and policies relating to rivers, waterways, and environmental management.\footnote{193}

The final amended statement of claim represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\footnote{618} The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions. While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’\footnote{619} The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\footnote{620}
**Claim title**
Ngāti Kaputahi Claim (Wai 1759)

**Named claimants**
Rore Stafford and Paul Meredith (2008)\(^{621}\)

**Lodged on behalf of**
All members of Ngāti Kaputahi\(^{622}\)

**Takiwā**
Waipā–Pūniu. The Ngāti Kaputahi rohe ‘includes lands extending from HaNgātiki through to the Puniu River.’\(^{623}\)

**Other claims in the same claim group**
The same claimants also lodged the Wai 1760 claim.

**Summary of claim**
The claimants allege that they were adversely affected by the Crown’s native land purchase policy and legislation which individualised customary interests and ‘otherwise imposed a foreign system of law on their lands.’ The claimants assert that, as a result, they have loss customary interests in land, and experienced a range of associated cultural and spiritual impacts, diminished autonomy, and social and economic impacts – including ‘receiving no or reduced values for lands and/or loss of the opportunity to develop land.’ The claimants say these matters are inconsistent with principles of the Treaty.\(^{624}\)

**Is the claim well founded?**
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

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\(^{621}\) Claim 1.1.161.
\(^{622}\) Claim 1.1.161.
\(^{623}\) Claim 1.1.161, p 2.
\(^{624}\) Claim 1.1.161, pp 2–3.
Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s support for the health and well-being of Te Rohe Pōtai Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtai from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Oneroa Whānau Claim (Wai 1760)

Named claimants
Rore Stafford and Paul Meredith (2009)\textsuperscript{625}

Lodged on behalf of
All members of the Oneroa Whanau\textsuperscript{626}

Takiwā
Waipā–Pūniu

Other claims in the same claim group
The same claimants also lodged the Wai 1759 claim.

Summary of claim
The claim relates to the Puketarata block.\textsuperscript{627} The claimants allege that they were adversely affected by the Crown’s native land purchase policy and legislation which individualised customary interests and ‘otherwise impos[ed] a foreign system of law on their lands’. The claimants assert that, as a result, they have loss customary interests in land, and experienced a range of associated cultural and spiritual impacts, diminished autonomy, and social and economic impacts – including ‘receiving no or reduced values for lands and/or loss of the opportunity to develop land’. The claimants say these matters are inconsistent with principles of the Treaty.\textsuperscript{628}

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
  \item The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part i).
\end{itemize}

\begin{footnotesize}
\textsuperscript{625.} Claim 1.1.162.
\textsuperscript{626.} Claim 1.1.162.
\textsuperscript{627.} Claim 1.1.162, p 2. This block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 9.4.3–9.4.4, 9.8.4, 10.4.3.1, 10.5.1.1–10.5.1.2, and 11.46–11.49 and tables 9.1, 11.4, and 11.5.
\textsuperscript{628.} Claim 1.1.162, pp 2–3.
\end{footnotesize}
Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Solomon Opataia Tane Whānau and Ngāti Uekaha Claim (Wai 1761)

Named claimant
Roa Edmund Tane (2008)\(^629\)

Lodged on behalf of
Solomon Opataia Tane Whanau and Ngāti Uekaha\(^630\)

Takiwā
Waipā–Pūniu

Other claims in the same claim group
Not applicable.

Summary of claim
The claim relates to the Uekaha, Ouruwhero, Rangitoto, Reu Reu, Awaroa, Waiwhakaata, Hauturu West and East, Hurakia, Kaipiha, Orahiri, Pukenui, and Waitomo blocks.\(^631\) It alleges that the whānau and hapū’s lands, waters, and resources have been alienated, confiscated or marginalised by various acts and omissions of the Crown. These include harbour Acts, survey liens, public works takings, the desecration of wāhi tapu, non-payment of local body rates, the creation of landlocked Māori lands, land development schemes, land boards, and the redesignation of Crown lands as Department of Conservation lands.

Furthermore, the claim alleges that riparian water rights and mining rights remain with the original owners and their descendants, and that grievances created by the Crown have resulted in generations of socio-economic decline amongst dispossessed tangata whenua. They say these matters are contrary to the principles of the Treaty.\(^632\)

\(^629\) Claim 1.1.163.
\(^630\) Claim 1.1.163.
\(^631\) Claim 1.1.163, p.1. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, except for Reu Reu. References to them include: Uekaha (table 21.1); Ouruwhero (sections 9.4.3–9.4.4, 9.4.7, 9.8.3–9.8.4, 11.4.4.2, 11.4.5, 11.4.8, 11.5.4, 21.5.3, 21.5.3.3; tables 9.3, 11.5); Rangitoto (sections 10.6.2.3, 10.7.2.1.2, 11.3.4.3; table 11.7); Te Awaroa (sections 10.5.1.5, 10.4.1.3–10.4.1.4; table 11.5); Waiwhakaata (sections 11.3.3.1 (fn 145), 11.4.5.3, 11.4.7 (fn 351), 11.5.3 (fn 662); table 11.5); Hauturu West (sections 6.10.7, 10.4.3.3, 11.4.3, 11.4.5.1; tables 10.1, 11.5); Hauturu East (sections 9.8.8, 10.4.3.1, 10.5.1.1, 10.5.2, 10.6.2.1.2, 10.6.2.2.2–10.6.2.2.3, 10.7.2.3.1, 11.4.3, 11.4.4.1, 11.5.4, 11.7.4, 13.3.4, 14.3.3, 16.3, 16.4.3.2.4, 21.4.6.2–21.4.6.3; tables 10.1, 11.4, 11.5, 13.3); Hurakia (sections 2.6.2.2 (fn 328), 8.9.2.1, 8.9.3.4, 10.5.3, 10.7.1.1, 10.7.2.2, 13.5.9, 21.4.6.3; tables 11.5, 13.3, 13.10); Kaipiha (sections 10.4.1.2, 10.4.1.3, 10.4.1.4, 10.6.2.1.1, 10.7.2.1.1, 11.3.2.6, 11.3.3.1 (fn 145)); Orahiri (sections 9.4.3, 9.4.4, 9.4.7, 9.8.6, 10.6.3, 13.5.1, 15.4.3.1–15.4.3.4, 20.5.2; tables 9.1, 9.3, 11.5, 13.3, 15.2); Pukenui (sections 9.4.3–9.4.4, 9.8.11, 10.6.2.1.1–10.6.2.1.2, 17.3.4, 20.4.1.1; tables 9.1, 9.3, 11.5); Waitomo (sections 16.4.3.2.4, 16.4.4.1; tables 16.1, 16.3).

\(^632\) Claim 1.1.163, pp.1–2.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claimants make specific local allegations requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part 1V).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part 1V).
Claim title
Te Haate Whānau Claim (Wai 1765)

Named claimant
Gordon Thomson (2008).\textsuperscript{633}

Lodged on behalf of
Ruby Davis, Margaret Graham, Heperea Peno Te Haate and families, and those members of the extended Te Haate Whanau who are not represented in past, current or future claims of interest affecting all descendants of Wipaia Manu Te Haate\textsuperscript{634}

Takiwā
Waipā–Pūniu. The claim relates to the Pokuru 1B, Tokanui, Kakepuku, and Wharepuhunga blocks.\textsuperscript{635}

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges Te Haate whānau have been prejudicially affected by the land takings of the Crown in the Pokuru 1B, Tokanui, Kakepuku, and Wharepuhunga blocks, and through the native land and public works legislation.\textsuperscript{636} It alleges the prejudice they have suffered as a result of Crown actions includes a loss of cultural identity, land alienation, loss of social and economic independence, and the loss of wāhi tapu and urupā.\textsuperscript{637}

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

\textsuperscript{633} Claim 1.1.166.
\textsuperscript{634} Claim 1.1.166.
\textsuperscript{635} Claim 1.1.166, p [2].
\textsuperscript{636} The Tokanui block is discussed elsewhere in Te Mana Whatu Ahuru, most fully in section 20.4.3 but also in sections 10.4.3.6, 11.4.4.1, 14.3.1, and 14.4.3.1 and table 11.4. The Kakepuku block is discussed in various sections, including sections 9.4.4, 9.8.2, 10.4.4, 10.5.1.1, 10.6.2.1.1–10.6.2.1.2, 11.4.5.2, 11.4.8, 13.3.4, 13.5.4, and 21.5.3.3, and in tables 9.1, 11.5, 13.3, and 13.9. The Wharepuhanga block is discussed extensively, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7.
\textsuperscript{637} Claim 1.1.166.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

With specific reference to the Tokanui Mental Hospital taking, section 20.4.3 states that the Crown conceded [a] Treaty breach in respect of the taking and recognised that a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the mental hospital. In agreeing that the taking involved an ‘excessive amount’ of land, the Crown acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and the taking of land for the Tokanui Mental Hospital therefore breached the Treaty and its principles.

In section 20.9, we find the general public works regime applied in this inquiry district is in breach of article 2 and Treaty principles of partnership and active protection.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Āhuru, Ngāti Huri, and Ngāi Tukorehe (Pakaru) Claim (Wai 1769)

Named claimant
Basil Pakaru (2008)\

Lodged on behalf of
Ngāti Āhuru, Ngāti Huri, and Ngai Tukorehe, all hapū of Raukawa

Takiwā
Waipā–Pūniu. Ngāti Āhuru, Ngāti Huri, and Ngāi Tukorehe are based in Te Kaokaoroa o Patetere. Their principal marae are Ngātira, Mangakaretu, Whakaaratamaiti, Pikitu, and Rangimarie.

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 1769 claim concerns Ngāti Āhuru, Ngāti Huri, and Ngāi Tukorehe and the prejudice they have experienced due to Crown Acts, actions, and omissions that allegedly breach the Treaty and its principles. The claim says, as a result, they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.

In 2011, counsel lodged an amended statement of claim which expands on the initial allegations and alleged Treaty breaches by the Crown. They further submit that the hapū suffered from loss of lands through various Crown actions, including the operation of the native land acts and Crown purchasing (in respect of the Putāruru Bus and Railway Station in particular); alienation from natural resources, including the key taonga of the Waihou Blue Springs and the Puketurua Springs; loss of customary rights; subjection to acts of hostility by Crown forces, and the impacts of war and raupatu; and failure to act fairly and reasonably in political engagement.

The final amended statement of claim represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting

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638. Claim 1.1.280; claim 1.1.280(a).
639. Claim 1.1.280. In their amended statement of claim this was expressed as being on behalf of ‘Ngāti Āhuru, Ngāti Huri, and Ngāi Tukorehe’: claim 1.1.280(a), p 1.
640. Claim 1.1.280.
642. Claim 1.1.280.
643. Claim 1.1.280(a), p 1.
prejudice the claimants submit Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the deed of settlement, the Raukawa historical claims are ‘settled’, therefore the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions and do not request any specific findings, but request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’ They say in terms of substantive issues for Raukawa, the most important are: the Raukawa experience of war and confiscation, particularly Ōrākau; the Ōhāki Tapu; the Native Land Court, particularly the blocks of Wharepuhunga, Maraeroa, and Rangitoto; as well as Crown purchasing, vested lands, and environmental issues.

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645. Submission 3.4.158, p 5.
646. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Te Rahurahu and Ngāti Paretakawa (Patea) Claim (Wai 1771)

Named claimant
David Patea (2008)

Lodged on behalf of
Descendants of original owners of Kahuwera, Parish of Tamahere, Tokanui, Waipapa, and Hauhungaroa land blocks

Takiwā
Waipā–Pūniu. The claim relates to the Kahuwera, Parish of Tamahere, Tokanui, Waipapa, and Hauhungaroa land blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges the descendants of the original owners have been prejudicially affected by the Crown’s land takings in the Tokanui, Waipapa, and Hauhungaroa blocks. It is claimed that the prejudice they experienced has resulted in generations of socio-economic decline. The claim also asserts that all riparian water rights, and the coastline and seabed of Wahanui’s boundary of 1884, and all mineral rights, remain with the claimants as tangata whenua.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. In this case, we have determined that:

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues:

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903);
the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtō Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

› The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtō Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

› The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtō Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

› The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

› The Crown’s scheme requiring Te Rohe Pōtō Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

› Crown and private purchasing and leasing of Te Rohe Pōtō Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

› The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtō Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

› The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtō Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

› The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

With specific reference to the Tokanui Mental Hospital taking, section 20.4.3 states that the Crown conceded [a] Treaty breach in respect of the taking and recognised that a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the mental hospital. In agreeing that the taking involved an ‘excessive amount’
of land, the Crown acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and the taking of land for the Tokanui Mental Hospital therefore breached the Treaty and its principles.

We discuss this taking further in section 20.4.3, and our findings are set out in section 20.6. In section 20.9, we find the general public works regime applied in this inquiry district is in breach of article 2 and Treaty principles of partnership, active protection and protection of tino rangatiratanga, in particular by failing to require compulsory takings of Māori land for public works to be a last resort in the national interest.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtai: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtai Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtai Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtai from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Descendants of Rewi Manga Maniapoto Claim (Wai 1798)

Named claimants
Aperēhama Nuitone, Pania Roa, Jocelyn Johnson, and Te Mauri Mei Maguire (2008)

Lodged on behalf of
Ngāti Paretekawa

Takiwā
Waipā–Pūniu. The claimants are descendants of Rewi Manga Maniapoto. Their rohe is the area of Tokanui, where Rewi was born.

Other claims in the same claim group
1099, 1100, 1132, 1133, 1136, 1137, 1138, 1139, 1798. The claimants in this group are members of Ngāti Paretekawa and Ngāti Parewaeono.

Summary of claim
The original Wai 1798 statement of claim concerns the Crown’s treatment of Ngāti Maniapoto rangatira Rewi Manga Maniapoto. The claimants allege that the Crown degraded Rewi’s mana; failed or neglected to protect Rewi’s rangatiratanga; and passed legislation including the native lands acts, the Maori Councils Act, and the Tohunga Suppression Act 1907 which further degraded Rewi’s mana and rangatiratanga. The claimants contend Rewi was punished for supporting the Kīngitanga, and that his mana and rangatiratanga were further affected by the war and raupatu. The Crown’s denial of the wishes and interests of Rewi and his people, they claim, led to ‘the destruction and erosion’ of their traditional values.

The claim further addresses the Crown’s attempts from the 1880s to ‘open up’ Te Rohe Pōtae. They allege that the Crown’s failure to comply with Te Ōhākī Tapu, and refusal to use section 71 of the Constitution Act 1852 to establish self-government within Te Rohe Pōtae, led to the eventual replacement of Māori ‘cultural, social and political structures and institutions with Crown controlled mechanisms and institutions. The claimants allege that the Crown’s actions caused or permitted their lands to be alienated, and they identify survey liens, court fees, and other debts associated with the Native Land Court as further facilitating the alienation of their lands. They also raise legislation, such as the Native Townships Act 1895.

652. Claim 1.1.173.
653. Claim 1.1.173.
656. Claim 1.1.173, para 6.5.
658. Claim 1.1.80, para 5.1.1.
659. Claim 1.1.80, paras 5.2.1–5.2.2.
and the public works regime, which they claim sought to hasten alienation and increase settlement of their lands.\textsuperscript{660}

Through these acts and omissions, the claimants say, the Crown failed to protect their interests in land, and further imposed a regulatory and management regime over their lands and natural resources which was detrimental to their interests and customary rights.\textsuperscript{661} They claim that legislation regulating hunting and fishing denies their rights to exercise kaitiakitanga over their taonga, and that the Crown has generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.\textsuperscript{662}

The Wai 1798 claim subsequently joined with eight other claims relating to the hapū Ngāti Paretekawa, Ngāti Parewaeono, and Ngāti Rahurahu. As part of this larger grouping, the claimants produced further pleadings addressing a wide range of Crown actions in an amended consolidated statement of claim.\textsuperscript{663} These combined pleadings are elaborated in the entry for Wai 1099.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal's jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

  Rewi Manga Maniapoto’s role in the Waikato Wars is discussed in sections 6.7, 6.7.10.1–6.7.10.4, 6.7.11, 6.9.2.1, 6.9.2.5, 6.10.9, and elsewhere. In relation to allegations that the Crown confiscated land in response to ‘supposed threats of violence made by Māori’, we state in section 6.9.3.1 that ‘in no way can responsibility for the confiscations be attributed to Kingitanga Māori generally or to Rewi Maniapoto in particular’. In section 6.10.12, we discuss

\textsuperscript{660.} Claim 1.1.80, para 5.2.5.
\textsuperscript{661.} Claim 1.1.80, paras 5.2.3–5.2.4.
\textsuperscript{662.} Claim 1.1.80, paras 5.3.3–5.5.
\textsuperscript{663.} Submission 3.1.477, p 2; final SOC 1.2.139.
the prejudice the Crown’s raupatu has caused claimants in this inquiry and 
note that ‘the disparagement of Rewi Maniapoto and the characterisation 
of Ngāti Maniapoto as rebels, even in relatively recent political discourse’ 
has seriously damaged claimants’ tino rangatiratanga. Notwithstanding the 
Crown’s concession in this inquiry that its invasion of the Waikato was an 
injustice, we note that ‘it nevertheless attributed some of the responsibility 
for the war to Māori. It alleged that a credible threat of an attack on Auckland 
existed, and continued its long-standing habit of singling out Rewi Maniapoto 
for blame. On both counts the allegations are unfounded.’ (section 6.11)

- The formation and enforcement of the aukati – the border area on the edges 
of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected 
against unsanctioned incursions – and the Crown’s response: see chapter 7 
and the findings summarised at section 7.5 (part II).

- Rewi Maniapoto’s role in maintaining the Kingitanga alliance during this 
period is discussed in section 7.3.1 and elsewhere.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te 
Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agree-
ments: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of 
the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); 
the Crown’s actions in respect of land takings, land giftings, compensation, 
labour contracts, resource use, environmental impacts, and fencing for the 
railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and 
the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 
1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the 
findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 
1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the 
findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to man-
ge the administration and alienation of Māori land through Māori land 
councils and boards: see chapter 12 and the findings summarised in section 
12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily 
vested in the Waikato-Maniapoto District Māori Land Board between 1909
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).
  We discuss the Ōtorohanga Native Township in section 15.4.3, and our findings on that specific issue are at section 15.4.3.5.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
  Of particular relevance to the group’s claim is our finding that: ‘Over the decades following the taking, as large portions of former hospital lands were declared surplus, the Crown has had ample opportunities to provide redress to the former Māori owners of Tokanui for its taking of their lands. It has not done so. Today, for instance, only 414 acres of the original 10,205-acre Tokanui block remain as Māori freehold land due to purchases and taking and the failure to return land when opportunity arose.’

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the

664. See section 20.4.3 of part IV.
areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Paretakawa Health Issues Claim (Wai 1818)

Named claimants

Lodged on behalf of
Themselves and Te Pae Tapu o Paretakawa for Ngāti Paretakawa and for the benefit of Ngāti Maniapoto generally 666

Takiwā
Waipā–Pūniu. Ngāti Paretakawa ‘hold customary interests and have significant sites’ within blocks including Kakepuku, Pokuru, Tokanui, Ouruwhero, Mangauika, Wharepuhunga, and Rangitoto A, as well as many others. 667

Other claims in the same claim group
Not applicable.

Summary of claim
In addition to adopting the generic submissions on health, 668 the Ngāti Paretakawa Health Issues claimants assert that the Crown failed to protect their health and well-being in several ways. A recurring theme of the claim is the Crown’s unwillingness to recognise the cultural component of Māori health. 669 The active suppression of traditional Māori health practices via the Tohunga Suppression Act 1907 is cited as a historical example, while the claim also alleges a lack of funding for traditional practices, such as the use of rongoā, in the contemporary health sector. Further, the claimants allege that the Crown’s dismissive approach has undermined the retention and development of Māori health knowledge. 670

Another key grievance is that the Crown has allegedly failed to provide equitable access to health services, as the provision of services does not take account of issues such as geographic isolation, the lack of transport options, and financial and cultural barriers to seeking treatment. 671 The claimants also argue that the Crown has done little to protect Māori in Te Rohe Pōtae from introduced diseases, and

665. Submission 3.4.213.
666. Submission 3.4.213. The original statement of claim noted that the claim was also brought on behalf of ‘ngā uri o Peehi Tukorehu’, the ‘Ngāti Paretakawa section who are descended from Peehi Tukorehu’: claim 1.1.179, p.2. In the final statement of claim this was expressed as being made on behalf of ‘themselves and Te Pae Tapu o Paretakawa for Ngāti Paretakawa and for the benefit of Ngāti Maniapoto generally’.
667. Final SOC 1.2.10, pp.5–6.
668. Submission 3.4.213, p.2.
669. Submission 3.4.213, pp.4, 7.
that it failed to utilise a tuberculosis vaccine, even though Māori were known to be at greater risk. In addition, the claimants allege the Crown did not enforce restrictions on the sale of alcohol, which formed part of the Sacred Compact (Te Ōhākī Tapu), and so allowed for an environment of ongoing alcohol abuse. Similarly, they allege the Crown did not take adequate steps to prevent or subsequently reduce smoking-related harm.  

In relation to mental health, the claimants allege the Crown did not provide for cultural well-being. More specifically, they allege that the Crown effectively abandoned the Tokanui Mental Hospital, leaving Ngāti Paretekawa with the responsibility of caring for a cemetery with around 700 unnamed burials.

The claimants also links health issues with land and resource retention by Ngāti Paretekawa. They say the Crown’s failure to provide adequate safeguards in these areas has exposed Ngāti Paretekawa to social and economic disruption, reflected in adverse health impacts.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

  The following finding from section 23.3.6 is especially relevant to the claimants’ allegation about the Tohunga Suppression Act 1907:

  We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified,’ and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare.

  We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

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672. Submission 3.4.213, pp 9–11.
674. Submission 3.4.213, pp 8–9.
675. Submission 3.4.213, p 3.
Any specific local allegations requiring additional Tribunal findings
The Tribunal did not receive sufficient evidence to allow it to make any definite additional findings on the allegation that the Crown has burdened Ngāti Paretekawa with the care of the Tokanui Mental Hospital cemetery. However, it seems likely the overlay of an institutional cemetery on a known urupā and the Crown’s subsequent withdrawal of maintenance doubly prejudiced uri of kōiwi buried there, including Ngāti Paretekawa.
Claim title
Ngāti Kikopiri and Ngāti Whaita (Reihana, Dansey, and Hall) Claim (Wai 1887)

Named claimants
Sandra Louise Reihana, William Tukekeru Dansey, and Reima Ruta (Dansey) Hall (2008)

Lodged on behalf of
Ngāti Kikopiri and Ngāti Whaita, both hapū of Raukawa

Takiwā
Waipā–Pūniu. The claimants are ‘based in the south Waikato District at Whakamaru Maungaiti’ and their principal marae is Ongaroto. Their land interests are mainly in Waikato-Raukawa but they also have interests in the Te Rohe Pōtae and Central North Island inquiry districts.

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 1887 claim concerns the prejudice Ngāti Kikopiri and Ngāti Whaita say they have experienced due to Crown Acts, actions, and omissions that allegedly breach the Treaty and its principles. The claimants say, as a result, they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.

The final amended statement of claim represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

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676. Claim 1.1.187.
678. Submission 3.4.158, p 4.
Raukawa claimants acknowledge the Act in closing submissions. While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’\(^{681}\) The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\(^{682}\)

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\(^{681}\) Submission 3.4.158, p 5.

\(^{682}\) Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngā Tupuna Awa (Maniapoto) Claim (Wai 1926)

Named claimants
Harold Te Pikikotuku Maniapoto and Dana Erina Moala-Maniapoto (2008)

Lodged on behalf of
The members of the Mangatoatoa, Parawera, Owairaka, Aotearoa, and Te Kopua Marae, and the members of the Ngāti Maniapoto, Ngāti Raukawa, Ngāti Hikairo, Ngāti Apakura, Tuwharetoa, and Waikato-Tainui tribes 'having customary interests in the Tupuna Awa'.

Takiwā
Waipā–Pūniu. This claim relates to the claimants’ tupuna awa: the Pūniu, Mangapiko, and Mangaotama Rivers, the Mangaohoe Stream, and a section of the Waipā River.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1926 claim addresses the claimants’ tupuna awa, including the Pūniu, Mangapiko, Mangaotama, and Waipā Rivers and the Mangaohoe Stream. The claim also concerns the claimants’ rights to waimāori, puna, ground water, tributaries, streams, swamps, wetlands, and catchments. In their statement of claim, the claimants note: ‘Ngā Tupuna Awa includes all of the lands, riverbeds, riverbanks, waters within and upon the banks, associated ground-waters, flora, fauna (including fisheries), minerals, and resources within its streams, tributaries, swamps, and catchments.

The claimants identify as kaitiaki for these rivers and waterways, and say that they continue to hold responsibilities for the maintenance of their physical and spiritual well-being. In their claim, they raise concerns about the then-Agreement in Principle for the Settlement of the Historical Claims of Waikato-Tainui in relation to the Waikato River. They state that ‘it is possible that the claimants will, at some point, seek an urgent hearing into this part of the Statement of Claim.’ The claimants did not continue to seek findings on this matter in their closing

683. Claim 1.1.194; submission 3.4.242.
684. Submission 3.4.242, p 2. In the statement of claim this was expressed as being made, first, on behalf of ‘themselves and the Ngāti Pare Te Kawa tribe’, and also on behalf of the members of the marae and iwi already listed above: claim 1.1.194, p 3.
685. Submission 3.4.242, p 2; claim 1.1.194, p 3.
submissions, but submitted that the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 did not extinguish their claims as hapū of Ngāti Maniapoto. 690

The claimants say that the Crown failed to protect the physical and spiritual health of Ngā Tupuna Awa. 691 In particular, they point to the extraction of water for uses including irrigation, as well as pollution, erosion, drainage, and other prejudicial impacts they allege the Crown has directly or indirectly caused or allowed. They further claim that the Crown failed to provide for tangata whenua ownership, rights, and interests in Ngā Tupuna Awa. They say that the application of *ad medium filum aquae* common law rule, as well the Crown’s ‘Land Confiscation Acts’, and ‘Native Lands Acts’ replaced the customary rights held by the claimants. 692 Finally, they say that by allowing the taking of gravel and other resources, and the compulsory taking of land on the banks and in the vicinity of Ngā Tupuna Awa, the Crown failed to protect the claimants’ rights and interests. 693

Further, the claimants allege the Crown failed to provide for their rangatiratanga over Ngā Tupuna Awa. They refer to various statutes and policies, including the Resource Management Act 1991 and the Tainui-Raupatu Settlements Act, which the claimants say expropriated their management rights without their consent. They also claim that the Crown has failed to protect the claimants’ access to fisheries and resources, as well as their rights of passage and navigation in Ngā Tupuna Awa. 694

In relation to tuna fisheries, the claimants make an additional and specific claim in support of the Wai 762 claim, which relates to tuna fisheries elsewhere in the district. The Wai 1926 claimants allege that the Crown’s failure to urgently address their customary tuna fishing rights will cause irreparable prejudice. 695 They claim that the Crown intends to include tuna in the quota management system, and assert that ‘appropriate provision should be made by the Crown to give priority to and protect Māori customary rights and interests of the claimants.’ 696

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtāe district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtāe Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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693. Claim 1.1.194, p 11.
• Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

• The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

• The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

• The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

• The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  For our findings on Crown action related to environmental management see 21.3.5. In section 21.5.3, we discuss further drainage for land utilisation, and consider the case study of the Te Kawa drainage scheme at section 21.5.3.3.

• The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  Also see section 22.6.8, where we discuss tuna as a case study for customary non-commercial fisheries.
Claim title
Hinemata Hapū Claim (Wai 1944)

Named claimants

Lodged on behalf of
Themselves and Ngāti Hinemata, Ngā Uri o Tukumaru, Ngāti Ngakohua, Ngāti Wairangi, Ngāti Ira, Ngāti Te Momo, Ngāti Takihiku, Ngāti Ngarongo, and Ngāti Te Ringa. They are known collectively as ‘Hinemata hapū’, and are hapū of Raukawa.

Takiwā
Waipā–Pūniu. This claim relates to Ngāti Hinemata interests in the Wharepuhunga block, particularly around Castle Rock at Waipapa South. Ngāti Takihiku have interests in the same block, in the Owairaka Valley. The claimants are also involved in the Porirua ki Manawatū inquiry.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1944 claim raises allegations that relate to both this inquiry and the Porirua ki Manawatū district inquiry (Wai 2200).

Claimants allege the Crown failed to recognise and protect their rangatiratanga, laws, property, and customs. They note they have suffered prejudice stemming from Crown actions and omissions that are inconsistent with the Treaty, including diminution of their spiritual, cultural, and economic base, and offence to their mana and tino rangatiratanga.

Claimants make a range of allegations relating to land, principally that 20,000 hectares of Hinemata hapū land was lost to them through Crown purchasing of the Wharepuhunga block. The claimants allege that the Crown alienated...
the Wharepuhunga block, which the Hinemata hapū had interests in, without notice, compensation, or allocation of reserves. They say their hapū appealed to the Government twice; first in August 1890, asking that land be placed under restriction under the Native Lands Frauds Prevention Act, and then a second time against the sale of land in 1892.\textsuperscript{702} Claimants allege the Crown acquired Māori land under a number of Acts. In particular, they allege the Native Land Settlement Act allowed the Crown to bypass owners and purchase from its own agencies.\textsuperscript{703}

Claimants allege the introduction of the Native Land Court in particular facilitated the permanent alienation of Hinemata hapū’s ancestral lands. They say a lack of consultation stymied the ability of hapū to raise opposition to land that was before the court. They also say the 10-owner rule conflicted with the wish of hapū to maintain community ownership. Furthermore, they allege that allowing individuals to deal with land without reference to hapū has resulted in increased partition, fragmentation, and alienation of land.\textsuperscript{704}

Claimants note several prejudicial consequences of block confiscations and the Crown’s land tenure system. They say Ngāti Hinemata’s tribal structure, independence as hapū, and economic well-being have been undermined. They allege their status in Te Rohe Pōtae has been diminished, resulting in them being viewed as a subsidiary of Raukawa iwi rather than an independent group. Claimants also allege the Crown has denied their hapū the opportunity to develop their lands – in particular, they say the taking of the Wharepuhunga block has resulted in significant economic loss. They also say the Crown’s land tenure system has prevented customary rights to succeed and develop land.\textsuperscript{705} Claimants also allege, as a consequence of Crown acquisition of Ngāti Hinemata land, a disconnection from their own whānau and tikanga. They say this has interfered with their intellectual property rights, as their ability to pass on special intellectual and cultural property has been limited.\textsuperscript{706}

In relation to physical resources and food supplies, claimants allege the Crown has assumed ownership of them and inappropriately delegated their management to county and borough organisations. They say this had a significant impact on the land and resources available for Ngāti Hinemata.\textsuperscript{707} In closing submissions, claimant counsel emphasised the impact of economic development and recreational use on the environment. The effects on swamplands greatly impacted Ngāti Hinemata, as these were important sources of food (particularly eels) and raw materials.\textsuperscript{708}

Claimants also allege that Hinemata hapū possessions and taonga have been placed in museums and under the jurisdiction of the Māori Land Court, and were not protected from being taken illegally by private collectors.\textsuperscript{709}

\textsuperscript{702} Claim 1.2.3, p 8.
\textsuperscript{703} Claim 1.2.3, p 9.
\textsuperscript{704} Claim 1.2.3, p 6.
\textsuperscript{705} Claim 1.2.3, pp 7–8.
\textsuperscript{706} Claim 1.2.3, pp 9.
\textsuperscript{707} Claim 1.2.3, pp 6–7.
\textsuperscript{708} Submission 3.4.233, pp 13–14.
\textsuperscript{709} Claim 1.1.195, p 6.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\textsuperscript{710} The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are 'settled'. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions. While they do not request any specific findings, they request that 'Raukawa's role in the history of the Rohe Pōtae is given due place in the Tribunal's report relating to this inquiry district.'\textsuperscript{711} The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\textsuperscript{712}

\begin{itemize}
  \item \textsuperscript{710} Submission 3.4.158, p.4.
  \item \textsuperscript{711} Submission 3.4.158, p.5.
  \item \textsuperscript{712} Submission 3.4.158, pp.13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
\end{itemize}
Claim title
Waitomo Lands (Taurariki) Claim (Wai 1965)

Named claimant
Miria Taurariki (2008)  

Lodged on behalf of
Ngāti Uekaha

Takiwā
Waipā–Pūniu. This claim relates to lands in the Waitomo area.

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 1965 claimants and most others in the group form part of the Whanake Ake Trust. All claimants are descended from Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Ururumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeano, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwerao, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Paretapoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claim alleges that Ngāti Uekaha have been prejudiced by the Crown’s actions in the Waitomo area. These are further particularised in the amended statement of claim filed by the Te Hauāuru group, which states that claimants in areas including Waitomo did not want their land divided into land blocks by the Native Land Court process. The claim says the Crown breached its Treaty duties and the promises made in the Ōhāki Tapu agreements by ‘facilitat[ing] the alienation of the claimants’ land’.

The amended statement of claim also alleges the Crown failed to ensure Māori representation in local government. It cites the Waitomo County Act 1904 as an example of legislation which contained no provision for the adequate representation of Māori in local government. Again, the claimants allege the Crown breached its Treaty duties and the promises made in the Ōhāki Tapu agreement by ‘fail[ing]
to ensure and actively facilitate mechanisms to ensure Māori were/are represented in local government in Te Rohe Pōtae.\footnote{719}

In addition, the amended statement refers to the faecal contamination of the Waitomo stream from continued access by livestock. The claimants allege the Crown allowed the degradation of waterways and breached its Treaty duties and the promises it made in the Ōhāki Tapu agreements by ‘allow[ing] the degradation of waterways.’\footnote{720}

The group’s amended statement of claim also cites the following causes of action: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhāki Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government, environmental management and degradation, twentieth-century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\footnote{721}

\section*{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part 11).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part 11).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part 11).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part 11).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part 11).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part 1v).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part 1v).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part 1v).
Claim title
Ngāti Mahanga, Ngāti Tamaoho, and Ngāti Apakura (Tahapeehi) Lands Claim (Wai 1992)

Named claimant
Piriwhariki Tahapeehi (2008)\textsuperscript{722}

Lodged on behalf of
Ngāti Mahanga, Ngāti Tamaoho, and Ngāti Apakura hapū\textsuperscript{723}

Takiwā
Waipā–Pūniu. The claim relates to land blocks ‘situated along the Waipa River, being Kakepuku, Ngamahanga and Kopua.’\textsuperscript{724}

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1992 claim is concerned with the Crown’s efforts to undermine the Kīngitanga, land title consolidation, and environmental management. First, the claimant argues that the Crown ‘inflicted considerable hardship’ upon Te Rohe Pōtae Māori ‘after invading their sovereign territories’; and under the premise that they were ‘rebels’, the Crown confiscated their ancestral lands, it is alleged.\textsuperscript{725} The claim then describes how, later in the 1880s, the Kīngitanga negotiated with the Crown the agreements which became known as Te Ōhākī Tapu, covering issues such as access for railway surveyors. However, the claimant asserts that the Crown reneged on its reciprocal undertakings, in particular by not allowing the hapū and iwi of Te Rohe Pōtae Māori to administer their own lands.\textsuperscript{726} It is further asserted that the Crown promoted land dealings and public works takings on the margins of Te Rohe Pōtae with a view to breaking it up.\textsuperscript{727}

With respect to land consolidation, the claim argues that the Crown’s failure to properly implement schemes left owners with lands that they could not develop for farming because of the uncertainty created about their eventual title. One Whaanga block and two Ngamahanga blocks were particularly affected, the claimant says.\textsuperscript{728} Turning to the environment, the claimant identifies the role of sand extraction in causing habitat loss and the erosion and pollution of the Waipā

\textsuperscript{722} Submission 3.4.173; claim 1.1.204.
\textsuperscript{723} Submission 3.4.173.
\textsuperscript{724} Submission 3.4.173, p 3.
\textsuperscript{725} Final soc, 1.2.65, pp 14, 17–18.
\textsuperscript{726} Final soc, 1.2.65, pp 16–17.
\textsuperscript{727} Final soc, 1.2.65, pp 15–16.
\textsuperscript{728} Final soc, 1.2.65, pp 20–21. The Ngamahanga block is discussed elsewhere in Te Mana Whatu Ahuru, including in section 11.3.3.1.
River. The closing submissions further explore the adverse impacts of other landscape modifications such as forest clearance and land drainage – especially on the tuna (eel) fishery – and the Crown’s role in facilitating them.

The claimant adopts the generic pleadings on land consolidation and on the environment.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. It is brought on behalf of Ngāti Mahanga, Ngāti Tamaoho, and Ngāti Apakura. The Ngāti Tamaoho Claims Settlement Act 2018 settled Ngāti Tamaoho’s historical claims, and removes the Tribunal’s jurisdiction to inquire into or make findings on Ngāti Tamaoho’s claims. Therefore, the following findings are attributable to this claim to the extent that it relates to Ngāti Mahanga and Ngāti Apakura.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Paretekawa non-Raupatu Claim (Wai 2014)

Named claimants
Harold Te Pikikotuku Maniapoto, Thomas Te Whiwhi Maniapoto, Dana Erina Maniapoto, Maria Pare Raukawa Maniapoto, and Joana Johnston (2008)732

Lodged on behalf of
Themselves and Te Pae Tapu o Paretekawa for Ngāti Paretekawa733

Takiwā
Waipā–Pūniu. The claimants assert Ngāti Paretekawa hold customary (non-exclusive) interests and have significant sites within blocks that include Kakepuku, Poukuru, Tokanui, Puketarata, Ouruwhero, Korakonui, Te Iakau, Wharepuhanga, Kaipiha, Mangauika, Te Kopua, Rangitoto A, Kahakaharoa, and Hauturu East and West. They also assert interests ‘within the zone of confiscated lands around Orākau, Te Awamutu, Kihikihi, Mangaohoe, and Mangapiko’.734

Other claims in the same claim group
2014, 2068

Summary of claim
At the heart of the Wai 2014 claim is the allegation that Ngāti Paretekawa has become almost landless as a consequence of Crown acts and omissions. Today, the claimants say ‘the hapu struggles and in many cases is unable to adequately function as tangata whenua, kaitiaki, ahi kaa, over their customary and traditional tribal estates to the north of the Pūniu awa or as an economic entity within the Ngāti Maniapoto and Te Rohe Potae region’.735

The original statement of claim makes allegations of Crown Treaty breaches in relation to Te Ōhākī Tapu, the provision of reserves, the Native Land Court, Crown purchasing policy and practice, public works takings, the environment, rating, land development schemes, the Waikato-Maniapoto District Maori Land Board, and the activities of the Public Trustee and Māori Trustee Offices.736 Further, the claimants allege that the Crown’s failure to provide adequate schooling, health services, roading, housing, and employment initiatives for Ngāti Paretekawa has been to their socio-economic detriment and forced many to move away from their ancestral lands.737 They also say the Crown failed to actively protect the language, tikanga, and ‘other taonga which are the collective manifestation of the unique

732. Submission 3.4.208; claim 1.1.209. In the 2011 final statement of claim, Wayne Walter Winiata Taitoko is included as a named claimant: claim 1.2.87.
733. Submission 3.4.208; claim 1.1.209.
735. Claim 1.1.209, p [9].
736. Claim 1.1.209, p [9].
737. Claim 1.1.209, p [10].
identity of Ngāti Paretekawa. In their submission, the Crown pursued assimilationist education policies and prohibited use of the language, resulting in its near extinction.\footnote{738. Claim 1.1.209, p[12].}

The claimants also allege that the Crown, ‘by waging war, death, and destruction on Ngāti Paretekawa,’ failed to provide the protection required under article 3 of the Treaty. The Crown also failed to meet its article 2 obligations, they say, ‘by allowing the destruction, dispossessio, and complete displacement by war, death, and destruction of Ngāti Paretekawa lands, waters, fisheries, taonga, customary lifestyles, and customary taonga and practices.’\footnote{739. Claim 1.1.209, p[18].} As a result of all these Crown actions, the claimants say Ngāti Paretekawa experienced widespread prejudice. They argue it extends beyond landlessness to include the loss of spiritual well-being; of tikanga and customary knowledge; of mana and rangatiratanga; of economic, cultural, and political autonomy; and of ‘life, taonga, and property.’\footnote{740. Claim 1.1.209, p[19].}

These allegations are expanded on in the claimants’ amended statement of claim. There, they argue that the Crown, contrary to Te Ōhākī Tapu, failed to recognise and provide for the tino rangatiratanga of Ngāti Paretekawa. Among other contraventions of the compact, the claimants allege the Crown failed to acknowledge and give effect to the requirement that Rohe Pōtae lands would not be subject to rating, and failed to prohibit the introduction of alcohol in Te Rohe Pōtae after 1894.\footnote{741. Claim 1.2.87, pp 6–7.}

In regard to land alienation, the amended statement of claim expands on several of the earlier allegations – particularly about public works, pre-raupatu land transactions, and matters raised in Raureti Te Huia’s 1947 petition requesting an inquiry into lands confiscated from Ngāti Paretekawa and Ngāti Ngutu.\footnote{742. Broadly, the petition alleged that the Crown set aside lands for Māori within the confiscation district but, when the court ruled them to be unoccupied, later sold them to Europeans: claim 1.2.87, p 32. Raureti Te Huia’s descendant, Harold Maniapoto, gave more evidence about this petition: doc K35.} With the majority of their land interests having been alienated to the Crown, the claimants say that ‘[t]oday, Ngāti Paretekawa holds no lands north of the Puniu Awa (save for Rewi’s reserve of 1 acre).’\footnote{743. Claim 1.2.87, p 8.} They have particular concerns about the Tokanui block, where they argue the Crown unfairly compulsorily acquired Ngāti Paretekawa land interests for the Waikeria Prison and the Tokanui Mental Hospital. The claimants allege the Crown then failed to return the Tokanui block to Ngāti Paretekawa once those lands were no longer needed for the purposes for which they were taken.\footnote{744. Claim 1.2.87, p 18. The Tokanui block is discussed elsewhere in Te Mana Whatu Ahuru, most fully in section 20.4.3 but also in sections 10.4.3.6, 10.4.4 (fn 321), 11.3.3.1 (fn 145), 11.4.4.1, 14.3.1, and 14.4.3.1 and table 11.4.}

On the matter of early (pre-raupatu) land transactions, the claimants allege the Crown failed to properly ascertain the ‘actual intentions or understandings’ of
Ngāti Paretekawa and others when pursuing transactions in the Te Awamutu and Waipā regions during the 1840s and 1850s.\(^\text{745}\)

The claimants’ allegations are further substantiated in their submissions, lodged jointly with the Wai 2068 claimants in 2013 and 2014.\(^\text{746}\) These focus on pre-Treaty land dealings – especially ‘church land transactions’ in the Te Awamutu township – and lands lost as a result of the raupatu.\(^\text{747}\) On the first matter, the claimants say church missionaires were granted occupation ‘in terms of tikanga’ and the Crown legally formalised these customary transactions during the 1850s. However, the claimants allege the transactions were not carried out with the correct customary owners of the land, did not correctly ‘set out the nature’ of the transactions, and that certain trusts established by the transactions were not enforced by the Crown.\(^\text{748}\) In regard to war and raupatu, the claimants say their tupuna ‘fought and lost lives in most battles’ of the Waikato Wars, including ‘Waiari, Hairini, Kihikihi, Orākau, and the infamous events at Rangiaohia’.\(^\text{749}\) The claimants assert that the Crown exploited the close relationship between the church and Maōri, and ‘sought to use the church teachings as a mechanism to quell Māori desires for self-control and to promote obedience to the Government.’ Moreover, they say the Crown deliberately ‘engineered’ the wars so that it could label Maōri – including their tupuna, who they say were ‘merely defending themselves from an invading force’ – as rebels and thus confiscate their lands.\(^\text{750}\) When the Crown ‘wrongfully, unjustly, and illegally’ confiscated all Ngāti Paretekawa land north of the Pūniu awa, the hapū lost their ‘most fertile and rich’ territory and were ‘all but removed from this important part of their turangawaewae’.\(^\text{751}\) The claimants also say that the Crown failed to properly inquire into complaints by Ngāti Paretekawa about the confiscations, and failed to provide relief.\(^\text{752}\)

The joint closing submissions also further substantiate the claimants’ allegations about the loss of Ngāti Paretekawa lands at Tokanui through public works takings and Crown purchasing (which they refer to as a ‘second “raupatu”’) and the Crown’s use of the Maori Affairs Amendment Act 1967 (which they allege was ‘designed to make it easier for Māori Freehold land that had been “Europeanised” to be alienated’).\(^\text{753}\) Finally, the claimants allege that, throughout the twentieth century and subsequently, the Crown failed to properly support Ngāti Paretekawa

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\(^\text{745}\) Claim 1.2.87, p 29.

\(^\text{746}\) Submission 3.4.13; submission 3.4.208. The opening submissions are also made on behalf of the Wai 800 claimants.

\(^\text{747}\) Submission 3.4.13. Counsel for the claimants acknowledge that ‘the Tribunal has agreed to inquire into a “raupatu claim” where the claimants can establish that they are making their claim on the basis of a non-Waikato affiliation’: submission 3.4.13, p [5].

\(^\text{748}\) Submission 3.4.13, p [3].

\(^\text{749}\) Submission 3.4.208, p 8. More evidence about Ngāti Paretekawa’s participation in the wars in both Taranaki and Waikato is provided in claimant evidence – see for example the evidence of Thomas Te Whiwhi Maniapoto: doc K15.

\(^\text{750}\) Submission 3.4.13, p [5].

\(^\text{751}\) Submission 3.4.208, pp14–18; submission 3.4.13, p [7].

\(^\text{752}\) Submission 3.4.208, pp14–18.

\(^\text{753}\) Submission 3.4.208, p 29.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the
evidence presented to us, we find the claim to be well founded. We reach this con-
clusion having considered (a) the extent to which our findings on general issues
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises
specific local allegations or issues requiring additional Tribunal findings.
Our findings on general issues (set out in chapters 4–24 of this report) that
apply to this claim are listed below. Where necessary, these general findings are
followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s
  process for investigating pre-Treaty transactions: see chapter 4 and the find-
  ings summarised at section 4.7 (part 1).

- Crown purchases of Māori land in the inquiry district between 1840 and
  1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Early Crown purchasing in the Te Awamutu–Waipā region is discussed in
  section 5.5.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato,
  and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the find-
  ings summarised at section 6.11 (part 1).
  Rangiaowhia is discussed at chapter 6.7. In our findings, we say: ‘The
  massacre of non-combatants at Rangiaowhia and Ōrākau, however, violated
  the British standards of the time for the conduct of war. The actions of Crown
  forces in this respect were egregious and constituted breaches of the principle
  of partnership and the article 3 guarantee of citizenship rights. No effort was
  made to investigate or punish those involved. The Crown forces’ conduct of
  war also breached Treaty principles in the excessive and disproportionate
  destruction and plundering of property which served no military purpose,
  including burning a great taonga, Hui Te Rangiora.’ (see section 6.11)

- The formation and enforcement of the aukati – the border area on the edges
  of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected
  against unsanctioned incursions – and the Crown’s response: see chapter 7
  and the findings summarised at section 7.5 (part 11).

754. Submission 3.4.208, pp 30–33, 42.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part 111).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part 111).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part 111).

In specific relation to the Māori Affairs Amendment Act 1967, we found in section 16.5.4 that:

the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity.

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part 111).
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). The Crown concedes that a lack of ‘sufficiently detailed planning’ in 1910 led it to acquire more Māori land than was needed for the Tokanui Mental Hospital (see section 20.2.3). In taking this ‘excessive amount’ of land, the Crown acknowledges it caused ‘significant prejudice to the Māori owners whose land base had already diminished as a result of raupatu and extensive Crown purchasing’, and as such its taking of land for the Tokanui Mental Hospital breached the Treaty and its principles. In section 20.4.3, we also note the Crown’s failure to return hospital lands as they have been declared surplus (section 20.4.3).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV). The management of Rewi’s Reserve is discussed in-depth at section 21.3.3.5.1.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Paretekawa Lands (Parangi) Claim (Wai 2015)

Named claimants
Sonya Kararaina Parangi, Dana Erina Maniapoto and Walter Wayne Winiata Taitoko (2008)\(^{755}\)

Lodged on behalf of
Themselves and Te Pae Tapu O Ngaati Paretekawa for Ngaati Paretekawa.\(^{756}\)

Takiwā
Waipā–Pūniu. The claim area lies south of Te Awamutu, specifically lands and other geographic features on or near ‘the former site of the Tokanui mental hospital, the Waikeria prison farm and the Tokanui MAF Research Farm.’\(^{757}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by Crown land takings in the Tokanui and other Te Rohe Pōtae blocks.\(^{758}\) They allege the sources of the prejudice they have suffered include the loss of land, the loss of their customary interests in forestry, fisheries, and waterways, and the loss of other taonga. The claimants state that 6,500 acres were taken from them in the Tokanui block. They also allege the Crown has failed to recognise, or provide for, their tino rangatiratanga.\(^{759}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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\(^{758}\) The Tokanui block is discussed elsewhere in *Te Mana Whatu Ahuru*, most fully in section 20.4.3 but also in sections 10.4.3.6, 10.4.4 (fn 321), 11.3.3.1 (fn 145), 11.4.4.1, 14.3.1, and 14.4.3.1 and table 11.4.

The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtai Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtai (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtai Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtai Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtai Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

With specific reference to the Tokanui Mental Hospital taking, section 20.4.3 states that the Crown conceded [a] Treaty breach with the taking in that a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the mental hospital. In agreeing that the taking involved an ‘excessive amount’ of land, the Crown also acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and therefore the taking of land for the Tokanui hospital breached the Treaty and its principles.

We discuss this taking further in section 20.4.3, and make our further Treaty analysis and findings are set out in section 20.6. In section 20.9, we find the general public works regime applied in this inquiry district is in breach of article 2 and Treaty principles of partnership, active protection and protection of tino rangatiratanga, in particular by failing to require compulsory takings of Māori land for public works to be a last resort in the national interest.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Wipaea Manu Trust/Ngāti Paia Lands (Farrar) Claim (Wai 2018)

Named claimants

Lodged on behalf of
Wipaea Manu Trust and themselves and the beneficiaries and hapū of Ngāti Paia. Ngāti Paia is a hapū of Ngāti Ngutu and also has tribal links with Ngāti Huiaoe, Ngāti Unu, and Ngāti Raukawa.\(^{761}\)

Takiwā
Waipā–Pūniu. Ngāti Paia are located in Pokuru.\(^{762}\)

Other claims in the same claim group
Not applicable.

Summary of claim
This claim is chiefly concerned with the Native Land Court and the Crown’s public works regime. It argues that the Crown imposed on Te Rohe Pōtae Maōri the Native Land Court and native land and public works legislation, and that the claimants have suffered from the loss of lands (especially from the Pokuru, Tokanui, Wharepuhunga, and Kakepuku blocks) as a result.\(^{763}\) In relation to Māori land legislation, the claim highlights the Crown’s acquisition of land through survey liens and compulsory purchasing. Similarly, in relation to public works, the claim points to the takings for Waikeria Prison and Tokanui Mental Hospital, describing them as excessive and unnecessary. The claim also argues that the Crown has also failed to return lands taken for public works when they have no longer been needed. Lastly, the claimants express more general grievances – that Crown actions and policies have effected a loss of tribal mana and tino rangatiratanga, and alienated them from their natural resources.\(^{764}\)

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\(^{760}\) Claim 1.1.213.

\(^{761}\) Claim 1.1.213.

\(^{762}\) Claim 1.1.213, p [2].

\(^{763}\) The Tokanui block is discussed elsewhere in Te Mana Whatu Ahuru, most fully in section 20.4.3 but also in sections 10.4.3.6, 10.4.4 (fn 321), 11.3.3.1 (fn 145), 11.4.4.1.1, 14.3.1, and 14.4.3.1 and table 11.4. The Wharepuhunga block is discussed extensively, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7. The Kakepuku block is discussed in sections 9.4.4, 9.8.2, 10.4.4, 10.5.1.1, 10.6.2.1.1–10.6.2.1.2, 10.7.2.1.1 (fn 573), 11.4.5.2, 11.4.8, 11.5.3 (fn 662), 13.3.4, 13.5.4, and 21.5.3.3 and tables 9.3, 11.5, 13.3, and 13.9.

\(^{764}\) Claim 1.1.213, p [2].
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our finding on general issues (set out in chapters 4–24 of this report) that applies to this claim is listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). The Crown concedes that a lack of 'sufficiently detailed planning' in 1910 led it to acquire more Māori land than was needed for the Tokanui Mental Hospital (see section 20.2.3). In taking this 'excessive amount' of land, the
Crown acknowledges it caused ‘significant prejudice to the Māori owners whose land base had already diminished as a result of raupatu and extensive Crown purchasing,’ and as such its taking of land for the Tokanui hospital breached the Treaty and its principles. In section 20.4.3, we also note the Crown’s failure to return hospital lands as they have been declared surplus.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Huri (Begbie) Lands Claim (Wai 2019)

Named claimant
Ruthana Begbie (2008)\textsuperscript{765}

Lodged on behalf of
Ngāti Huri, a hapū of Raukawa

Takiwā
Waipā–Pūniu. The claim describes this section of Ngāti Huri as ‘based in Te Kaokaoroa o Patetere, in the South Waikato district’. Their principal marae is Pikitu. Ngāti Huri’s land interests are mainly in the Waikato-Raukawa inquiry district but they also have interests in Te Rohe Pōtāe as well as in the Central North Island, Tauranga Moana, and Porirua ki Manawatū inquiry districts. Those hapū interests, according to the claim, ‘are centred in the Te Waotu block, and extend westwards into the Wharepuhunga block.’ The other section of Ngāti Huri is based around Tokarangi, between Marton and Feilding.\textsuperscript{766}

Other claims in the same claim group
255, 389, 438, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\textsuperscript{767}

Summary of claim
The original Wai 2019 claim (2008) concerns the prejudice Ngāti Huri have allegedly experienced due to Crown Acts, actions, and omissions. The claimant describe these as breaches of the Treaty and its principles. As a result, it is alleged they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.\textsuperscript{768}

In 2011, the claimant lodged an amended statement of claim expanding on the initial allegations and the Crown’s alleged Treaty breaches. It submits that Crown Acts and actions caused their hapū to suffer loss of lands, including through the operation of the Native Lands Acts, Crown purchasing, public works takings, land development schemes, and land administration regimes; loss of burial sites and other wāhi tapu; and loss of culture. The claim also alleges that the native school system failed to provide Ngāti Huri with an adequate educational environment.\textsuperscript{769}

\textsuperscript{765} Claim 1.1.282.
\textsuperscript{766} Claim 1.1.282; claim 1.1.282(a), pp 1–2.
\textsuperscript{767} Submission 3.4.158, p 4.
\textsuperscript{768} Claim 1.1.282.
\textsuperscript{769} Claim 1.1.282(a), pp 2–7.
The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’ The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.772

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771. Submission 3.4.158, p 5.
772. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Paretekawa (Maniapoto and Others) Raupatu Claim (Wai 2068)

Named claimants
Harold Te Pikikotuku Maniapoto, Winston Te Winitana Maniapoto, Sonya Kararaina Parangi, Jack Tahana, and Rovina Te Kawenata Maniapoto-Anderson (2008)\(^{773}\)

Lodged on behalf of
Themselves and Te Pae Tapu o Paretekawa and for the benefit of the members of Ngāti Paretekawa\(^{774}\)

Takiwā
Waipā–Pūniu. The area that is the subject of the claim, and within which Ngāti Paretekawa have customary interests and significant sites, is defined as ‘to the north of the Puniu Awa (and including the river bed) and being the zone of confiscated lands around Orākau, Te Awamutu, Kihikihi, Mangaohoe, and Mangapiko.’\(^{775}\)

Other claims in the same claim group
2014, 2068

Summary of claim
The loss of Ngāti Paretekawa land through raupatu and war in Waikato is central to the Wai 2068 claim. The claimants allege that the Crown, without just cause, waged war against Ngāti Paretekawa, occupied their lands, and caused loss of lives, property, and possessions – ‘in particular at Otāwhao, Te Awamutu, Kihikihi, and Orākau and including all their homes, kainga, settlements, Pā, urupa, wāhi tapu, and worldly possessions.’\(^{776}\)

The claimants say the Crown stigmatised Ngāti Paretekawa individuals as rebels; improperly and without permission broke the aukati; invaded territories in order to ‘destroy, undermine, or subjugate their rangatiratanga’ and the Kingitanga; and unjustly and illegally confiscated lands.\(^{777}\)

The claimants’ allegations are further substantiated in their submissions, lodged jointly with the Wai 2014 claimants in 2013 and 2014.\(^{778}\) These focus on pre-Treaty land dealings – especially ‘church land transactions’ in the Te Awamutu township

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\(^{773}\) Claim 1.1.215; submission 3.4.208.
\(^{774}\) Claim 1.1.215; submission 3.4.208.
\(^{775}\) Claim 1.1.215, p 3.
\(^{776}\) Claim 1.1.215, p 5.
\(^{777}\) Claim 1.1.215, p 6.
\(^{778}\) Submission 3.4.13; submission 3.4.208. The opening submissions are also made on behalf of the Wai 800 claimants.
— and lands lost as a result of the raupatu. On the first matter, the claimants say church missionaries were granted occupation ‘in terms of tikanga’ and the Crown legally formalised these customary transactions during the 1850s. However, the claimants allege the transactions were not carried out with the correct customary owners of the land, did not correctly ‘set out the nature’ of the transactions, and that certain trusts established by the transactions were not enforced by the Crown. In regard to war and raupatu, the claimants say their tūpuna ‘fought and lost lives in most battles’ of the Waikato Wars, including ‘Waiari, Hairini, Kihikihi, Orākau, and the infamous events at Rangiaohia.’ The claimants assert that the Crown exploited the close relationship between the church and Māori, and ‘sought to use the church teachings as a mechanism to quell Māori desires for self-control and to promote obedience to the Government.’ Moreover, they say the Crown deliberately ‘engineered’ the wars so that it could label Māori – including their tūpuna, who they say were ‘merely defending themselves from an invading force’ – as rebels and thus confiscate their lands. When all Ngāti Paretewa land north of the Pūniu awa was confiscated, the hapū lost their ‘most fertile and rich’ territory, and were ‘all but removed from this important part of their turangawaeawea.’

The joint closing submissions also further substantiate claimant allegations about the loss of Ngāti Paretekawa lands at Tokanui through public works takings and Crown purchasing (which they refer to as a ‘second “raupatu”’), and the Crown’s use of the Maori Affairs Amendment Act 1967 (which they allege was ‘designed to make it easier for Māori Freehold land that had been “Europeanised” to be alienated’). Finally, it is alleged that, throughout the twentieth century and subsequently, the Crown failed to properly support Ngāti Paretekawa in their management of Rewi Maniapoto’s Reserve – their only remaining land north of the Pūniu.

The closing submissions also give more detail of particular allegations about the invasion of the Kingitanga lands and confiscation of Ngāti Paretekawa’s lands raised by the Wai 2068 claimants. These allegations include the battles at Waiari, Hairini, Kihikihi, and Orākau in 1864; the loss of property and the ‘scorched earth campaign’ wherein Crown forces stole, burnt, or destroyed Ngāti Paretekawa cultivations, food, resources, and economic infrastructure (including flour mills); the construction of stockades and redoubts on Ngāti Paretekawa lands; the stigmatisation of Ngāti Paretekawa as ‘rebels’; the invasion of Rangiaowhia in 1864 and the

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779. Submission 3.4.13. Counsel for the claimants acknowledge that ‘the Tribunal has agreed to inquire into a “raupatu claim” where the claimants can establish that they are making their claim on the basis of a non-Waikato affiliation’: submission 3.4.13, p [5].
780. Submission 3.4.13, p [3].
781. Submission 3.4.208, p 8.
782. Submission 3.4.13, p [5].
783. Submission 3.4.13, p [7].
784. Submission 3.4.208, p 29.
785. Submission 3.4.208, pp 30–33, 42.

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'commission of atrocities' there; and the destruction of 'Hui Te Rangiora', the tribal headquarters and council house of the runanganui of chiefs.\footnote{786} The claimants also say that the Crown then wrongfully, unjustly, and illegally confiscated Ngāti Paretekawa lands, failed to properly inquire into complaints by Ngāti Paretekawa about the confiscations, and failed to provide relief.\footnote{787}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claimants make specific local allegations requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1). Early Crown purchasing in the Te Awamutu–Waipā region are discussed in section 5.5.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1). Rangiaowhia is discussed at section 6.7. In our findings, we say: ‘The massacre of non-combatants at Rangiaowhia and Ōrākau, however, violated the British standards of the time for the conduct of war. The actions of Crown forces in this respect were egregious and constituted breaches of the principle of partnership and the article 3 guarantee of citizenship rights. No effort was made to investigate or punish those involved. The Crown forces’ conduct of war also breached Treaty principles in the excessive and disproportionate destruction and plundering of property which served no military purpose, including burning a great taonga, Hui Te Rangiora.’ (See section 6.11.)

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

In specific relation to the Māori Affairs Amendment Act 1967, we found in section 16.5.4 that the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity.

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). The Tokanui takings are discussed in-depth at section 20.4.3. The Crown concedes that a lack of ‘sufficiently detailed planning’ in 1910 led it to acquire more Māori land than was needed for the Tokanui Mental Hospital (see section 20.2.3). In taking this ‘excessive amount’ of land, the Crown acknowledges it caused ‘significant prejudice to the Māori owners whose land base had already diminished as a result of raupatu and extensive Crown purchasing’, and as such its taking of land for the Tokanui hospital breached the Treaty and its principles. In section 20.4.3, we also note the Crown’s failure to return hospital lands as they have been declared surplus.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

Rewi’s Reserve is discussed in-depth at section 21.3.3.5.1.
Claim title
Ngāti Tukorehe Lands (Pope and Others) Claim (Wai 2076)

Named claimants
Te Aroha Lorna Pope, Sharon Clair, and Chris McKenzie (2008)\(^{788}\)

Lodged on behalf of
Ngāti Tukorehe, a hapū of Raukawa\(^{789}\)

Takiwā
Waipā–Pūniu. Ngāti Tukorehe is based in Te Kaokaoroa o Pātetere in the South Waikato district, and Te Ruapeka is their principal marae. Ngāti Tukorehe interests are primarily in the Waikato-Raukawa district, but the claimants also have interests in Te Rohe Pōtae and the Central North Island, Tauranga Moana, and Porirua ki Manawatū inquiry districts. In Te Rohe Pōtae, their interests are in the Wharepuhunga block.\(^{790}\)

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\(^{791}\)

Summary of claim
The original Wai 2076 claim (2008) concerns Ngāti Tukorehe and the prejudice they have experienced due to Crown Acts, actions, and omissions that are in breach of the Treaty and its principles. The claimants say, as a result, they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.\(^{792}\)

In 2011, counsel for claimants lodged an amended statement of claim which expands on their initial allegations of Treaty breaches by the Crown. They further allege that Crown Acts and actions have resulted in their hapū suffering from loss of life stemming from war and raupatu, – specifically the Crown’s actions at Ōrākau and in Taranaki, and impacts following the confiscation of land. They also allege political disenfranchisement and alienation due to the Crown’s treatment of the Kīngitanga; loss of lands through various Crown actions, including through the operations of the Native Lands Acts, Crown and private purchasing, and the impact of the soldier resettlement schemes; and alienation from natural resources.\(^{793}\)

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\(^{788}\) Claim 1.1.283.
\(^{789}\) Claim 1.1.283(a), p 1.
\(^{790}\) Claim 1.1.283; claim 1.1.283, pp 1–2.
\(^{791}\) Submission 3.4.158, p 4.
\(^{792}\) Claim 1.1.283.
\(^{793}\) Claim 1.1.283(a), p 1.
The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.794 The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’795 The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.796

795. Submission 3.4.158, p 5.  
796. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Rahurahu Lands (Hiko) Claim (Wai 2077)

Named claimant
Werohia Uatuku-Te Hiko (2008)\(^{797}\)

Lodged on behalf of
The hapū of Ngāti Rahurahu. Ngāti Rahurahu is a hapū of Raukawa, with links to Ngāti Tahu and Tūwharetoa.\(^{798}\)

Takiwā
Waipā–Pūniu. The claimant’s hapū are based in Te Pae o Raukawa in the Taupō district and their principal marae is Waimahana. Their interests are primarily in the Waikato-Raukawa district but they also have interests in the Te Rohe Pōtae and Central North Island inquiry districts. Their tupuna Rahurahu ‘was born and raised in Wharepūhunga.’\(^{799}\)

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\(^{800}\)

Summary of claim
The original Wai 2077 claim (2008) concerns Ngāti Rahurahu and the prejudice they have experienced due to Crown Acts, actions, and omissions that are in breach of the Treaty and its principles. The claim says, as a result, they have suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.\(^{801}\)

In 2011, counsel for claimants lodged an amended statement of claim which expands on their initial allegations and Treaty breaches by the Crown. They further allege that Crown Acts and actions have resulted in their hapū suffering from loss of life stemming from war and raupatu – specifically the Crown’s actions at Ōrākau and impacts following the confiscation of land; loss of lands through various Crown actions including the operations of the Native Lands Acts and Crown and private purchasing; and alienation from natural resources.\(^{802}\)

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the

\(^{797}\) Claim 1.1.284.
\(^{798}\) Claim 1.1.284; claim 1.1.284(a), p 1.
\(^{799}\) Claim 1.1.284; claim 1.1.284(a), p 1.
\(^{800}\) Submission 3.4.158, p 4.
\(^{801}\) Claim 1.1.284.
\(^{802}\) Claim 1.1.284(a), p 2.
resulting prejudice the claimants submit Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. 803 The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’ 804 The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues. 805

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804. Submission 3.4.158, p 5.
805. Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Āhuru-Mahana Lands (Dick) Claim (Wai 2078)

Named claimant
Justin Dick (2008)\textsuperscript{806}

Lodged on behalf of
Ngāti Āhuru-Mahana.\textsuperscript{807} Ngāti Āhuru and Ngāti Mahana are hapū of Raukawa.\textsuperscript{808}

Takiwā
Waipā–Pūniu. Ngāti Āhuru-Mahana are based in Te Kaokaoroa o Pātetere in the Waikato-Kaimai region and their principal marae are Whakaaratamaiti, Ngātira, and Mangakaretu. Ngāti Āhuru and Ngāti Mahana interests lie primarily in Waikato-Raukawa, but they say they also have interests in the Te Rohe Pōtae, Central North Island, and Tauranga Moana inquiry districts. Ngāti Āhuru and Ngāti Mahana ‘traditionally held customary use rights in the Te Rohe Pōtae area. The Wharepūhunga block, particularly the area bordered by the Waikato River, was a key area.’\textsuperscript{809}

Other claims in the same claim group
255, 389, 443, 538, 1340, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.\textsuperscript{810}

Summary of claim
The original Wai 2078 claim (2008) concerns the prejudice Ngāti Āhuru-Mahana have allegedly experienced due to Crown Acts, actions, and omissions. It describes these as breaches of the Treaty and its principles. As a result, Ngāti Āhuru-Mahana have allegedly suffered the loss of lands, alienation from natural resources, and acts of hostility by Crown forces.\textsuperscript{811}

In 2011, counsel lodged an amended statement of claim expanding on the initial allegations and the Crown’s alleged Treaty breaches. It alleges Ngāti Āhuru-Mahana have been or are likely to be prejudicially affected by numerous Crown Acts, actions, and omissions, including military activity during the Waikato Wars; the Crown’s political engagement, including the Kingitanga and Te Ōhākī Tapu;

\textsuperscript{806} Claim 1.1.285.
\textsuperscript{807} Claim 1.1.285. In the amended statement of claim this was expressed as being on behalf of ‘Ngāti Āhuru-Mahana and Raukawa’: claim 1.1.285(a).
\textsuperscript{808} Claim 1.1.285; claim 1.1.285(a), p [2].
\textsuperscript{809} Claim 1.1.285.
\textsuperscript{810} Submission 3.4.158, p 4.
\textsuperscript{811} Claim 1.1.285.
the operation of the Native Land Court and land alienation; and policies and practices in respect of non-land resources and environmental issues.\textsuperscript{812}

The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\textsuperscript{813} The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtæ is given due place in the Tribunal’s report relating to this inquiry district.’\textsuperscript{814} The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\textsuperscript{815}

\begin{footnotes}
\item[812] Claim 1.1.285(a), pp 2–5.
\item[813] Submission 3.4.158, p 4.
\item[814] Submission 3.4.158, p 5.
\item[815] Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
\end{footnotes}
Claim title
Descendants of Uekaha Lands (Aranui) Claim (Wai 2120)

Named claimant
Hinekahukura (Tuti) Aranui (2008)\textsuperscript{816}

Lodged on behalf of
The descendants of Ngāti Uekaha\textsuperscript{817}

Takiwā
Waipā–Pūniu. This claim relates to the Hauturu East 3A block.\textsuperscript{818}

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 2120 claimant and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’ represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Ururnumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeano, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngāwaero, Ngāti Paretekawa, Ngāti Uekaha, Ngāti Parepapo, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.\textsuperscript{819}

Summary of claim
The claim alleges the descendants of Ngāti Uekaha have been prejudicially affected by Crown actions in the Hauturu East 3 and 4 blocks under public works and preservation of scenery legislation.\textsuperscript{820} In addition, it is alleged they have been prejudicially affected by the acts and omissions of the trustees of the Hauturu East 3, and by other acts and omissions. This prejudice allegedly includes the loss of resources.\textsuperscript{821}

Hinekahukura Bennett-Aranui gave evidence about the Waitomo caves, particularly the Aranui Cave. She also gave separate evidence on mana wāhine in answer to questions raised at a previous Tribunal hearing and on her experiences of poverty, te reo, and education.\textsuperscript{822}

In her evidence on Waitomo, the witness said the Aranui Cave was one of many caves in the area that Māori used to store the bodies of their dead. This practice

\textsuperscript{816. Claim 1.1.232.  
817. Final soc 1.2.20, p.3.  
819. Final soc 1.2.20, pp3–6.  
820. The Hauturu East 3 block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 11.4,4.1 and 11.5,4 and table 11.4.  
821. Claim 1.1.232, p [1].  
822. Submission 3.4.41, p 3.}
could no longer continue when the caves became a tourist attraction. While some Māori have worked in tourism associated with the caves, she alleges their tikanga has been forgotten. In addition, bones have been disturbed and removed. She also alleges that the Crown’s actions in the Hauturu East 3A block have resulted in the gradual loss of land, knowledge base and tikanga.\(^{823}\)

In her evidence on mana wāhine, Hinekahukura Bennett-Aranui said women were ‘Te [ahikāroa] mō te whanau, hapū me te iwi’. She said her tūpuna had provided footsteps for others to follow, but the introduced laws of the Crown had caused this intergenerational transmission of knowledge to be lost. As an example of a lost tikanga, she explained that her aunts were given more land that her father. This followed a custom by which her ancestors placed the land with their daughters to ensure their mokopuna survived on the land they owned.\(^ {824}\) In an earlier hearing, the witness also stated that in pre-European times the land was the responsibility of women, while men were responsible for hunting. Marriage did not shift mana whenua to men. This changed when Pākehā men married Māori women and took over their land.\(^ {825}\)

This evidence on mana wāhine is developed in the claim’s closing submission. There, it is alleged that the Crown failed to uphold the custom that Ngāti Maniapoto wāhine were responsible for the land. Instead, in breach of its Treaty duties, the Crown introduced a land tenure system that failed to uphold the rangatiratanga of Ngāti Maniapoto Māori women. It also failed to uphold the property rights of Māori over their land, as determined by their own customs.\(^ {826}\)

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government, environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.\(^ {827}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtai district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtai Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

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823. Document 08 (Bennett-Aranui), pp 1–2.
824. Document 07 (Bennett-Aranui), p 11.
825. Document H6 (Bennett-Aranui), p 3.
826. Submissions 3.4.140, p 58.
827. Final SOC 1.2.20, pp 1, 19–85.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtai (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtai Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtai Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtai under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtai Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

Any specific local allegations or issues requiring additional Tribunal findings
This claim raises issues related to the Crown’s alleged failure to protect the mana whenua rights of wāhine within Te Rohe Pōtæ. Claims specific to the status and recognition of mana wāhine are not encompassed by the general findings presented in chapters 4–24 of the report. The issues they raise are to be addressed in the Waitangi Tribunal’s ongoing mana wāhine kaupapa inquiry. However, the special contribution of mana wāhine to the inquiry district is discussed at section 18.5.4 and throughout parts I–IV of the report.
Claim title
Ngāti Huia Land Alienation (Wright) Claim (Wai 2267)

Named claimant
Wayne Wright (2008)

Lodged on behalf of
Ngāti Tamatehura, Ngāti Upokoiti, Ngāti Wairangi, Ngāti Pipito, and Ngāti Whaita and their descendants collectively known as Ngāti Raukawa

Takiwā
Waipā–Pūniu. This claim relates to the Wharepuhunga block.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges Ngāti Tamatehura, Ngāti Upokoiti, Ngāti Wairangi, Ngāti Pipito, and Ngāti Whaita and their descendants have been prejudicially affected by the Crown’s actions in the Wharepuhunga block.

The claim says that tūpuna were required to lease their lands in the Wharepuhunga 10 block under the Native Land Settlement Act 1907. It states that when the lease expired, the land was given to the holder of the lease as compensation for improvements to the land. It is alleged this was a breach of the principles of the Treaty, particularly article 2.

The claim also concerns allegations of Crown breaches of the Treaty in land blocks outside the Te Rohe Pōtae Inquiry District – in the Patetere and Maungatautari blocks, and elsewhere. As a result of the Crown’s actions, the claimant says many descendants of the original Ngāti Raukawa landowners have been denied the financial benefit of farming and developing their land, as well as their cultural connection with it. Instead, they have worked on it ‘as servants . . . while others derived the benefits of our lands’. They also allege that the Government illegally attacked Ngāti Raukawa at Orakau, where they had gathered to protect their lands.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014. The Act provides that subject to the Deed of Settlement, the Raukawa historical

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829. Claim 1.1.251, p [1].
830. The Wharepuhunga block is discussed extensively in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7.
831. Claim 1.1.251, p [5].
832. Submission 3.4.158, p 4.
claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.
Claim title
Descendants of Mere Penetita Claim (Wai 2274)

Named claimant
Perry Taituha (2008)\textsuperscript{833}

Lodged on behalf of
The descendants of Mere Penetita\textsuperscript{834}

Takiwā
Waipā–Pūniu

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the loss of lands in Te Awamutu (Lot 50H) as a result of both Native Land Court and Māori Land Court processes, and the rules of succession.\textsuperscript{835}

The claimant says Lot 50H was owned by his tupuna Mere Penetita who passed away in 1937. It was written in her will that the land would be left to her three ‘grandchildren’ – the claimants confirmed this was in fact a reference to the grandchildren of her cousin, Rangitahi Putangaroa. However, Rangitahi Putangaroa did not apply for succession and for the land to be transferred to those recorded in the will before she in turn passed away, in 1944.\textsuperscript{836}

In 1946, the claimant says, Mere Penetita’s brother-in-law filed for succession on the grounds that she had died intestate. His application was accepted without his evidence being tested and, as a result, the land was vested in 14 ‘owners’. The claimant states that if the Native Land Court had put appropriate processes in place, this error would not have occurred.\textsuperscript{837}

Soon after, solicitors acting for the rightful beneficiaries under Mere Penetita’s will gave notice of the error to the Maori Land Court and requested registration of the incorrect succession order be delayed pending a corrected application. But for reasons unknown to the claimant, no such application was made. Subsequently, in 1949, the land was taken by the Crown under the Public Works Amendment Act 1948 with the signed consent of the 14 ‘owners’ who were paid compensation.\textsuperscript{838}

In 1983, solicitors acting for the beneficiaries under the will made enquiries of the Commissioner of Crown Lands. Again, for reasons unknown to the claimant, the solicitors did not follow up by making an application. In 1988, Edward Taituha (grandson of Rangitahi Putangaroa) made further enquiries to the Māori Land

\textsuperscript{833} Submission 3.4.215; claim 1.1.255.
\textsuperscript{834} Submission 3.4.215.
\textsuperscript{835} Submission 3.4.215, p 3.
\textsuperscript{836} Submission 3.4.215, p 6.
\textsuperscript{837} Submission 3.4.215, pp 6–7.
\textsuperscript{838} Submission 3.4.215, p 7.
A year later, Mr Taituha filed an application with the Chief Judge of the Māori Land Court under section 452 to cancel or amend the inaccurate succession order. However, the Deputy Chief Judge, A G McHugh, declined to exercise his discretion under section 452/453.\(^{839}\)

The claimant acknowledges the 1989 decision, and also accept that the Crown purchased the land in good faith from the ‘owners’ as they believed them to be, based on an order of the court. Moreover, he acknowledges that the rightful beneficiaries had at least two opportunities to challenge the 1946 succession order but did not do so. However, the claimant asserts that this case nonetheless illustrates the failings and inadequacies of the Native Land Court to protect Māori land. The establishment of the court ‘forced [a system] on Māori, and one that they had to learn about through trial and error and ultimately substantial land loss.’\(^{840}\)

The claim acknowledges the Crown’s concession that it breached the Treaty by failing ‘to include a form of title that enabled Te Rohe Pōtae Māori communities to control their land and resources collectively’.\(^ {841}\) It also endorses the allegation made in generic submissions on the Native Land Court that the Crown breached the Treaty by introducing ‘European styled succession rules which diminished tribal authority rendering collective control of tribal land and matters by Te Rohe Pōtae Māori whānau, hapū and iwi increasingly difficult’.\(^ {842}\) The claimant says that as a result of these Crown breaches, the descendants of Mere Penetita have been prevented from freely exercising their tino rangatiratanga (including possession, management, and control of their lands), continue to suffer from the loss of their land, and have been denied the opportunity to have their lands returned to them.\(^ {843}\)

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

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\(^{839}\) Submission 3.4.215, pp 7–8.
\(^{840}\) Submission 3.4.215, p 8.
\(^{841}\) Submission 3.4.215, p 8.
\(^{842}\) Submission 3.4.107, p 70 (submission 3.4.125, p 9).
\(^{843}\) Submission 3.4.215, p 9.
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtane Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

In section 16.3, we comment that one of the main drivers of twentieth century Māori land title reform was ‘fragmentation of titles and fractionation of interests due to excessive partitioning and the court’s succession rules’. Succession rules, especially as they applied to various kinds of trusts, were among the matters addressed by the introduction of Te Ture Whenua Māori Act 1993. While some problems have been addressed to some extent, we comment in our findings that ‘more work remains to be carried out regarding successions and other relevant sections of the 1993 legislation’.

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Claim title
Mangaroa 2 Lands Alienation (Fenton) Claim (Wai 2291)

Named claimants
Raymond Anton Fenton and Gordon Lennox

Lodged on behalf of
Themselves and Ngāti Apakura.

The claimants’ iwi is Ngāti Apakura, and their hapū are Ngāti Taheke Apakura, Ngāti Te Akaimapuhia, and Ngāti Marotaua Hinetu.

Takiwā
Waipā–Pūniu. The claim relates to land in the Mangaora block, as well as interests in Kawhia E2B1, Te Awaroa B4, Hauturu West 1, and other blocks.

Other claims in the same claim group
1469, 2291. These claims ‘represent the comprehensive Ngāti Apakura te iwi claims before this Inquiry District.’

Summary of claim
The original Wai 2291 claim has two main themes. The first is Crown actions during the Waikato War, in particular the attack on Rangiaowhia, and the confiscation of Ngāti Apakura lands under the New Zealand Settlements Act 1863. The second common theme is the further loss of lands and resources during the twentieth century, including the taking of Mangaora 2 land for public works, the compulsory sales of shares in Kawhia E2B1 deemed to be uneconomic, and the taking of Awaroa land under the Noxious Weeds Act 1950. A third theme, which features prominently in the final statement of claim, is the cultural erosion and diminished opportunities resulting from the maladministration of Māori education; this is not reflected in the subsequent joint Ngāti Apakura submission, the same issue having been pursued by other claimants.

844. The claim was brought by Casey Taupiri Herbert in 2008 and in 2009 Raymond Fenton was added as a claimant. In 2010 Casey Herbert asked to be removed as a named claimant in Wai 2291. Later in 2010 Gordon Lennox was added as a co-claimant: claim 1.1.256, pp [1], [3], [6], [7].
845. Final SOC 1.2.24. The final statement of claim also expressed this as ‘themselves and on behalf of their whanau and hapū and iwi,’ while closing submissions described the claim as having been made on behalf of ‘themselves, their Te Rauparaha Taheke Fenton Whānau and Ngāti Apakura te Iwi’: final SOC 1.2.24, p 3; submission 3.4.228, p 3.
846. Final SOC 1.2.24, p 3.
847. Final SOC 1.2.24.
848. Submission 3.4.228, p 3.
849. Claim 1.1.256, pp [14]–[16].
850. Claim 1.1.256, pp [13]–[18]. The Mangaora 2 block is discussed elsewhere in Te Mana Whatu Ahuru, including in section 20.4.4.4. The Kawhia E2B1 block is referred to in sections 16.5.5.1–16.5.5.2.
851. Final SOC 1.2.24, pp 65–90.
852. See final SOC 1.2.82; submission 3.4.170(a) (Wai 762 R01).
The final Wai 2291 statement of claim, and the combined submissions with the 
Wai 1469 claimants, expand on a number of the points made in the original claim. 
In relation to the Waikato War, the combined claim asserts that Crown forces 
attacked the undefended settlement of Rangiaowhia, where non-combatants had 
gathered during the fighting at Rangiriri, and carried out atrocities against women, 
children, and the elderly, including mass killings. The claim goes on to observe 
that the invasion forced Apakura to disperse and seek refuge away from their rohe. 
The claimants also allege that Governor Grey had planned to launch the invasion 
of the Waikato years in advance.

When it came to the raupatu, the combined claim states the return of ‘rebel 
lands’ promised under confiscated lands legislation in 1867 and 1880 saw Apakura, 
who had possessed some of the richest farmland in the Waikato, being offered 
blocks far too small for their support, and distant from the lands they had mana 
whenua over. Furthermore, the claim highlights the loss of substantial Apakura 
investment in the construction of a large produce storehouse at Onehunga in 
Auckland.

The claim also raises several land issues. The claimants state that Ngāti Apakura 
gifted around 300 acres for a church school in 1854, but their displacement due to 
the Waikato War cost them any benefit from it. The claimants also say that Native 
Land Court processes caused additional land loss to Apakura, through their being 
either ignorant of claims (a consequence of dispersal), or unable or unwilling to 
participate at hearings, and through the burden of costs imposed upon non-sellers 
by surveys and court costs. The claimants draw on the experience of the Fenton 
whānau to show how Apakura holdings were diminished by partitioning and 
Crown purchasing, and that mana whenua was diluted, in that their remaining 
land interests were commonly minor shareholdings in others’ awards.

The claim also raises further issues concerning twentieth century amalgama-
tion and conversion of land interests, and Māori land development schemes. In 
particular, the claimants say that Mangaora 2 was taken over in the 1930s by the 
Mangaora land development scheme, in spite of the express wishes of owner Rihi 
Te Rauparaha that it be left out of the scheme, and that subsequently the Crown 
 fraudulently gained consent for its amalgamation with other Mangaora blocks. 
They claim that the Crown later extinguished the interests of the Fenton whānau 
in Mangaora A through the compulsory conversion of their shares in this block, as 
well as doing the same with the whānau’s shares in Kawhia E2B1. The claimants 
also argue that the owners of a number of blocks were left disadvantaged by the

853. Submission 3.4.228, pp 43–49; see also final SOC 1.2.24, pp 5–7. 
854. Submission 3.4.228, pp 40–41, 50. 
856. Submission 3.4.228, pp 63–69. 
857. Submission 3.4.228, pp 74–76. 
858. Submission 3.4.228, pp 77–80; see also final SOC 1.2.24, pp 16, 18–19, 21–22. 
859. Submission 3.4.228, pp 88–89, 91–94; see also final SOC 1.2.24, pp 9–11. 
860. Submission 3.4.228, pp 89–90; see also final SOC 1.2.24, pp 11–15.
actions of the Māori Trustee, such as those of Awaroa B4 section 4B1, whose rental income was used by the trustee to compensate the lessee for improvements.  

The alleged degradation and desecration of environmental resources and wāhi tapu, such as through the drainage of Lake Ngāroto, features prominently among the remaining grievances in the combined claim.  

The claim also raises socio-economic issues, namely the dispersive effects on Apakura of urban migration, and the undermining of Apakura’s cultural identity due to the severance of traditional relationships with their confiscated lands. Furthermore, the claimants point to the adverse outcomes of public works takings (one for roading and one for gravel) as part of the claim.

The Wai 2291 claimants adopt the generic pleadings on constitutional issues, Te Ōhākī Tapu, the Waikato War and raupatu, the Native Land Court, Crown purchasing, land alienation, Māori land administration, land development schemes, public works, and the environment, and tikanga. The joint submissions adopt the generic submissions for constitutional issues, the Waikato War and raupatu, pre-1865 alienations, the Native Land Court, Crown purchasing, economic development, Māori land administration, land development schemes, public works, rating, environment, and social and cultural issues.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

› The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

› Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

861. Submission 3.4.228, pp 96–99; see also final SOC 1.2.24, pp 37–41. The Awaroa B4 block is discussed elsewhere in Te Mana Whātu Ahuru, in sections 14.3.3 (fn105) and 19.5.3.

862. Submission 3.4.228, pp 100–105; see also final SOC 1.2.24, pp 50–64.


864. Submission 3.4.228, pp 94–95; see also final SOC 1.2.24, pp 46–49.


866. Submission 3.4.228, pp 3–5.
Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

We note our earlier findings that non-combatants were massacred at Rangiaowhia in February 1864 (see section 6.7.12), and that Ngāti Apakura suffered from being dispersed from their ancestral lands (see section 6.9.8.2). The report also records the loss of their investment at Onehunga (see section 6.10.4) and in the church lands at Rangiaowhia (see section 5.6).

The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

The claimants raise a specific local allegation concerning the use of the rental income from their Awaroa B4 section 481 lands by the Māori Trustee as compensation for improvements. The pitfalls facing Māori owners when
paying compensation to lessees in improvements were summed up by Judge MacCormack in 1937, who observed that ‘there may be large improvements, though only a small rental’, and that in such cases ‘even a setting aside of the whole of the rent may fall far short of the compensation charge’. Consequently, the Tribunal notes in section 13.5.7 of this report that Māori landowners had actively avoided the inclusion of such clauses, and correspondingly we found that Māori Land Boards had been at fault for failing to set aside funds to pay for these improvements (section 13.5.11). The evidence the Tribunal received leads to the conclusion that this finding is applicable to these circumstances.

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
  
  The inclusion of Mangaora 2 in a development scheme, against the objections of owners (and particularly those of Rihi Te Rauparaha) is described in section 17.3.4.1.2.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource
sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part Iv).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part Iv).

  In reporting on Lake Ngāroto (see section 22.3.7.1), including its progressive reduction in area, we concluded that it had been managed in the interests of the Pākehā community since the raupatu.

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngā Uri o Ropata (Maniapoto) Claim (Wai 2312), Ropata Interests Claim

Named claimants
Thomas Te Whiwhi Maniapoto, Harold Te Pikikotuku Maniapoto, and Dana Erina Maniapoto

Lodged on behalf of
Themselves and Ngā Uri o Ropata. The claimant group are ‘Ngāti Maniapoto and represent the section who are descended from Ropata Barrett and Ngataua.’

Takiwā
Waipā–Pūniu. Ngā Uri o Ropata say they ‘have lost lands within the Pūniu, Mangapiko, Kakepuku, Pirongia, Rangitoto, Kahuwera, Kāwhia, and surrounding regions.’

Summary of claim
This claim deals with the alleged destruction, confiscation, and alienation of customary lands and waters associated with Ngā Uri o Ropata. A core claim issue concerns the conduct of Crown expeditionary forces within the Pūniu and Kakepuku regions. The claimants also say the establishment and operation of the Native Land Court undermined Ngā Uri o Ropata’s control of their lands, resulting in alienations. The claimants further allege Crown purchase policies were ‘dubious and unfair’ and were often negotiated before the Native Land Court had awarded title. In addition, claimants assert that the Crown failed to ensure sufficient lands were set aside as inalienable reserves.

The claim then traverses the far-reaching socio-economic impacts of Crown actions in relation to schooling, health services, roading, housing, and employment initiatives. Ultimately, the claimants say deficiencies in Pākehā and Te Rohe Pōtae Māori health outcomes illustrate that Crown policies were detrimental to Ngā Uri o Ropata. Similarly, claimants assert that the imposition of assimilationist education policies did not provide for the protection of tikanga, kawa, ritenga, waiata, whakapapa, and other taonga. The claimants also allege the Crown failed

869. Claim 1.1.258, p 5.
871. Claim 1.1.258, pp 2, 18.
873. Claim 1.1.258, p 12.
874. Claim 1.1.258, p 33.
876. Claim 1.1.258, p 38.
to recognise Ngā Uri o Ropata’s customary rights and kaitiakitanga in relation to flora and fauna, food, rongoā, and other taonga.\textsuperscript{877}

The claimants also assert that Crown actions and omissions in the areas of local government, rating, and land administration also breached the Treaty of Waitangi. Examples they provide include the Waikato-Maniapoto District Māori Land Board, which they say removed tribal leadership and control over vested lands after 1905, and the Māori Trustee, which they argue promoted share fragmentation and confiscated uneconomic interests.\textsuperscript{878} Finally, the claimants allege the Crown compulsorily acquired Māori lands for public works, often without adequate consultation or compensation, as demonstrated particularly in the Tokanui block.\textsuperscript{879}

Consequently, the claimants say they have been rendered landless in their ancestral rohe. In their view, the Crown has, therefore, breached the Treaty of Waitangi and Te Ōhākī Tapu.\textsuperscript{880}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtæ iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

\textsuperscript{877} Claim 1.1.258, pp 14–16.

\textsuperscript{878} Claim 1.1.258, pp 36–43.

\textsuperscript{879} Claim 1.1.258, p 12. The Tokanui block is discussed elsewhere in Te Mana Whatu Ahuru, most fully in section 20.4.3 but also in sections 10.4.3.6, 10.4.4 (fn 321), 11.3.3.1 (fn 145), 11.4.4.1, 14.3.1, and 14.4.3.1 and table 11.4.

\textsuperscript{880} Claim 1.1.258, pp 1–7, 19, 33.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships
with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
**Claim title**
Te Pae Tapu o Paretekawa and Ngā Uri o Te Whiwhi Mokau (Maniapoto) Claim (Wai 2313)

**Named claimants**
Thomas Te Whiwhi Maniapoto, Harold Te Pikikōtuku Maniapoto, and Jacqueline Wiripine Smith (2008)

**Lodged on behalf of**
Themselves and Te Pae Tapu o Paretekawa for Ngā Uri o Te Whiwhi Mokau

**Takiwā**
Waipā–Pūniu. This claim relates to land in the Tokanui, Pokuru, Te Iakau, Kakepuku, Puketarata, Ouruwhero, and other blocks, as well as the Tawarau and Pirongia Forests.

**Other claims in the same claim group**
Not applicable.

**Summary of claim**
The claimants allege they have been prejudicially affected by actions of the Crown, which are in breach of the principles of the Treaty of Waitangi. They state the specific breaches as the waging of war against them by Crown expeditionary forces, and the destruction and confiscation of their taonga, settlements, and wāhi tapu. The claimants name 21 land blocks in Te Rohe Pōtae – as well as the Tawarau and Pirongia Forests, and Kakepuku maunga – as having been subject to specific Treaty breaches by the Crown.

The land blocks named by the claimants are the Tokanui, Pokuru, Iakau, Kakepuku, Puketarata, Ouruwhero, Korakonui, Wharepuhunga, Kaipiha, Mangauika, Te Kopua, Rangitoto, Hauturu, Waipuna, Mangaroa, Okapu, Kawhia, Pirongia, Karuotewhenua, and Kahuwera blocks.

The claimants state they hold customary interests in the areas of Te Rohe Pōtae named in their claim, and that these interests may overlap with the interests of other claimants. The claimants also have interests in the confiscation district, which are not part of this claim.

The claimants allege further breaches of the Treaty by the Crown in Te Rohe Pōtae. They say Crown policies and omissions caused them the loss of land, forests, fisheries, and wāhi tapu. They allege the Crown failed to provide them with the same rights as Pākehā and failed to recognise their rangatiratanga.

881. Claim 1.1.259.
882. The statement of claim notes that the claim is also brought ‘more specifically for the hapū sections of “Te Whiwhi Mokau, Hurihia, and Wiripine Te Whiwhi”‘: claim 1.1.259.
883. Claim 1.1.259, p.3.
The claimants allege the Crown failed to adhere to Te Ōhākī Tapu by not recognising their autonomy, which they say was implicit in the compact. They allege that the Crown caused landlessness, failed to set aside sufficient reserves, and passed legislation affecting them without consultation. In addition, the Crown established the Native Land Court, which destroyed hapū-based systems of land tenure. The Crown’s land purchasing policy, the claimants allege, was deliberately designed to undermine rangatiratanga and facilitate the Crown acquisition of land.

The claimants note that the Crown’s public works legislation, which allowed the compulsory acquisition of their land, was introduced without consultation with them. They allege the Crown further breached the Treaty by empowering local government to levy rates on Māori land and to have charging orders placed on them for non-payment. The Crown, they allege, failed to ensure local government had a relationship with the claimants that was consistent with the Treaty.

In breach of the Treaty, they allege, the Crown transferred much of their remaining lands to the Waikato-Maniapoto District Maori Land Board, removing it from tribal control. The Crown then failed to ensure alienations of land by the board left the claimants with a sufficient land base. The claimants assert the Crown established land development schemes without consultation and without fully advising the owners of the consequences of placing their lands in the schemes. The claimants allege that the empowerment of Māori trustees to manage land belonging to the claimants, without ensuring the retention of the land by the owners, and the compulsory purchase of shares deemed uneconomic, are also breaches of the Treaty by the Crown.

The claimants further allege the Crown failed to protect their environment, failed to recognise their intellectual property rights in fauna and flora, and failed to provide for their mineral rights and rights to rivers, waterways, and water, failed to protect te reo and acted in general to their social and economic detriment.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings of local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

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The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtāe Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtāe (1883–1903); the Crown’s actions in respect of land takings, land givings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtāe Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtāe Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtāe Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtāe Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Board-administered blocks in which the claimants have interests are referred to in section 13.3.3 (Wharepuhunga), section 13.3.4 (Kakepuku and Hauturu), and section 13.5.3 (Rangitoto).

Crown and private purchasing and leasing of Te Rohe Pōtāe Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III). Crown purchasing in the Mangauika block, where the claimants have interests, is discussed in section 14.4.2.3.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  With specific reference to the taking of land within the Tokanui and Pokuru blocks for the Tokanui Mental Hospital, section 20.4.3 states that the Crown conceded the taking breached the Treaty as a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the hospital. In agreeing that the taking involved an ‘excessive amount’ of land, the Crown also acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and therefore the taking of land for the Tokanui hospital breached the Treaty and its principles.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  The Puketarata block, in which the claimants have interests and which was the subject of a timber cutting agreement, is referred to in section 21.4.3. The claimants’ interests in the Ouruwhero block and the drainage of the Ouruwhero wetland (also known as the Kawa Swamp) are discussed in section 21.5.3.3.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the
areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtāe from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Te Pae Tapu o Paretekawa and Ngā Whakatupu o Peehi Tukorehu (Maniapoto) Claim (Wai 2314)

Named claimants
Thomas Te Whiwhi Maniapoto, Harold Te Pikikotuku Maniapoto, and Dana Erina Maniapoto (2008)

Lodged on behalf of
Themselves and Te Pae Tapu o Paretekawa for ngā whakatupu o Peehi Tukōrehu, and more specifically for the Ngāti Paretekawa sections of Ngāti Maniapoto represented by Waraki Tarei, Tupōtahi, me o raua tuahine Ngāwaiata me Ngāwaero

Takiwā
Waipā–Pūniu. This claim relates to land blocks including Tokanui, Pokuru, Te Iakau, Kakepuku, Puketarata, and Ouruwhero, as well as many other blocks across the inquiry district, and the Tawarau and Pirongia Forests.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by Crown breaches of the Treaty of Waitangi. They first focus on breaches which they term extraordinary: the waging of war against them in the Pūniu and Kakepuku districts, and the destruction or confiscation of their land and other property. They then allege land-based Treaty breaches which caused the loss of their land and resources in numerous land blocks, forests, and waterways of Te Rohe Pōtāe. They specifically refer to the loss of Pirongia maunga.

Further, the claimants allege the Crown failed to recognise or provide for the autonomy or tino rangatiratanga which they state is implicit in Te Ōhāki Tapu. They state the Crown then passed legislation which expedited the alienation of their land, and subsequently failed to prevent or rectify the landlessness. The Crown, they allege, also failed to set aside sufficient reserves and introduced the Native Land Court which facilitated its acquisition of land for settlement. The Crown’s land purchasing policies and practices, they allege, were designed to undermine chiefly authority and acquire land.

In further breaches of the Treaty, they allege the Crown introduced a public works policy of compulsory acquisition which did not have provision for consultation or adequate compensation. They also state the Crown failed to provide adequate schooling, health services, roading, housing, and employment. It has failed

885. Claim 1.1.260.
886. Claim 1.1.260, p [3].
887. Claim 1.1.260, pp [4]–[5].
to protect te reo and the environment of their rohe, they allege, and has also failed to recognise their intellectual and property rights to flora and fauna.

In addition, the claimants raise issues of Treaty breaches by the Crown in relation to rates and local government, land development schemes, Māori land boards, and the Māori Trustee/Public Trustee.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Puehutore (Hodge and Winifred) Claim (Wai 2329)

Named claimants
Kataraina Hodge and Winifred Lewis (2008)

Lodged on behalf of
Ngāti Puehutore, a hapū of Raukawa

Takiwā
Waipā–Pūniu. Ngāti Puehutore is situated in Korakonui and Wharepūhunga, and their principal marae is Whakamārama in Te Awamutu. Their maunga are Wharepūhunga and Panetoki; their awa is Mangatutu. The claimants’ say their land interests are in the Te Rohe Pōtae, Waikato-Raukawa, and Tainui inquiry districts.

Other claims in the same claim group
255, 389, 443, 538, 1472, 1473, 1474, 1602, 1615, 1708, 1769, 1887, 2019, 2076, 2077, 2078, 2329. All the claimants in this group represent hapū affiliated to Raukawa. The Wai 443 claim is intended to be the overarching claim for Raukawa and to represent the wider claim group.

Summary of claim
The original Wai 2329 claim (2008) concerns the prejudice Ngāti Puehutore have allegedly experienced due to Crown Acts, actions, and omissions, which the claimants say are in breach of the Treaty and its principles. As a result, they submit, they have suffered the loss of lands and customary rights in their own rohe, alienation from natural resources, and acts of hostility by Crown forces.

In 2011, counsel for claimants lodged an amended statement of claim expanding on their initial allegations and the Crown's alleged Treaty breaches. In it, they submit that Ngāti Puehutore have been and remain prejudicially affect by various acts and omissions of the Crown. In particular, they allege that as a result of the Native Lands Acts and Crown purchasing they have lost the great majority of their traditional lands. They also allege the Crown breached its Treaty duties by carrying out various acts of aggression against Ngāti Puehutore and other Raukawa hapū, including at battles such as Ōrākau. Further, they say that the Crown failed to properly protect the various natural taonga within their rohe, to recognise Ngāti Puehutore tino rangatiratanga, and to protect their cultural traditions (including te reo Māori).

888. Claim 1.1.263.
889. Claim 1.1.263, p [2].
890. Claim 1.1.263, pp [2], [5].
891. Submission 3.4.158, p 4.
892. Claim 1.1.263, p [2].
The final amended statement of claim (2011) represents the entire Raukawa claim grouping. It expands on the Crown’s alleged Treaty breaches, and the resulting prejudice the claimants submit that Raukawa experienced. These joint pleadings are elaborated in the entry for Wai 443.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. During the inquiry process, the Raukawa claims were settled by the Raukawa Claims Settlement Act 2014.\(^{894}\) The Act provides that subject to the Deed of Settlement, the Raukawa historical claims are ‘settled’. Therefore, the Tribunal has no jurisdiction to make any findings or recommendations in respect of Raukawa historical claims.

Raukawa claimants acknowledge the Act in closing submissions (2014). While they do not request any specific findings, they request that ‘Raukawa’s role in the history of the Rohe Pōtae is given due place in the Tribunal’s report relating to this inquiry district.’\(^{895}\) The most important substantive issues for Ngāti Raukawa are, they submit, the iwi experience of war and confiscation, particularly the events at Ōrākau; Te Ōhākī Tapu; the Native Land Court, particularly as it affected the Wharepuhunga, Maraeroa, and Rangitoto blocks; as well as Crown purchasing, vested lands, and environmental issues.\(^{896}\)

\(^{894}\) Submission 3.4.158, p 4.
\(^{895}\) Submission 3.4.158, p 5.
\(^{896}\) Submission 3.4.158, pp 7, 13–42. The Wharepuhunga, Maraeroa, and Rangitoto blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.2, 11.4.5, 11.4.5.1, 13.3.3, and 13.3.7.4 and tables 11.5 and 13.7 (Wharepuhunga); sections 8.9.2.1, 10.7.1.1, 21.3, 21.4, 21.4.1, 21.4.3, and 21.4.6.3 and table 11.5 (Maraeroa); and sections 10.6.2.3, 10.7.2.1.2, and 11.3.4.3 and table 11.7 (Rangitoto).
Claim title
Ngāti Uekaha Taonga and Land (Weno Iti) Claim (Wai 2335)

Named claimant
Weno Iti (2008)897

Lodged on behalf of
Himself and the descendants of Ngāti Uekaha898

Takiwā
Waipā–Pūniu. This claim concerns land interests in the Matakana, Taumatatotara, and Mangaora blocks.899

Other claims in the same claim group
472, 847, 986, 993, 1015, 1016, 1054, 1058, 1095, 1115, 1437, 1586, 1608, 1612, 1965, 2120, 2335. The Wai 2335 claimant and most others in the group form part of the Whanake Ake Trust. All claimants in the group are descendants of Maniapoto and describe themselves as ‘Te Hauāuru claimants’. They represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Ururnumia, Ngāti Hinewai, Ngāti Rora, Ngāti Taiwa, Ngāti Parewaeono, Ngāti Te Rahurahu, Ngāti Matakore, Ngāti Parewhata, Ngāti Ngawaero, Ngāti Parekawa, Ngāti Uekaha, Ngāti Parepoto, Ngāti Rangingonge, Ngāti Korokino, Ngāti Taramatau, Ngāti Hikairo, and Ngāti Apakura. Collectively, they claim interests in land blocks located within the Ōtorohanga, Pirongia, and Waitomo areas.900

Summary of claim
The claimant states he and the descendants of Ngāti Uekaha have been prejudiced by the Crown’s alleged Treaty breaches in respect of native land laws, particularly the Native Land Court’s individualisation of title; its failure to protect tino rangatiratanga; and the use of public works legislation to effect compulsory takings. These allegations relate particularly to the historical management and ownership of the Matakana, Taumatatotara, Mangoira A, and Orahiri A blocks.901 Closing submissions allege that the Crown breached article 2 of the Treaty by taking Matakana as payment for survey costs.902 The claimant states that Matakana is sacred to Ngāti Uekaha, and the source of their water and traditional medicine. It

897. Claim 1.1.264.
898. Claim 1.1.264, p 1; final SOC 1.2.20, p 3.
899. Claim 1.1.264, p 3.
900. Final SOC 1.2.20, pp 3–6.
901. Claim 1.1.264, p 1. The Taumatatotara block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.7.1.2, 11.5.3 (fn 662), 13.5.5, and 13.5.6 and table 13.3. The Mangoira block is discussed in sections 20.2.3, 20.4.4, and 20.4.4.1. The Orahiri A block is referred to in section 15.4.3.1 and the wider Orahiri block in sections 9.4.3–9.4.4, 9.4.7, 9.8.6, 10.6.3, 13.5.1, 15.4.3.1–15.4.3.4, and 20.5.2 and tables 9.1, 9.3, 11.5, 13.3, and 15.2.
902. Submission 3.4.140, pp 20–21.
is submitted that the Crown did not protect Ngāti Uekaha, but instead introduced a survey system that resulted in debt having to be paid by the sale of land.

These allegations inform the causes of action cited in the amended statement of claim filed on behalf of the Te Hauāuru claim group. They are: the Crown’s failure to protect te tino rangatiratanga of Ngāti Maniapoto (as guaranteed by article 2 of the Treaty and promised as part of Te Ōhākī Tapu), the Native Land Court, loss of land due to surveys, Crown purchasing and failure to ensure Māori retained sufficient land, the North Island Main Trunk Railway, compulsory acquisition of land for public works, the Ōtorohanga Native Township, local government/environmental management and degradation, twentieth century land alienation, and Crown legislation and practice regarding the foreshore and seabed.903

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land

903. Final SOC 1.2.20, pp 19–85.
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

  In section 13.5.1, the Taumatatotara block is discussed as an example of the Waikato-Maniapoto District Maori Land Board’s administration of vested land in Te Rohe Pōtae. In section 13.7, we find that the Crown acted inconsistently with several Treaty principles ‘by failing to adequately oversee the board’s administration of vested lands and address any failings’.

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  In section 20.2.3, we discussed the Crown’s concession that the taking of the Mangoira block in 1912 for the Mōkau River Scenic Reserve under the Scenery Preservation Act 1908 involved ‘an excessive amount of land’. Despite only requiring ‘a few hundred acres for the purposes of scenery preservation’, the Crown took the entire block of some 3,000 acres. This was a breach of the Treaty of Waitangi and its principles.

  The Crown also acknowledged that there is some evidence to support the contention that it failed to consult adequately with Māori owners before acquiring other Māori land for the Mōkau River scenic reserves.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
The management of the Matakana land, which today lies within the Department of Conservation’s Waitomo place (or conservation corridor), is discussed in section 21.4.6.2.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).
2

TAUMARUNUI

[Map of Taumarunui with various locations labeled, such as Kariol, Pirongia, Wairua R., Whanganui R., Taunoka, Taurewa, Kakahi, etc.]

Downloaded from www.waitangitribunal.govt.nz
2.1 Ngā Whenua

This takiwā encompasses the south-eastern reaches of the Rohe Pōtae inquiry district. In the east lie the Hauhangaroa Ranges, which have traditionally separated the lands of Tūwharetoa and Maniapoto. The natural environment is a mixture of rugged terrain, forest, mountains, waterways, and low-lying areas capable of cultivation. It is one of the most isolated and thinly populated areas of the North Island.

With a high annual rainfall and high humidity over parts of this takiwā, plant growth has always been luxuriant except in especially harsh winters. The area was generally covered by dense and rapidly regenerating rain forest – mostly tawa, but with rimu, tōtara, rātā, mataī, miro, hīnau, rewarewa, and kāmahi also found. The heavy indigenous vegetation cover helped stabilise the soil by providing a layer of humus which absorbed even heavy rainfall – common in winter – and allowed it to percolate slowly through the soil. However, early reports suggest that earth flows and slips were frequent, even under natural conditions.

According to one study, the area’s potential for erosion was balanced ‘by the effect of the rain forest on micro-climate soil formation and regeneration of the rain forest within the system.’

Māori have lived in this takiwā for centuries – hunting, fishing, growing crops, warring, forming alliances, celebrating their existence in waiata and kanikani. All the while they have exercised authority and stewardship over an environment that witness Thomas Leslie Te Nuinga Tuwhangai described in these terms:

“The forests on our lands grow on pumice and volcanic ash that are derived from soils from the huge Taupo volcanic eruption in 186AD and other eruptions. The vegetation of the region changes from lowland podocarp forest dominated by tanekaha,  

Note: this takiwā overview is the Tribunal’s synthesis of evidence presented by kuia, kaumatua, and other knowledge-holders at Ngā Kōrero Tuku Iho hui held across the inquiry district in March–June 2010. It should not be interpreted as a Tribunal comment on, or determination of, the validity of tribal evidence presented about places, people, and events. Some of the groups identified in this overview may also appear in other takiwā views, reflecting their widespread interests. However, for organisational purposes, each claim has been assigned to only one takiwā.

1. Submission 3.4.281, p 3.
large tōtara, rimu, matai, miro, tawa and kahikatea trees through to higher montane altitude forest, shrub-lands and mires with Hall’s tōtara, tāwheowheo and kamahi. The forest contains the āwheto (parasitic vegetable caterpillar fungi) once a traditional food source for my people, also the pua o te reinga a parasitic flowering plant (Dactylanthus taylorii) that grows on tree roots, the (pikirangi) endemic mistletoe in the canopy and a favourite nectar food for the kākā (NZ parrot) that frequent these forests and the kuku or kererū (native wood pigeon) the most valued amongst our people, tui (parson bird), kakariki (parakeets), pōpokatea (whitehead), tauhou (wax-eye) and Pitoitoi (North Island robin) Pūtangitangi (paradise shelduck). Less commonly seen are the kārearea (NZ falcon), whiō (blue duck), kōkako (blue wattled crow), Koekoea (shining cuckoo) and kiwi who were of great size who once roamed this area and the secretive and rare pekapeka (native short-tailed bat) who feed on the sweetly perfumed nocturnal flowers of the Dactylanthus in providing plant nectar. The kiore (Polynesian rat) was once plentiful in the Hurakia Ranges but is only a faded memory from the past now replaced by the Norwegian Rat, wild pigs, red deer, possums and [stoats].

Describing the Rangitoto Tūhua area, Grace Ngaroimata Le Gros called it 'the food basket' of her tūpuna:

It was their backyard and a reflection of their lineage at that time. The rivers in and around the area included the Puniu, the Waipa, the Whanganui and the Ongaruhe Rivers. Ngā maunga included Kakepuku, Tūhua, Pirongia, Hikurangi and Karioi. These maunga were and continue to be important to us as well as many iwi and hapū within the district to this day. In the Native Land Court hearing for Whatitokarua and Taraunui, Te Whiutahi Warahi stated that, even after the death of Tutemahurangi I, all of his descendants worked at the first trees of this land. He stated that he and his whanaunga shot birds, caught tuna and hunted pigs on these lands. They utilised the trees for kai, for forms of transport and for construction of kainga. Kai, including birds and tuna were collected at places such as Mangamaire, Pukekawa, Taraunui, Te Raupiu, Tapu-i-wahine and Opatiki (near the site of Whanau Maria Marae on the Whatitokarua block) for many important occasions including the marriage of Tiki-rua of Ngāti Hāua. She said food was readily available, either growing wild or cultivated:

There were many mahinga kai (gardens/cultivations/food gathering areas) throughout our rohe. They were (a) Te Waimanu and Orurae, both at the mouth of the Otahu Stream; (b) Koroki between Te Whare and Te Pari and Ohura; (c) Te Waihinai is a mahinga kai. Waihinai Stream was so called because each year the hinau berries were slapped in the stream, having been so heavy with berries; (d) Korekoreko was a very

large plantation where kumara and taros were grown; and (e) Raiohoturoa was also a mahinga kai.\(^7\)

Grace Ngarioimata Le Gros also described traditions and practices developed by hapū living and using the area, which ensured natural resources could be shared and protected:

The rohe agreed by our tūpuna allowed for the natural division of resources. Ngāti Hinemihi have interests or taonga that are shared with Ngāti Rereahu and other hapū of Ngāti Maniapoto such as the bird snaring areas. We share areas of significant value and we share resources that the other hapū are kaitiaki of. Ngāti Hinemihi are kaitiaki of the rivers and streams within our domain and all the taonga that are within them. We maintain the mana and ownership through ahikaaroa in these lands. Our presence is recognised in the history of our hapū and the acknowledgement of our surrounding iwi kin.\(^8\)

Meanwhile, Ngāti Hari witness Nikōrā Barrett described the region as a frequently traversed buffer zone between several large iwi:

[The maunga] Tūhua is on the trail of war and is a strategic outpost between four iwi (tribes) Raukawa, Maniapoto, Tūwharetoa and Whanganui. Outside tribes from ‘The North’ and ‘The East coast’ travelled through this area heading down the Whanganui River and vice versa tribes from the river came up the river then on through the Tūhua region. It was the boundary place for many – for Te Arawa, Tainui and Aotea canoe federations.\(^9\)

Overall, the evidence we heard depicted the takiwā as a place well-equipped to provide for the needs of the iwi and hapū who chose to live there. They developed strategies for cultivating and sharing resources among themselves, and for negotiating with other groups crossing through the takiwā. These strategies ensured they could maintain their distinctive ways of life, calibrating them to the capacities and opportunities afforded by the land.

This all changed in the later nineteenth century following agreements between the Crown and local Māori. The ‘opening up’ of the region to European infrastructure and settlement radically transformed the environment over time; forests and bush were cleared and swamps drained. This process and its effects are well-documented in earlier chapters of this report, which chronicle the steady alienation of Māori land, the attempts of Pākehā farmers to generate a viable commercial economy, the difficulties Māori encountered when trying to engage with that economy, the expansion of the railway, and more.

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\(^7\) Document R1, p 11.
\(^8\) Document R2 (Otimi), p 3.
\(^9\) Document R9 (Barrett), p 3.
By the mid-1960s, it was clear that many farms in the area could not be managed properly because of the difficult terrain and the scarcity of labour. Sawmilling was in decline. The area’s isolation meant that schools (especially post-primary schools), stores, hospitals, and other necessary services tended to be located far away, especially in the only semi-urban centre, Taumarunui. After ongoing economic decline, the takiwā now offers limited opportunities for those who remain.

2.2 Ngā Iwi me ngā Hapū

The Taumarunui takiwā is a zone of converging and overlapping tribal interests. In the east and south, Ngāti Maniapoto territory extends to the Rangitoto and Hurakia Ranges and sweeps to Tūhua towards Taumarunui. Here, we were told, Ngāti Maniapoto’s interests intersect with those of various hapū and iwi of Whanganui and Ngāti Tūwharetoa. These groups include Ngāti Hāua, Ngāti Hekeāwai, and Tamahaki (Whanganui), and Ngāti Hinemihi. Other significant groups are Ngāti Hikairo, Ngāti Hinewai, Ngāti Hotu, Ngāti Rangatahi, Ngāti Urunumia, Ngāti Pahere, Ngāti Hari, and Ngāti Huru (Maniapoto).

2.2.1 Ngāti Hāua

This group was described as ‘an iwi of the Whanganui awa confederation of iwi’. While most of their claim issues were presented in the Whanganui inquiry, they chose to participate in the Te Rohe Pōtae inquiry too as they ‘were an integral part of the Ohaaki Tapu’ and have interests in lands and resources in this takiwā.

The iwi descends from two pre-waka tūpuna, Paerangi and Ruatupua. Originally known as Ngāti Ruatupua, they occupied ‘the Whanganui River and adjacent lands’ before the arrival of the Aotea and Horouta waka. Ngāti Hāua also trace their whakapapa to the Aotea, Tokomaru, Tainui, and Te Arawa waka. One witness stated that ‘many Ngāti Hāua choose to identify as Ātihaunui ā Pāpārangi,’ although this name was only used within the tribe rather than with outsiders.

The iwi has strong kinship ties with other Whanganui River groups, as well as with Ngāti Hari and Ngāti Tūwharetoa. Ngāti Hāua comprises two main hapū, Ngāti Hāuaroa and Ngāti Hekeāwai.

Ngāti Hāua’s rohe extends from

the Kāhui Maunga along the Whanganui river and its tributaries that extend into the Tūhua district. From there, Ngāti Hāua extend throughout the upper reaches of the
Whanganui river and its tributaries, through the Ohura, Ongarue, Taringamotu and Pungapunga rivers.\footnote{16. Submission 3.4.211, p 7.}

A number of pou indicate Ngāti Hāua’s interests in the southern portion of the Te Rohe Pōtae district inquiry, including Ruapehu, Tāpapa (at Whakapapa), Turongo (at Whangapuroto), Tamahina (at Te Horangapai), Tawhitikaupeka, and Rangitengaue (at Te Matai).\footnote{17. Submission 3.4.211, p 7.} We heard that these pou do not, however, ‘represent the full extent of the Ngāti Hāua interests’, and the iwi ‘also have interests south of this inquiry district along the Whanganui awa’\footnote{18. Submission 3.4.211, p 7.}. The report \textit{Te Kāhui Maunga} gives further detail about this large and influential iwi.\footnote{19. Waitangi Tribunal, \textit{Te Kāhui Maunga: The National Park District Inquiry Report}, 3 vols (Wellington: Legislation Direct, 2013), vol 1, pp 65–68.}

\subsection*{2.2.2 Ngāti Hekeāwai}
This hapū is also known as Ngāti Heke, Ngāti Wiwi, and Ngāti Kurawhatia. Traditionally located mainly in the Tūhua area, in the upper reaches of the Whanganui River, they were ‘recognised as a warrior tribe which acted as [a] buffer’ between Māori groups and between Māori and Europeans.\footnote{20. Submission 3.4.234, p 3.} As Ngāti Hekeāwai’s traditional area of interest straddles both Te Rohe Pōtae and the Whanganui district inquiry area, they participated in both inquiries. Their claims in this inquiry concern the Tuhua, Rangitoto–Tuhua, and Ōhura blocks.\footnote{21. Submission 3.4.234, p 2.}

\subsection*{2.2.3 Tamahaki}
Members of this group of around 45 hapū descend from the eponymous ancestor Tamahaki. Claimants asserted that the boundary of their rohe extends ‘[from] Taunoka (South of Pipiriki) to Maraekowhai to Ruapehu in the North and then back to Taunoka.’\footnote{22. Submission 3.4.163(a), p 4.} ‘Tamahaki are associated with land blocks on either side of the Whanganui River and also have interests in several other blocks within, or connected to, the inquiry district. These include Ōhura South (which falls within the Whanganui inquiry district), Whitianga, Taumatamahoe, Waimarino, Taurangi, Waiaara, Umukaimata, and Pukuweka (Rangitoto–Tuhua 2).’\footnote{23. Submission 3.4.163(a), pp 2, 4.} To clarify Tamahaki’s interests in Te Rohe Pōtae, claimants explained that ‘hapū groups affiliating to Tamahaki held rangatiratanga over parts of the “Rohe Pōtae”, whether that is understood to mean land within the 1883 petition boundary, the 1886 Aotea block boundary, or the inquiry district boundary.’\footnote{24. Submission 3.4.163(a), p 6.} The report \textit{Te Kāhui Maunga} briefly discusses this hapū.\footnote{25. Waitangi Tribunal, \textit{Te Kāhui Maunga}, vol 1, pp 74–75.}
2.2.4 Ngāti Tūwharetoa

Ngāti Tūwharetoa are descendants of Ngātoroirangi and Tia, as well as ‘other tūpuna who occupied the Taupō region.’ They comprise the following hapū: Ngāti Haa, Ngāti Hikairo, Ngāti Hine, Ngāti Hinemihi, Ngāti Hinerau, Ngāti Hineure, Ngāti Kurauia, Ngāti Manunui, Ngāti Moekino, Ngāti Paretewa, Ngāti Rauhoto, Ngāti Rongomai, Ngāti Ruiringarangi, Ngāti Tarakaiahi, Ngāti Te Kohera, Ngāti Te Maunga, Ngāti Te Rangiita, Ngāti Te Urunga, Ngāti Tūrangitukua, Ngāti Turamakina, Ngāti Tūtakahōra, Ngāti Tutetawha, Ngāti Waewae, Ngāti Wairangi, and Te Kapa o Te Rangiita. Ngāti Tūwharetoa also have close links with Ngāti Raukawa, and several hapū whakapapa to both iwi.

According to claimants, Ngāti Tūwharetoa’s rohe has come to be regarded as the land within the boundaries set out in the 1886 Taupōnuiātia application to the Native Land Court, although they also assert customary rights to land outside this area. They say that their land interests ‘extend into the eastern fringes of the [Te Rohe Pōtē] inquiry district.’ As they describe it, their customary interests in the Hauhungaroa Ranges, in the east of the district, have ‘traditionally mark[ed] the separation of Ngāti Tūwharetoa’s interests from Ngāti Maniapoto.’ In particular, the iwi has interests in the Maraeroa block, described as ‘the traditional border zone in which Ngāti Maniapoto, Raukawa and Tūwharetoa interests intersect.’ This geographic overlap has fostered strong relationships between these tribes.

Ngāti Tūwharetoa hold dear a number of significant and sacred sites. Where tūpuna are located at Pāpākai, Ōrongokākahi, and Te Rena, while there are marae at Kaitupeka and at Kōpane, near the top of the Taringamotu River. Significant pā include Tūtakamoana, Ōhai, and Otamarakau, birthplace of Tūwharetoa. We were told of the importance of the Taringamotu River to Ngāti Tūwharetoa (and other groups). According to tradition, patupaiarehe (fairy people) dwell at Hauhungaroa, Tūhua, Hikurangi, Pureora, and Titirauenga, as well as in the hills and ranges from Titirauenga to Pohatūroa.

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27. Submission 3.4.281, p 3.
30. Submission 3.4.281, p 3.
31. Submission 3.4.281, p 3.
32. Submission 3.4.281, p 4.
33. Submission 3.4.281, p 3.
34. Transcript 4.1.4, p 62 (Dominic Otimi, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwha Marae, 26 April 2010).
35. Transcript 4.1.4, pp 7–8, 35 (Napa Otimi, Te Kanawa Pītiroi, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwha Marae, 26 April 2010).
2.2.5 Ngāti Hinemihi
This hapū originally lived on the shores of Lake Taupō but subsequently migrated west of the lake, establishing a rohe on the boundary between Ngāti Tūwharetoa and Ngāti Maniapoto territory. The key Te Rohe Pōtae blocks in which Ngāti Hinemihi claim customary interests are Rangitoto–Tuhua 1 (Orangiteihi), Rangitoto–Tuhua 2 (Pukuweka), Rangitoto–Tuhua 8 (Papawaka), and Rangitoto–Tuhua 67 (Huhutirau). Their marae include Kauriki (at Ngā Puke), Maniaiti (Maniaiti), and Petania (Taringamotu).

2.2.6 Ngāti Hikairo
One of two claimant groups in this inquiry who identify themselves as Ngāti Hikairo, these are ‘the people of the Rotoaira Basin and te maungā o Taurewa’. They are kin to Ngāti Hikairo of the Kāwhia region but are participating separately from them in the Te Rohe Pōtae inquiry as they are a distinct and independent iwi. They emphasise they are not (as is often thought) ‘a hapū of Ngāti Tūwharetoa’, although they acknowledge some sharing of whanaungatanga and historical events with Ngāti Tūwharetoa hapū. Instead, Ngāti Hikairo describe themselves as ‘a sovereign, distinct and independent iwi in their own right’; they have an extensive rohe with their own distinct interests.

While Ngāti Hikairo say their interests in the inquiry district are not large, they include the Īkahukura, Taurewa, Oraukura, Ruamata, Whangāpeke, Ngāpuna, Rangipo, Kaimanawa, and Owahaoko blocks. Their marae are Otūkou and Pāpākai (both at Rotoaira) and Te Rena (at Kākāhi). Te Kāhui Maunga discusses Ngāti Hikairo in greater detail.

2.2.7 Ngāti Hinewai and Ngāti Hotu
Sometimes known as Ngāti Hotu Hinewai, they descend from Ngāti Hotu who were ‘the original people who pre-date[d] the arrival of Toi and the Te Arawa waka.’ Ngāti Hotu’s original rohe ‘stretched from Lake Taupō to Mokai Pātea’, but the tribe was forced to flee this area after various conflicts. Their main marae used to be at Takapuna, ‘one mile from the confluence of the Whanganui and Whakapapa

38. Submission 3.4.187, p 7.
41. Submission 3.4.227, p 4.
42. Submission 3.4.227, p 5.
43. Submission 3.4.227, p 3.
44. Waitangi Tribunal, Te Kāhui Maunga, vol 1, pp 49–56.
45. Transcript 4.1.4, pp 110, 113 (Tūrama Hawira, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
Today, Ngāti Hotu reside at Moawhango, Kākāhi, and Taupō. Te Kāhui Maunga gives further detail on this hapū.

2.2.8 Hapū of Ngāti Maniapoto

Ngāti Maniapoto’s southern border is said to be marked by ‘the Hīwīs’, a hill north of Taumarunui on the road to Te Kūiti, and they have both general and specific interests within the takiwā. Their connections arise both through whakapapa to their tupuna Tūtakamoana, and through migration into the region ‘in the aftermath of certain battles’. Ngāti Maniapoto hapū with interests in the Taumarunui area are:

Ngāti Rangatahi: their name derives from the tupuna Rangatahi, Hikairo’s grandmother, who originally lived ‘in the vicinity’ of Rangitoto, Kakepuku, and Pirongia maunga. A section of the iwi subsequently moved to ‘the Ōhurutu–Taumarunui area’. In the 1820s, about 70 Rangatahi left Taumarunui to join Te Rauparaha’s heke south. But, after allegedly being forced out of Wellington by the Crown in the 1840s, the southern Ngāti Rangatahi returned ‘to their roots’ in Te Rohe Pōtē and Taumarunui. The hapū has wide-ranging whakapapa links, including to the Waikato and Kingitanga, Ururnumia, and ‘the southern boundary of Tainui’. Ngāti Rangatahi’s marae is Wharauroa in Taumarunui; the whare tupuna is named Hikurangi ki Tūroa and the dining hall Rangatahi.

Ngāti Ururnumia is a hapū which, after the musket wars, migrated and settled in the Mōkau and Tūhua regions among their Ngāti Hari relations. Under the Ururnumia chief Haupokia Te Pakuru, a pā was constructed near the confluence of the Ngākaunui Stream and the Taringamotu River. However, those who migrated to the area later either returned to their original lands or travelled with Te Pakuru to settle south of Kāwhia Harbour. This hapū has four marae, all in Ōtorohanga: Otewa, Tārewāngā, Te Keeti, and Te Kotahitanga.

Ngāti Pahere is a hapū descending from Ngāti Ururnumia. According to claimants, Tuangā is their mountain, Te Ikaroa is the guardian, Te Koura is the marae,
and Karohirohi is the ancestral house.\textsuperscript{57} The hapū’s other marae is Wharauroa in Taumarunui.

Ngāti Hari, another hapū of Maniapoto, are kaitiaki of the Taringamotu Valley. They ‘proudly identify’ with their maunga Hikurangi and Tūhua\textsuperscript{58} and the Taringamotu River holds particular significance for them.\textsuperscript{59} Ngāti Hari witnesses say the hapū has close links to Ngāti Urunumia\textsuperscript{60} and to Ngāti Pahere. Indeed, Ngāti Hari kuia Veronica Canterbury told the Tribunal that the hapū was formerly known as Ngāti Pahere, after the poumanu that Rangawhenua gave his daughter Te Uhanga Matena when she married the claimants’ tupuna Turu. It was only when their present whare puni was built that they assumed the name Ngāti Hari.\textsuperscript{61}

Another witness, Tame Te Nuinga Tuwhangai, stated that Ngāti Hari’s connections to whenua in the inquiry district ranged ‘from Maraetaua through the South Eastern Rangitoto–Tuhua blocks, Horongopai (Ohura South), Taringamotu, Upper Mokau blocks, and some of the other neighbouring blocks.’\textsuperscript{62} The hapū also had crucial links to Mōkau, where they would often gather kaimoana.\textsuperscript{63} Together with Ngāti Urunumia, Ngāti Hari aided the Kingitanga by patrolling the south-eastern boundary of the aukati for intrusion by Pākehā.\textsuperscript{64} They also shared with Ngāti Urunumia ‘a network of pa and kainga in the safe havens of Tuhua stretching from the Taringamotu river back up into the Pureora Forest and over to the Upper Mokau River.’\textsuperscript{65} Today, Ngāti Hari keep their fires burning at Te Horongopai and Hia Kaitupeka Marae, at Taringamotu.\textsuperscript{66}

Ngāti Huru is a hapū of Ngāti Maniapoto.\textsuperscript{67} Their customary interests ‘stretch along and over the Hurakia ranges and southwards, including the high ranges of Tūhua maunga referred to as the “Hurakia o Kahu” rohe.’ In this inquiry district, these interests encompass the southern and eastern limits of various Rangitoto–Tuhua, Hurakia, Ketemaringi, and Maraeroa blocks.\textsuperscript{68} Ngāti Huru say their interests in these lands, though not necessarily exclusive, derive from whakapapa, occupation, and resource use.\textsuperscript{69} They can be traced back to the rangatira Maniapoto’s establishment of mana whenua in the Hurakia and Tūhua areas, which Maniapoto chief Te Kanawa reasserted some generations later in the face of

\begin{itemize}
\item \textsuperscript{57} Transcript 4.1.4, p 251 (Mita Pai, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 27 April 2010).
\item \textsuperscript{58} Submission 3.4.149, p 4.
\item \textsuperscript{59} Transcript 4.1.4, pp 140–143 (Tame Tūwhangai, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
\item \textsuperscript{60} Submission 3.4.167, p 4.
\item \textsuperscript{61} Submission 3.4.149, pp 4–5; doc R9 (Barrett), p 3.
\item \textsuperscript{62} Document R20 (Tuwhangai), p 8.
\item \textsuperscript{63} Transcript 4.1.5, p 231 (Nikora Barrett, Ngā Kōrero Tuku Iho hui, Maniaroa Marae, 18 May 2010).
\item \textsuperscript{64} Submission 3.4.167, p 7.
\item \textsuperscript{65} Submission 3.4.167, pp 8–9.
\item \textsuperscript{66} Transcript 4.1.4, p 144 (Tame Tūwhangai, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
\item \textsuperscript{67} Submission 3.4.168, p 3.
\item \textsuperscript{68} Submission 3.4.168, p 3.
\item \textsuperscript{69} Submission 3.4.168, pp 4, 6.
\end{itemize}
Ngāti Tūwharetoa threats; Te Kanawa was in turn the grandfather of Huru.\textsuperscript{70} Ngāti Huru witnesses also described the hapū as part of Ngāti Tūwharetoa, largely as a consequence of geographical proximity and inter-marriage.\textsuperscript{71}

\textsuperscript{70} Submission 3.4.168, pp 6–7.

\textsuperscript{71} Transcript 4.1.4, p 147 (Tame Tūwhangai, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
2.3 Taumarunui: Ngā Kerēme

Claim title
Ōkahukura Block Claim (Wai 37)

Named claimant
Terrill Temanuao Campbell (2006)

Lodged on behalf of

Themselves and Ngāti Hikairo. Ngāti Hikairo describe themselves as 'the people of the Rotoaira Basin and te maunga o Taurewa'. They emphasise their separateness from other Te Rohe Pōtae claimant groups, including Ngāti Hikairo of the Kāwhia region; the two are kin, but distinct and independent groups. They also state that '[w]hile there is some sharing of whanaungatanga and historical events with hapū of Ngāti Tūwharetoa, Ngāti Hikairo have an extensive rohe with their own distinct interests.' While Ngāti Hikairo do not have a large interest in Te Rohe Pōtae, they submit they do have interests in the Okahukura, Taurewa, Oraukura, Ruamata, Whangaipake, Ngapuna, Rangipo, Kaimanawa, and Owhaoko blocks. Their marae are Otūkou (at Rotoaira), Pāpākai (Rotoaira), and Te Rena (Kākāhi).

Takiwā
Taumarunui

Other claims in the same claim group

37, 933, 1196. All three claims were lodged by Ngāti Hikairo claimants. In 2008, the Tribunal agreed to claimant counsel’s request to consolidate their claims together in the Te Rohe Pōtae District Inquiry (as had been done already in the Central North Island, National Park, and Whanganui inquiries, where Ngāti Hikairo also gave evidence). Soon after, the three claimant groups filed a consolidated statement of claim that replaced and incorporated the individual claims already filed. Wai 37 was described as the ‘umbrella’ claim in the Ngāti Hikairo claim ‘cluster’.

Summary of claim
The original Wai 37 claim (filed in March 1987) specifically concerns the Crown’s acquisition of land for the North Island Main Trunk Railway – including parts

72. Claim 1.1.1(d), p 2. The original named claimant in 1987 was Margaret Makariti Poinga: claim 1.1.1. Alec Philips was added in 2004 and Terrill Temanuao Campbell in 2006: claim 1.1.1(b); submission 2.2.29.

73. In Mrs Poinga’s amended statement of claim, the claim is made on behalf of members of Ngāti Rakeipoho/ Hikairo: claim 1.1.1(a). Counsel subsequently advised that references to Ngāti Hikairo should be read as referring to both Ngāti Hikairo and Ngāti Rakeipoho: claim 1.1.1(c), p 1.

74. Submission 3.4.227, p 4.
75. Submission 3.4.227, p 4.
76. Submission 3.4.227, p 5.
77. Claim 1.1.1(e), p 3; Waitangi Tribunal, Te Kāhui Maunga, vol 1, pp 49–50.
78. Memorandum 3.1.170, paras 1–9; memo 2.2.59.
of the Ōkahukura block – under the North Island Main Trunk Railway Loan Application Act 1886 and its 1889 amendment.\(^{80}\) It also refers to the taking of other Ngāti Hikairo lands in the Ōkahukura and Ohuanga blocks, and on the shores of Lake Rotoaira. Subsequent amendments to the claim give further details of the wrongful acquisition of the Ōkahukura block (various parts of which later became a State-owned farm and Crown Forest land) and other land acquisitions, policies, and practices. Ultimately, the claimant says, Ngāti Rakeiupoho/Hikairo lost almost all their land and was ‘devastated . . . economically, spiritually and socially’.\(^{81}\)

These allegations are developed in the amended statement of claim for the Ngāti Hikairo claim ‘cluster’ (Wai 37, Wai 933, and Wai 1196). There, claimants identify multiple Crown actions and policies that adversely affected Ngāti Hikairo interests in land and other resources, and breached the Treaty.\(^{82}\) Their causes of action concern old (pre-Treaty) land claims; the Crown’s military interventions in the district and the subsequent raupatu; breaches of the Te Ōhāki Tapu compact; the acquisition of their land for the railway, scenic reserves and other purposes; the introduction and operation of the Native Land Court and associated survey requirements; Crown purchasing practices; the delegation of power to local government and its effects (including environmental); the introduction and application of public works legislation; the Crown’s regime for managing minerals; the creation of Māori land boards; twentieth century land alienations (which resulted in Māori losing access to certain lands and having others vested in the Māori Trustee or brought under various development schemes); the loss of Māori ownership and control over the foreshore and seabed; and a raft of Crown ‘mechanisms and processes [that] have resulted in the claimants being rendered virtually landless today’.\(^{83}\)

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

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80. The North Island Main Trunk Railway and the Ōkahukura block are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.1 and 9.4.2.2.
81. Claim 1.1.1(a), p 12.
82. Claim 1.2.128, pp 4–57.
83. Claim 1.2.128, p 55.
Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

In section 9.4.2.2, we discuss Crown land takings by proclamation for the construction of the North Island Main Trunk Railway. We refer to the station formed on the claimants Okahukura lands and note Brent Parker’s evidence that it did not form part of the initial taking for the railway.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The following finding from section 23.3.6 is especially relevant to the Wai 37 claimants’ allegation about the Tohunga Suppression Act 1907:

We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the
Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown's actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.
Claim title
Whanganui ki Maniapoto Claim (Wai 48)

Named claimant
Kevin Amohia (2008) 84

Lodged on behalf of
Ngāti Hāua 85

Takiwā
Taumarunui

Other claims in the same claim group
48, 81, 146. Ngāti Hāua have participated in both the National Park and Whanganui inquiries. The majority of their claim issues were presented in the Whanganui inquiry. 86

On 6 May 2008, Kevin Amohia requested that the three claims be aggregated into the Te Rohe Pōtae District Inquiry. 87 He submitted an amended statement of claim, noting that its intention was not to replace the previous statements of claim but to stand alongside them to ‘particularise the Ngāti Hāua claims in Te Rohe Pōtae district.’ 88 In a memorandum dated 28 May 2008, the Tribunal accepted the amended statement. 89 Counsel for the claimant submitted an additional statement of claim in December 2011 to replace the 2008 statement. 90

Summary of claim
The original Wai 48 claim (1987) relates to a specific land block (Waimarino pt 1) taken by the Crown for railway purposes. 91 This allegation was developed in a ‘particulars of claim’ document received in 1992. It expanded on the legislation and actions the Crown used to acquire Waimarino and other lands, particularly the Native Land Court; the North Island Main Trunk Railway Loan Application Act 1886; the Native Townships Act 1895; public works legislation; and the acquisition of land for reserves and Crown forests. 92

These allegations are developed in the final statement of claim for the Ngāti Hāua claim group (Wai 48, Wai 81, Wai 146). There, claimants set out grievances

85. Initially lodged on behalf of Tamaupoko iwi in 1987: claim 1.1.2.
86. Submission 3.4.211, p. 1.
87. Memorandum 3.1.182, p. 4.
88. Claim 1.1.2(b).
89. Memorandum 2.2.60.
90. Claim 1.2.68.
91. The Waimarino block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.2, 8.3, 8.5, 8.6, 8.9.1, 8.9.2, 8.9.3, and 8.10.
92. Claim 1.1.2(a), pp. 3, 6, 9, 11.
relating to Te Ōhākī Tapu; the imposition of European tenure and the Native Land Court; Māori land development and administration practices, such as the vesting of lands; the Crown’s assumption of control over their natural resources; and the Crown’s subsequent mismanagement and degradation of those resources (wāhi tapu, waterways, and other important sites). As a result, they allege they have suffered the loss of their lands, forced dislocation, and poor health, wealth, and education. Their wahi tapu have been destroyed and desecrated, and the environment and resources damaged. They say that Ngāti Hāua lands have been fragmented and are insufficient for their present and future needs.

In closing submissions filed by the Ngāti Hāua group (Wai 48, Wai 81, Wai 146), counsel expands on alleged historical Crown breaches affecting Ngāti Hāua, which they categorise into four themes: Rangātiratanga and Kāwanatanga, Te Whenua – Native Land Court, Te Whenua – Alienation, and Te Taiao.

The first theme discusses Ngāti Hāua efforts to assert and maintain their mana and their involvement in the Kingitanga, the war in Waikato, the aukati, and Te Ōhākī Tapu. They also discuss Ngāti Hāua protest against the North Island Main Trunk Railway.

‘Te Whenua – Native Land Court’ discusses alleged breaches related to Native Land Court investigations and the resulting prejudice Ngāti Hāua experienced, particularly regarding Mokau–Mohakatino, the Aotea block, and the partitions of the Rangitoto–Tuhua block. They say these processes resulted in land and resource loss, that the Native Land Court was ill-equipped to deal with tikanga, and it awarded interests to one group over another which caused inter-iwi tension.

‘Te Whenua – Alienation’ discusses survey costs, 1885–1909 land alienation ‘during the Period of Pre-Emption,’ and public works.

‘Te Taiao’ discusses the claimants’ grievances regarding environmental issues and the local government. They say the local government and resource management regime diminishes Ngāti Hāua’s role in environmental planning and the management of their taonga.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

93. Claim 1.2.68.
94. Claim 1.2.68, pp 11–12.
95. Submission 3.4.211, pp 8–16.
96. Submission 3.4.211, pp 17–33.
97. Submission 3.4.211, pp 17–35.
98. Submission 3.4.211, pp 35–39.
> Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

> The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

> The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

> In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

> The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

> The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

> In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

> The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
Crown and private purchasing and leasing of Te Rohe Pōtai land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtai Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtai: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtai Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Rangitoto–Tuhua 55A Block Claim (Wai 50)

Named claimant
Paora Ropata (1988)\textsuperscript{99}

Lodged on behalf of
Himself, and all members of the Te Kotahitanga Incorporated Society and ngā hapū katoa o Te Rohe Pōtāe\textsuperscript{100}

Takiwā
Taumarunui. Members of the Te Kotahitanga Incorporated Society say they have interests throughout Te Rohe Pōtāe ‘including the Awakino, Mokai, Taumatamaire, Rauroa, Harirahi and particularly the Rangitoto–Tuhua 55A block, located approximately 10 kilometres north of Taumarunui’.\textsuperscript{101} Their marae, Mana Ariki, is the only area in Te Rohe Pōtāe ‘which remains dedicated as a footstool for Ihowa o Ngamano, Io Matua Kore, God Almighty’.\textsuperscript{102}

Other claims in the same claim group
50, 1059. Both claims are made by the members of the Te Kotahitanga Incorporated Society and relate to Rangitoto–Tuhua 55A.\textsuperscript{103}

Summary of claim
The original Wai 50 statement of claim was filed in 1988 and concerns the Rangitoto–Tuhua 55A block, also known as Aurupu.\textsuperscript{104} The claimant alleges that this land was taken as compensation for outstanding survey costs imposed on the block. It is claimed that these surveys were undertaken without the owners’ knowledge, and that they were deprived of their lands as a consequence of this action.\textsuperscript{105}

In 2011, this claimant joined with the Wai 1059 claimants to file a further amended statement of claim.\textsuperscript{106} These pleadings include broad allegations concerning the Crown’s failure to protect the claimants’ mana motuhake and rangatiratanga over their lands, forests, fisheries, taonga, and people. The claim also addresses other specific areas of Crown action, such as the adoption of policies and practices that the claimants say interfered with their tikanga. These include the Maori Councils Act 1900, the Tohunga Suppression Act 1907, the Maori Purposes

\textsuperscript{99} Claim 1.1.3; final soc 1.2.58.
\textsuperscript{100} Final soc 1.2.58. The original claim was made on behalf of ‘Descendants Of The Owners’ of Rangitoto–Tuhua 55A: claim 1.1.3.
\textsuperscript{101} Final soc 1.2.58, p 6.
\textsuperscript{102} Submission 3.4.221, p 4; doc r14 (Ropata), p 5.
\textsuperscript{103} Final soc 1.2.58, p 4. The Rangitoto–Tuhua 55 block, also known as Aurupu, is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 12.3.6 and 12.4.7.
\textsuperscript{104} Claim 1.1.3, para 1.1; doc r14, p 7.
\textsuperscript{105} Claim 1.1.3, para 1.2.
\textsuperscript{106} Final soc 1.2.58.
Act 1947 and the Maori Purposes (No 2) Act 1973, and the Crown’s native land legislation. They also give further details of Crown actions which they allege led to the degradation of their taonga.\(^\text{107}\)

The original Wai 50 claim concerning the Rangitoto–Tuhua 55A block remains a significant issue in these joint pleadings, and the claimants provide additional detail.\(^\text{108}\) The Rangitoto–Tuhua 55A block serves as a case study in the claimants’ closing submissions on the impact of Crown surveys on their lands.\(^\text{109}\) The claimants seek the return of that block unencumbered and without charge.\(^\text{110}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

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\(^{107}\) Final SOC 1.2.58, paras 29–38.  
\(^{108}\) Final SOC 1.2.58, para 53.  
\(^{109}\) Submission 3.4.221, para 17.  
\(^{110}\) Submission 3.4.221, para 21(vii).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The following finding from section 23.3.6 is especially relevant to the Wai 50 claimants’ allegation about the Tohunga Suppression Act 1907:

We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Waihaha and Other Lands Claim (Wai 81)

Named claimant
Kevin Amohia (2008)\textsuperscript{111}

Lodged on behalf of
Ngāti Hāua\textsuperscript{112}

Takiwā
Taumarunui

Other claims in the same claim group
48, 81, 146. Ngāti Hāua have participated in both the National Park and Whanganui inquiries. The majority of their claim issues were presented in the Whanganui inquiry.\textsuperscript{113}

On 6 May 2008, Kevin Amohia requested that the three claims be aggregated into the Te Rohe Pōtāe district inquiry.\textsuperscript{114} He submitted an amended statement of claim, noting that its intention was not to replace the previous statements of claim but to stand alongside them to ‘particularise the Ngāti Hāua claims in Te Rohe Pōtāe district’.\textsuperscript{115} A memorandum dated 28 May 2008 accepted the amended statement.\textsuperscript{116} Counsel submitted an additional statement of claim in December 2011 to replace the 2008 statement.\textsuperscript{117}

Summary of claim
The original Wai 81 claim specifically relates to the Crown’s acquisition of Mount Ruapehu, a taonga and tupuna of the Tamaupoko and Whanganui iwi.\textsuperscript{118} The claimant says the Crown acquired Ruapehu from Te Heuheu Tukino IV of the Tūwharetoa iwi, who did not have the authority to ‘dispose of’ Ruapehu and ignored all claims from the Whanganui people before and after those transactions.

These allegations were not developed in the final statement of claim for the Ngāti Hāua claim group (Wai 48, Wai 81, Wai 146). There, claimants set out grievances relating to Te Ōhākī Tapu; the imposition of European tenure and the Native Land Court; Māori land development and administration practices, such the vesting of lands; the Crown’s assumption of control over their natural resources; and the Crown’s subsequent mismanagement and degradation of those resources.

\textsuperscript{111}. Kevin Amohia replaced Te Aroha Ann Ruru Waitai (1988) as the original claimant: claim 1.1.5(b), p 2.
\textsuperscript{112}. Initially lodged on behalf of Tamaupoko iwi in 1988: claim 1.1.5.
\textsuperscript{113}. Submission 3.4.211, p 1.
\textsuperscript{114}. Memorandum 3.1.182, p 4.
\textsuperscript{115}. Claim 1.1.2(b).
\textsuperscript{116}. Memorandum 2.2.60.
\textsuperscript{117}. Claim 1.2.68.
\textsuperscript{118}. Claim 1.1.5.
(wāhi tapu, waterways, and other important sites). As a result, they allege they have suffered the loss of their lands, forced dislocation, and poor health, wealth, and education. Their wāhi tapu have been destroyed and desecrated, and the environment and resources damaged. They say that Ngāti Hāua lands have been fragmented and are insufficient for their present and future needs.

In closing submissions filed by the Ngāti Hāua group (Wai 48, Wai 81, Wai 146), counsel expands on alleged historical Crown breaches affecting Ngāti Hāua, which they categorise into four themes: Rangātiratanga and Kāwanatanga, Te Whenua – Native Land Court, Te Whenua – Alienation, and Te Taiao.

The first discusses Ngāti Hāua efforts to assert and maintain their mana and their involvement in the Kingitanga, the war in Waikato, the aukati, and Te Ōhāki Tapu. They also discuss Ngāti Hāua protest against the North Island Main Trunk Railway.

‘Te Whenua – Native Land Court’ discusses alleged breaches related to Native Land Court investigations and the resulting prejudice Ngāti Hāua experienced, particularly regarding Mokau–Mohakatino, the Aotea block, and the partitions of the Rangitoto–Tuhua block. They say these processes resulted in land and resource loss, that the Native Land Court was ill-equipped to deal with tikanga, and it awarded interests to one group over another which caused inter-iwi tension.

‘Te Whenua – Alienation’ discusses survey costs, 1885–1909 land alienation ‘during the Period of Pre-Emption,’ and public works. ‘Te Taiao’ discusses the claimants’ grievances regarding environmental issues and local government. They say the local government and resource management regime diminishes Ngāti Hāua’s role in environmental planning and the management of their taonga.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part i).

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119. Claim 1.2.68, pp 11–12.
120. Submission 3.4.211, pp 8–16.
121. Submission 3.4.211, pp 17–33.
122. Submission 3.4.211, pp 17–35.
123. Submission 3.4.211, pp 35–39.
The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

Crown and private purchasing and leasing of Te Rohe Pōtae land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource
sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title

King Country Lands Claim (Wai 146)

Named claimant

Kevin Amohia (2001)

Lodged on behalf of

Ngāti Hāua

Takiwā

Taumarunui

Other claims in the same claim group

48, 81, 146. Ngāti Hāua have participated in both the National Park and Whanganui inquiries. The majority of their claim issues were presented in the Whanganui inquiry.

On 6 May 2008, Kevin Amohia requested that the three claims be aggregated into the Te Rohe Pōtae district inquiry. He submitted an amended statement of claim, noting that its intent was not to replace the previous statements of claim but to stand alongside them to ‘particularise the Ngāti Hāua claims in Te Rohe Pōtae district’ A memorandum dated 28 May 2008 accepted the amended statement. Counsel submitted an additional statement of claim in December 2011 to replace the 2008 statement.

Summary of claim

The original Wai 146 claim (1990) relates to the Crown’s acquisition of land for railway purposes, the allegedly wrongful confiscation of land known as the ‘Sunshine Railway Reserve’, and inadequate payment for the Waimarino block. Another statement of claim, dated two weeks after the initial claim, but received in 1995, was submitted by only Hikaia Amohia on behalf of Ngāti Hāua, Tama Upoko,

124. The original claimants were Hikaia Amohia and Bob Emery (1990), Bob Emery was removed (dated 1990, received 1995), Kevin Amohia replaced Hikaia Amohia (2001): claim 1.1.7; claim 1.1.7(a); claim 1.1.7(b).

125. The claim was initially lodged on behalf of the tribes of Tama Upoko, Hine Ngakau, Ngāti Tupoho, Ngāti Rangi, and Ngāti Maniapoto (1990): claim 1.1.7. A second statement of claim states the claim is lodged on behalf of the tribes of Ngāti Hāua, Tama Upoko, Hine Ngakau, Ngāti Tupoho, and Ngāti Rangi (dated 1990, received 1995): claim 1.1.7(a).

126. Submission 3.4.211, p 1.
128. Claim 1.1.2(b).
129. Memorandum 2.2.60.
130. Claim 1.2.68.
131. Claim 1.1.7, pp 1–2. The Waimarino block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.2.1, 8.9.3–8.9.4, 8.10.2.4, 11.3.2, 11.3.3.3, and 11.3.3.5.
Hine Ngakau, Ngāti Tupoho, and Ngāti Rangi.\footnote{132} This claim concerned the taking of lands in and around Taumarunui through various Crown acts and omissions.

It set out grievances relating to Te Ōhākī Tapu; the imposition of European tenure and the Native Land Court; Māori land development and administration practices, such as the vesting of lands; the Crown's assumption of control over their natural resources; and the Crown's subsequent mismanagement and degradation of those resources (wāhi tapu, waterways, and other important sites). As a result, it is alleged Ngāti Hāua have suffered the loss of their lands, forced dislocation, and poor health, wealth, and education. Their wahi tapu have been destroyed and desecrated, and the environment and resources damaged. They say that Ngāti Hāua lands have been fragmented and are insufficient for their present and future needs.\footnote{133}

These allegations are developed in the closing submissions filed by the Ngāti Hāua group (Wai 48, Wai 81, Wai 146). There, counsel expands on alleged historical Crown breaches affecting Ngāti Hāua, which they categorise into four themes: Rangātiratanga and Kāwanatanga, Te Whenua – Native Land Court, Te Whenua – Alienation, and Te Taiao.

The first discusses Ngāti Hāua efforts to assert and maintain their mana and their involvement in the Kīngitanga, the war in Waikato, the aukati, and Te Ōhākī Tapu. They also discuss Ngāti Hāua protest against the North Island Main Trunk Railway.\footnote{134}

‘Te Whenua – Native Land Court’ discusses alleged breaches related to Native Land Court investigations and the resulting prejudice Ngāti Hāua experienced, particularly regarding Mokau–Mohakatino, the Aotea block, and the partitions of the Rangitoto–Tuhua block. They say these processes resulted in land and resource loss, that the Native Land Court was ill-equipped to deal with tikanga, and it awarded interests to one group over another which caused inter-iwi tension.\footnote{135}

‘Te Whenua – Alienation’ discusses survey costs, 1885–1909 land alienation ‘during the Period of Pre-Emption,’ and public works.\footnote{136} ‘Te Taiao’ discusses the claimants’ grievances regarding environmental issues and the local government. They say the local government and resource management regime diminishes Ngāti Hāua’s role in environmental planning and the management of their taonga.\footnote{137}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

\footnotesize{132. Claim 1.1.7(a), p 1.
133. Claim 1.2.68, pp 11–12.
134. Submission 3.4.211, pp 8–16.
135. Submission 3.4.211, pp 17–33.
136. Submission 3.4.211, pp 17–35.
137. Submission 3.4.211, pp 35–39.}
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

  In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
Crown and private purchasing and leasing of Te Rohe Pōtae land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Hutt Valley Lands Claim (Wai 366)

Named claimants
Roger Puhia Herbert (1993) and Wayne Herbert (1999)

Lodged on behalf of
Ngāti Rangatahi

Takiwā
Taumarunui

Other claims in the same claim group
366, 1064. Ngāti Rangatahi have lodged claims in several inquiries: Porirua ki Manawatū (Wai 2200), Rangitikei ki Rangipō (Wai 2180), Te Whanganui a Tara me ona Takiwa (Wai 145), and the Whanganui district inquiry (Wai 903).

Initially, Ngāti Rangatahi claimants decided not to pursue claims in the Te Rohe Pōtae inquiry. Instead, they would adopt a ‘watching brief’ approach and support claimants affiliated by whakapapa to pursue claims concerning their interests within Te Rohe Pōtae.

In 2011, Ngāti Rangatahi Whanaunga Association Incorporated decided on behalf of Wai 366 and Wai 1064 to request full claimant status for the inquiry. Claimant counsel lodged a memorandum seeking to participate as full claimants and requesting to consolidate, join, and amend the Wai 366 and Wai 1064 claims into the Te Rohe Pōtae inquiry. The Tribunal accepted their request.

Summary of claim
The original Wai 366 claim does not relate to land within the inquiry but to the Crown's wrongful taking of Ngāti Rangatahi lands in the Hutt Valley, and the forceful expulsion of their iwi from those cultivated lands. This claim was fully reported on in the Te Whanganui a Tara me ona Takiwa report.

These allegations were not developed in the conjoined final claim for Wai 366 and Wai 1064, but the events the original claim refer to are expanded on to give historical context to the claimant group. The final claim makes more specific allegations in relation to lands within and surrounding the Rangitoto–Tuhua, Orahiri,
and Taringahaere land blocks. In particular, it focuses on the Crown’s alleged Treaty breaches and the resulting prejudice relating to war and raupatu; Native Land Court processes; Crown purchasing activities; compulsory acquisitions and public works; the taking of land for railway purposes and rates; environmental degradation; loss of customary resources; and the loss of mana and tribal identity.

In conjoined closing submissions, the claimants expand on the hardships their tupuna endured as a result of war, the Crown’s alleged neglect/abandonment of the Te Ōhākī Tapu agreements, and the effects of the construction of the North Island Main Trunk Railway.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

We discuss the Crown’s takings in the Orahiri block for the North Island Main Trunk Railway in section 9.8.6.

145. Claim 1.2.131, p.4. Rangitoto-Tuhua blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 12.3.6 and 12.4.7 (Rangitoto-Tuhua 55); sections 13.3.4, 13.3.7.1, 13.3.7.3, 13.3.8, 13.5.1–13.5.4, and 14.4.2.4 and tables 13.6–13.8 (Rangitoto-Tuhua 9); section 14.3.2 (Rangitoto-Tuhua 10); section 14.4.3.1 (Rangitoto-Tuhua 21, 51); and section 14.4.1 (Rangitoto-Tuhua 21). The Orahiri block is referred to in several sections, including sections 9.4.3, 9.4.4, 9.4.7, 9.8.6, 10.6.3, 13.5.1, 15.4.3.1–15.4.3.4, and 20.5.2, and in tables 9.1, 9.3, 11.5, 13.3, and 15.2.
147. Submission 3.4.205(c), pp 9–12.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

Crown and private purchasing and leasing of Te Rohe Pōtae land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Claim title
Taumatamahoe Block Claim (Wai 555)

Named claimants
Robert Wayne Cribb and Rangi Joseph Bristol

Lodged on behalf of
Themselves and the Tamahaki Council of Hapū and Tamahaki Incorporated Society

Takiwā
Taumarunui. As descendants of Tamahaki, the claimants’ interests lie in various blocks adjacent to the Whanganui River, including the Waharangi, Whitianga, Marae Kowhai, Waimarino, Taumatahoe, and Whakahuwaka blocks. Waterways within the Tamahaki tribal domain include the Whanganui River and its tributaries from Pipiriki to Whakahoro.

Other claims in the same claim group
Wai 555 (Tamahaki) and Wai 1224 (Uenuku Tūwharetoa)

Both groups descend from the ancestor Tamahaki. The Wai 1224 claimants describe their claim as ‘essentially a whanau claim under the “umbrella” Tamahaki claim’, adding that ‘where the Wai 555 claim stands, the Wai 1224 claim stands also’. The descendants of Uenuku Tūwharetoa identify themselves as a sub-tribe of their ancestor Tamahaki.

Both claims are also part of the National Park and Whanganui inquiries. The claimants’ interests in Rohe Pōtae district inquiry stem from the participation of Whanganui groups in the 1883 petition (see section 8.2.3.3) and through the claimants’ interests in the Waimarino block, the northern part of which was included in the 1883 petition boundary.

Summary of claim
The original Wai 555 claim (1996) concerns the Taumatamahoe block, which the claimants say was never surveyed. They allege that, although the block was Māori-owned, settlers – with the support of the Crown – and the Department of Conservation established farmlands and a national park on the block.

These allegations about the Taumatamahoe block were integrated into the amended statement of claim, lodged jointly in 2011 with the Wai 1224 claimants. There, claimants allege the Crown breached the Treaty in relation to the
Kingitanga, Te Ōhākī Tapu, the Native Land Court, and Crown purchasing of Whanganui interests in the Rohe Potae block.\(^{153}\) Claimant counsel expanded on these allegations in submissions, which also argue that the Crown breached the Treaty in regard to the environment.\(^{154}\)

Both claims emphasise what the claimants call the ‘complicated’ position of Whanganui in the Rohe Potae block. They focus especially on Ōhura South, which they say is in the Rohe Potae block but not in the inquiry district.\(^{155}\) The block was included in the Whanganui inquiry district. The claimants consider that inquiry did not ‘really concern itself particularly with the Sacred Compact, the negotiations between the Rohe Pōtae and the chiefs, the surveys and so on. Yet this is the essential background to how the Ohura South block came to be.’\(^{156}\) However, they note that their interests are not confined to the Ōhura South block.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

\(^{153}\) Claim 1.2.36.

\(^{154}\) Submission 3.4.163(a).

\(^{155}\) Submission 3.4.71, p 8; submission 3.4.163, p 2. The Ōhura South block is discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 13.3.2 and 22.3.4.

\(^{156}\) Submission 3.4.71, pp 9–10.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

Regarding the claimants’ specific allegations about the Ōhura South block, however, we reiterate the presiding officer’s 2007 decision that the block remain part of the Whanganui district inquiry. To extend the boundaries of the Te Rohe Pōtae inquiry to include it and other areas ‘would give rise to considerable overlap with the CNI, National Park and Whanganui Inquiries’, which should be avoided.157

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

157. Memorandum 2.5.21, pp 4–5.
Claim title
Ngāti Tūwharetoa Comprehensive Claim (Wai 575)

Named claimant
Te Ariki Tā Tumu te Heuheu

Lodged on behalf of
Themselves and the hapū of Ngāti Tūwharetoa

Takiwā
Taumarunui

Other claims in the same claim group
Not applicable.

Summary of claim
This claim alleges past and continuing Crown breaches of Treaty principles, which the claimant says prejudice ngā hapū o Ngāti Tūwharetoa. In particular, the claimant makes allegations relating to the Crown's failure to respect and provide for the mana and tino rangatiratanga of ngā hapū of Ngāti Tūwharetoa and the Kingitanga (its leadership and supporters); the Crown's active undermining of the Kingitanga leadership; the Crown's waging of an unjustified war against Waikato; and the Crown's failure to honour the spirit or the letter of its undertakings with respect to the Īhāki Tapu. The claim also alleges the Crown manoeuvred Ngāti Tūwharetoa into submitting their Taupōnuiātia application to the Native Land Court so the Crown could achieve its objective of breaking open TeRohe Pōtæ, even though it was aware that Ngāti Tūwharetoa opposed the Native Land Court.

On the subject of the Taupōnuiātia application, the claim cites the generic submissions that this application 'opened the floodgates and led to the wholesale introduction of the Native Land Court within Te Rohe Pōtæ.' It asserts that this is a statement of fact in the sense that Taupōnuiātia was the first Native Land Court investigation of title, but also that the statement needs to be 'heavily qualified' in light of the political context surrounding the application. The claimant argues that in not honouring the compact, the Crown breached its Treaty duties not only

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158. The claim was originally lodged in 1996 by the late (ariki) Sir Hepi Te Heu Heu and the Tuwharetoa Maori Trust Board. In a 2004 memorandum, a claimant name change to ‘Tumu Te Heu Heu’ (referred to in several ways, for example, Te Ariki Tumu Te Heu Heu or Te Ariki Te Heu Heu) was requested: memo 2.2.25; Wai 575 ROI, memo 2.6, para 6. The most recent submissions refer to the claimant as ‘Te Ariki Tā Tumu te Heuheu’. George Asher added as a named claimant in 2010, although he was never named again in any submissions or memoranda thereafter: memo 2.2.111.

159. The claim lists 141 hapū: claim 1.1.25(a), pp 2, 41.

160. The Taupōnuiātia application is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.2–8.9.4 and 8.10–8.12.

161. Submission 3.4.8, pp 6–7; 1.2.117(a).

162. Submission 3.4.281, p 47.

163. Submission 3.4.281, p 47.
to the Te Rohe Pōtae alliance but specifically to Ngāti Tūwharetoa, whose aims of securing their own ‘Rohe Pōtae’ via the Taupōnuiātia application were thwarted by the Crown’s failure to recognise a tribal title. The claimant says that instead of the application confirming Tūwharetoa’s external boundary and tribal lands, as the iwi had intended, it represented ‘the first step in unravelling tribal control’. It is submitted that the application had serious prejudicial effects for Tūwharetoa.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

  In section 8.9.2.1, we discuss the Ngāti Tūwharetoa Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

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165. Submission 3.4.281, p 2.
Claim title
Te Reu Reu Land Claim (Wai 651)

Named claimants
Turoa Andrew Karatea (1996) and Anthony Nopera Karatea (2012)\(^{166}\)

Lodged on behalf of
All descendants of Ngāti Matakorere and Ngāti Rangatahi (of Ngāti Maniapoto), Ngāti Waewae (of Ngāti Tūwharetoa), and Ngāti Pikiahu (of Ngāti Raukawa).\(^{167}\) Collectively, they are ‘the Maōri owners of all the land known as Te Reu Reu’ in the Rangitikei River district.\(^{168}\)

Takiwā
Taumarunui

Other claims in the same claim group
Not applicable.

Summary of claim
The claim relates to Ngāti Waewae and Ngāti Pikiahu ancestral lands, particularly the ‘Maraeroa, Wharepuhunga, Rangitoto–Tuhua Ketemaringi, and Hurakia blocks’.\(^{169}\) The claimants allege that as a consequence of Crown acts or omissions, the hapū have lost lands within their rohe. Furthermore, they argue that the Crown has failed to recognise and protect their customary interests in their lands, wāhi tapu, and resources, and has failed to adequately recognise or provide for te tino rangatiratanga of the hapū.\(^{170}\)

In particular, claimants allege Crown Treaty breaches in relation to: the native land legislation and Native Land Court, including survey costs, Crown policies and practices ‘specifically designed to undermine’ chiefly authority, and customary law over ngā iwi o Te Reu Reu lands in order to facilitate the Crown acquisition of these lands. The claimants also allege the Crown failed to prevent, rectify, or remedy the rapid alienation of the hapū from their lands; and that the Crown has facilitated the milling of indigenous forest, removing the habitat of indigenous species.\(^{171}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B

\(^{166}\) Claim 1.1.272(b); memo 2.2.139, p [1].
\(^{167}\) Claim 1.1.272(c), p 2.
\(^{168}\) Claim 1.1.272, p [1].
\(^{169}\) Claim 1.1.272(c), pp 2–3. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.2.1, 8.9.3.4, 10.7.1.1, and 14.4.2.4.
\(^{170}\) Claim 1.1.272(c), p 3.
\(^{171}\) Claim 1.1.272(c).
Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
Claim title
Te Moana Rotoaira and Other Resources Claim (Wai 833)

Named claimants

Lodged on behalf of
Themselves, Ngāti Pourotu, and Ngāti Te Ika of Ngāti Hikairo Iwi

Takiwā
Taumarunui. The Ngāti Hikairo rohe has the Waimarino Stream as the southern boundary:

The western boundary is the Makaretu stream situated at the back of National Park Township which runs into the Piopiotia stream and into the Whakapapa River. From there the boundary then follows over to the Whangaipeke Block then moving on to the maunga Waituhi, then to Kakareamea and down towards the Waihi village. Finally crossing over to Motu Taiko Island (on Lake Taupo) then onto Waitetoko then down to Korohe.

Other claims in the same claim group
965, 1044, 1605. The claimants are Ngāti Hikairo.

Summary of claim
The claimants allege they have been prejudicially affected by actions of the Crown in the Okahukura block, and in the lands and mountains of Tongariro and Ruapehu, and in Lake Rotoaira and the island Motuopuhi. Their claim was included in the Ngāti Hikairo claim for the Central North Island inquiry. We note that these claimants affiliate with Ngāti Hikairo ki Tongariro in the central North Island region – connected to, but distinct from, Ngāti Hikairo ki Kāwhia (also included in this inquiry). However, in its particulars, this claim combines elements of the genealogy and historical experience of both groups.

The Ngāti Hikairo amended statement of claim states that the Ngāti Hikairo rohe extends across four Waitangi Tribunal inquiry districts: Whanganui, National

172. Claim 1.1.41.
173. Claim 1.1.41(b); claim 1.1.41(d).
174. Claim 1.1.41(f).
175. Claim 1.1.41(g).
176. Final SOC 1.2.6; submission 3.4.227.
177. Claim 1.1.41(c), p 2.
178. Final SOC 1.2.6, p 3.
179. Claim 1.1.41.
180. Claim 1.1.41(a).
Park, Central North Island, and Te Rohe Pōtae. The statement alleges the Crown failed to uphold the rangatiratanga of Ngāti Hikairo, failed to recognise its laws and customs within Te Rohe Pōtae, and breached the Ōhākī Tapu agreements.  

Ngāti Hikairo are descended from Hikairo, and from Puapua, a descendant of Tūwharetoa. The amended statement of claim says Ngāti Hikairo were a sovereign iwi in their rohe, and not a hapū of Ngāti Tūwharetoa. The statement alleges that the Crown wrongly classified Ngāti Hikairo as a hapū of Ngāti Tūwharetoa. Consequently, the claimants say the Crown failed to engage with Ngāti Hikairo and diminished its standing in Te Rohe Pōtae. The statement says Ngāti Hikairo had land taken for the North Island Main Trunk Railway, and not returned to them when not used for that purpose. The statement asserts that most of the railway land was in the National Park district (where the bulk of Ngāti Hikairo land is located), but some was in Te Rohe Pōtae. The statement alleges that the railway takings, and land taken for returned servicemen, denied Ngāti Hikairo the opportunity to develop these lands for their benefit.

The claimants note in closing submissions that there are several tupuna called Hikairo. Counsel for this claim are representing Ngāti Hikairo of the Lake Rotoaira district, which is outside the Te Rohe Pōtae district and near Mount Tongariro. Ngāti Hikairo allegations of Crown breaches of the Treaty in Te Rohe Pōtae, in addition to the generic submissions are: political suppression, as the Crown did not treat them as a separate iwi; the Rohe Pōtae compact, as Ngāti Hikairo did not receive the equal relationship with the Crown that had been promised; the North Island Main Trunk Railway, for which Ngāti Hikairo land was taken; returned servicemen, as Māori returned servicemen did not receive the same opportunities as Pākeha returned servicemen in the Waimarino block, where Ngāti Hikairo had customary interests; and economic development, as the loss of land prevented Ngāti Hikairo participation in the evolving economy.

The submissions state that Ngāti Hikairo ki Tongariro were represented amongst the ‘five tribes’ involved in the 1883 negotiations with the Crown (being likely understood at the time to have joined this ‘collective enterprise’ under the ‘banner’ of either the Whanganui iwi or Ngāti Tūwharetoa, a ‘banner’ not diminishing of their mana and autonomy). The claimants also note having ‘whakapapa links’ to rangatira Hone Wetere of Ngāti Hikairo ki Kāwhia, who played a leading role in the negotiations with the Crown on behalf of Ngāti Hikairo ki Kāwhia. However, Ngāti Hikairo ki Tongariro was marginalised by the Crown after Te Ōhākī Tapu. When Ngāti Hikairo agreed to the compact, they expected that their autonomy would be respected. Instead, the Crown generally failed to interact with Ngāti Hikairo. The claimants consider that, in accordance with social structure, Ngāti Hikairo may have joined larger groups led by Whanganui or Maniapoto for some time.
purposes. The result was a loss of identity, or becoming a lost tribe, as the claimant James Pakau described it. 184

**Is the claim well founded?**  
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part 11).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part 111).

- The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part 111).

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Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part 111).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part 111).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part 111).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part 1V).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part 1V).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part 1V).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part 1V).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ōhura, Niho Niho, Tuhua and Ōtangiwai Claim (Wai 845)

Named claimants
Amy Coburn-Levae and Hinemoa Kahu Piari Coburn

Lodged on behalf of
The Tohengaroa whānau and the Ngāti Waiora hapū of Ngāti Maniapoto

Takiwā
Taumarunui. The Ngāti Waiora rohe is in the south-west of the inquiry district. This claim relates to the Aorangi, Pukeuha, Te Karu o te Whenua, Mahoenui, Puketiti, Taorua, Umukaimata, Waikaukau, Rangitoto–Tuhua 61, Mangakahikatea, Taurangi, Mangaroa, and Mokau–Mohakatino land blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
In the original statement of claim, claimants allege that the Crown caused the loss of land that was gifted for schools at Ōhura, Nihoniho, Tūhua, and Ōtangwai.

In opening submissions, claimant counsel address the issue of the gifted land. They say that records for Tūhua, Ōtangwai, and Nihoniho indicate that the land was taken from settlers between 1905 and 1910. It was then returned to the descendants of those settlers in the late twentieth century, after the schools had closed. For the Ōhura Valley school lands, which were said to have been originally gifted by the claimants’ tūpuna for a native school, counsel say information is still being sought from the claimants. Claimant counsel also note that the earliest certificates of title to Ōhura Valley school cannot be located.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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185. The Wai 845 claim was brought by the late Randolph Rū Takuira Coburn in 1999. His daughters Amy Coburn-Levae and Hinemoa Coburn were added as named claimants in 2009 and 2014 respectively: claim 1.1.42; claim 1.1.42(a); claim 1.1.42(b).
186. Submission 3.4.166, p.2.
187. Submission 3.4.166, pp 2, 4–8.
188. Submission 3.4.077, p.8.
The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Our discussion of the gifting of land by Māori for native schools (see section 24.3.3.1) is relevant to the claimants’ allegation about the Crown’s failure to return lands their tūpuna originally gifted for the Ōhura Valley school. We note that native schools in Te Rohe Pōtae were mostly built on land gifted for that purpose by Māori. We provide detail on the five native school sites that were taken under the Public Works Act with no compensation paid for any of the sites; these being Mangaorongo (1903), Te Kopua (1904), Rakaunui (1909), Taharoa (1910), and Makomako (1923).

We go on to find ‘the Crown’s actions and omissions in respect of education to be inconsistent with the principle of partnership, the duty of active protection inherent in that partnership, and the principle of equality’ (see section 24.10). Particularly for native schools, we find the Crown did not uphold its Treaty obligations by, first ‘requiring Māori communities to “gift” land for native schools, when the same standards were not applied to Pākehā communities and without considering alternatives’ and also by using ‘permanent alienation to gain title over such sites (as opposed to alternative arrangements such as leaseholds) and failing to prevent undue delays in returning surplus school sites to their former Māori owners.’
Claim title
Lake Rotoaira and Wairehu Stream Claim (Wai 933)

Named claimant
Alec Philips

Lodged on behalf of
Himself and Ngāti Hikairo

Ngāti Hikairo describe themselves as ‘the people of the Rotoaira Basin and te maungā o Taurewa’. They emphasise their separateness from other Rohe Pōtæ claimant groups, including Ngāti Hikairo of the Kawhia region; the two are kin, but distinct and independent groups. They also state that, ‘[w]hile there is some sharing of whanaungatanga and historical events with hapū of Ngāti Tūwharetoa, Ngāti Hikairo have an extensive rohe with their own distinct interests.’ While Ngāti Hikairo do not have a large interest in Te Rohe Pōtæ, they submit they do have interests in the Okahukura, Taurewa, Oraukura, Ruamata, Whangaipēke, Ngāpuna, Rangipo, Kaimanawa, and Owhaoko blocks. Their marae are Otūkou (at Rotoaira), Pāpākai (Rotoaira), and Te Rena (Kākāhi).

Takiwā
Taumarunui

Other claims in the same claim group
37, 933, 1196. All three claims were lodged by Ngāti Hikairo claimants. In 2008, the Tribunal agreed to claimant counsel’s request to consolidate their claims together in the Te Rohe Pōtæ district inquiry (as had been done already in the Central North Island, National Park, and Whanganui inquiries, where Ngāti Hikairo also gave evidence). Soon after, the three claimant groups filed a consolidated statement of claim that replaced and incorporated the individual claims already filed. Wai 37 was described as the ‘umbrella’ claim in this Ngāti Hikairo claim ‘cluster.’

Summary of claim
The original Wai 933 claim alleges Ngāti Hikairo have been prejudicially affected by the Crown’s introduction of trout and other non-indigenous fish to Lake Rotoaira and its tributaries, especially the Wairehu Stream. The lake and the stream have been a vital food source for them for some 600 years; they are also of great cultural and spiritual importance, the claimant states. Not only did the introduction of trout in 1905 reduce the amount of indigenous fish available for Ngāti Hikairo’s traditional use, but subsequent legislation has restricted their taking of trout and

190. Submission 3.4.227, p 4.
191. Submission 3.4.227, p 5.
192. Claim 1.1.1(e), p 3; Waitangi Tribunal, Te Kāhui Maunga, vol 1 pp 49–50.
193. Memorandum 3.1.170, paras 1–9; memo 2.2.59.
194. Memorandum 3.1.170, para 6–8.
other introduced species too. Overall, the claim alleges that the Crown’s legislative and management regime has ‘seriously impinge[d] on Ngāti Hikairo’s rights of rangatiratanga over their taonga katoa’.  

Subsequent amendments to the claim include additional allegations relating to the operations of the Native Land Court, Crown purchasing of Ngāti Hikairo lands in the nineteenth and twentieth centuries, the ‘gift’ to the Crown of maunga (Tongariro, Ngauruhoe, and Ruapehu) with which Ngāti Hikairo have strong associations, the Crown’s acquisition of Ngāti Hikairo forests, the taking of land for the railway and the Tongariro Power Development scheme, and the social impacts of various statutes.  

These allegations are developed in the amended statement of claim for the Ngāti Hikairo claim ‘cluster’ (Wai 37, Wai 933, and Wai 1196). There, claimants identify multiple Crown actions and policies that adversely affected Ngāti Hikairo interests in land and other resources, and breached the Treaty. Their causes of action concern old (pre-Treaty) land claims; the Crown’s military interventions in the district and the subsequent raupatu; breaches of the Te Ōhākī Tapu compact; the acquisition of their land for the railway, scenic reserves and other purposes; the introduction and operation of the Native Land Court and associated survey requirements; Crown purchasing practices; the delegation of power to local government and its effects (including environmental); the introduction and application of public works legislation; the Crown’s regime for managing minerals; the creation of Māori land boards; twentieth century land alienations (which resulted in Māori losing access to certain lands and having others vested in the Māori Trustee or brought under various development schemes); the loss of Māori ownership and control over the foreshore and seabed; and a raft of Crown ‘mechanisms and processes [that] have resulted in the claimants being rendered virtually landless today’.  

Is the claim well founded?  
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.  

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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196. Claim 1.1.50(c), pp 5–35.  
197. Claim 1.2.128, pp 4–57.  
198. Claim 1.2.128, p 55.
The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

In section 9.4.2.2, we discuss Crown land takings by proclamation for the construction of the North Island Main Trunk Railway. We refer to the station formed on the claimants’ Okahukura lands and note Brent Parker’s evidence that it did not form part of the intial taking for the railway.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The following finding from section 23.3.6 is especially relevant to the Wai 993 claimants’ allegation about the Tohunga Suppression Act 1907:

We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.
Claim title
Ngāti Pouroto Taurewa No 1 Block Claim (Wai 965)

Named claimants
Leonard Hiraka Erickson, Carmen Kura Kapea-Sutcliffe, and Ema Te Toroa Tangiariki Pohatu

Lodged on behalf of
Themselves, Ngāti Pouroto, and Ngāti Te Ika of the Ngāti Hikairo Iwi

Takiwā
Taumarunui. The Ngāti Hikairo rohe has the Waimarino Stream as the southern boundary:

The western boundary is the Makaretu stream situated at the back of National Park Township which runs into the Piopiotia stream and into the Whakapapa River. From there the boundary then follows over to the Whangaipake Block then moving on to the maunga Waituhi, then to Kakareamea and down towards the Waihi village. Finally crossing over to Motu Taiko Island (on Lake Taupo) then onto Waitetoko then down to Korohe.

The Ngāti Hikairo claimants’ rohe lies across four inquiry districts: Whanganui, National Park, Central North Island, and Te Rohe Pōtae.

Other claims in the same claim group
965, 1044, 1605. The claimants are Ngāti Hikairo.

Summary of claim
The claimants allege that they have been prejudicially affected by the Crown's taking of the Taurewa 1 block for forestry. They allege that this land was not sold by its rightful owners, Ngāti Tamakana, Ngāti Pouroto, Ngāti Rangiuaua, and Ngāti Hikairo. The claim states that the Crown failed to uphold the rangatiratanga of Ngāti Hikairo, failed to recognise its laws and customs within Te Rohe Pōtae, and breached Te Ōhākī Tapu.

199. Claim 1.1.52(e). The Tribunal was advised that the first two named claimants were deceased in 2008 and 2011 respectively. Ema Te Toroa Tangiariki Pohatu was added as a named claimant in 2011: claim 1.1.52(d); claim 1.1.41(f); claim 1.1.52(f).

200. Final SOC 1.2.6, p 3; submission 3.4.227, p 3. In the original and later amendments to the statement of claim, this was expressed as being made on behalf of ‘myself and my hapu Ngāti Pouroto of Ngāti Tuwharetoa ki Taupo’ (claim 1.1.52); ‘myself’ (claim 1.1.52(a)); and ‘himself and Ngāti Hikairo’ (claim 1.1.52(d)).

201. Claim 1.1.52(c), p 2.


203. Final SOC 1.2.6, p 3.

204. Claim 1.1.52.

205. Final SOC 1.2.6, p 5.
Ngāti Hikairo are descended from Hikairo, and from Puapua, a descendant of Tūwharetoa. The amended statement of claim says Ngāti Hikairo were a sovereign iwi in their rohe, and not a hapū of Ngāti Tūwharetoa. The statement alleges that the Crown wrongly classified Ngāti Hikairo as a hapū of Ngāti Tūwharetoa. Consequently, the claimants say Crown failed to engage with Ngāti Hikairo and diminished their standing in Te Rohe Pōtae. The statement says Ngāti Hikairo had land taken for the North Island Main Trunk Railway, and not returned to them when not used for that purpose. It lists Taurewa as one of the blocks from which land was taken. Most of the railway land was in the National Park district, (where the bulk of Ngāti Hikairo land is), but some was in Te Rohe Pōtae. The statement alleges that the railway takings, and land taken for returned servicemen, denied Ngāti Hikairo the opportunity to develop these lands for their benefit.  

The claimants note in closing submissions that there are several tupuna called Hikairo. Counsel for this claim are representing Ngāti Hikairo of the Lake Rotoaira district, which is outside of Te Rohe Pōtae and near Mount Tongariro. Ngāti Hikairo allegations of Crown breaches of the Treaty in Te Rohe Pōtae are given as follows; political suppression, as the Crown did not treat them as a separate iwi; Te Ōhākī Tapu, as Ngāti Hikairo did not receive the equal relationship with the Crown that had been promised; the North Island Main Trunk Railway, for which Ngāti Hikairo land was taken; returned servicemen, as Māori returned servicemen did not receive the same opportunities as Pākehā returned servicemen in the Waimarino block, where Ngāti Hikairo had customary interests; and economic development, as the loss of land prevented Ngāti Hikairo participation.

The submissions state that Ngāti Hikairo ki Tongariro were represented amongst the ‘five tribes’ involved in the 1883 negotiations with the Crown (being likely understood at the time to have joined this ‘collective enterprise’ under the ‘banner’ of either the Whanganui iwi or Ngāti Tūwharetoa, a ‘banner’ not diminishing of their mana and autonomy). The claimants also note having ‘whakapapa links’ to rangatira Hone Wetere of Ngāti Hikairo ki Kāwhia, who played a leading role in the negotiations with the Crown on behalf of Ngāti Hikairo ki Kāwhia. However, Ngāti Hikairo ki Tongariro was marginalised by the Crown after Te Ōhākī Tapu. The claimants allege that, when Ngāti Hikairo rangatira agreed to the compact, they expected that their autonomy would be respected. Instead, the Crown generally failed to interact with Ngāti Hikairo. The claimants consider that, in accordance with social structure, Ngāti Hikairo may have joined larger groups led by Whanganui or Maniapoto for some purposes. The result was a loss of identity, or becoming a ‘lost tribe’, as the claimant James Pakau described it.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this

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206. Final soc 1.2.6, p 8.
207. Submission 3.4.227.
conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Rangitoto–Tuhua Land Block Claim (Wai 987)

Named claimants
Thomas Leslie Te Nuinga Tuwhangai and Wayne Anthony Houpapa

Lodged on behalf of
Themselves and the hapū of Ngāti Hari/Ngāti Urunqueia. They are descendants of Hari ‘who was in turn of Ngāti Urunqueia and Ngāti Maniapoto descent.’ Ngāti Hari/Ngāti Urunqueia are ‘a hapū of the Ngāti Maniapoto confederation of hapū.’

Takiwā
Taumarunui. The claim relates to land blocks including Rangitoto–Tuhua and Ōhura South.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim begins by alleging that the Crown contravened the Te Ōhākī Tapu understandings reached with Te Rohe Pōtæ chiefs regarding the railway and surveys. It did so, first, by passing the Native Land Alienation Restriction Act 1884 and the Railways Authorisation Act 1884 (which expedited the alienation of Te Rohe Pōtæ lands), then by commencing large-scale purchasing in Te Rohe Pōtæ in 1889, and finally by granting licences to sell alcohol within Te Rohe Pōtæ following a dubious referendum. Next, the claim argues the Crown failed to ensure that Ngāti Hari/Ngāti Urunqueia retained sufficient lands for their needs, instead passing legislation to individualise land ownership and implementing purchasing policies designed to alienate as much Māori land as possible. The claimants note that, as of 2011, Ngāti Hari/Ngāti Urunqueia had no land in Te Rohe Pōtæ in hapū ownership.

Turning to Native Land Court issues, the claim argues that the court primarily sought to facilitate alienation, and stresses that the court’s individualisation of title subverted efforts to deal with lands on a collective basis. It observes that hapū trying to keep lands out of court risked being cut out of interests by rival claimants. They could also lose the potential benefits the railway might provide, since any

209. Submission 3.4.167. The claim was brought by Thomas Tuwhangai in 2002. Pauline Kay Stafford was also a claimant but in 2011 she stood down and was replaced by Wayne Houpapa: claim 1.1.55; claim 1.1.55(b).
211. Final SOC 1.2.4.9, p 3.
213. Final SOC 1.2.49, pp 8–9.
leasing or sales required a court-generated title.\textsuperscript{215} The claimants also submit that the Crown, while agreeing to allow some collective arbitration via the Kawhia Native Committee, crucially denied it the power to grant legal title to lands.\textsuperscript{216} The claim further argues that the court failed to properly recognise the customary interests of Ngāti Hari/Ngāti Urunumia.\textsuperscript{217} To this end, it summarises the key court orders for the blocks in which these interests were held, and gives examples of where Ngāti Hari/Ngāti Urunumia interests were lost.\textsuperscript{218} The claim also asserts that the Crown was at an advantage in court hearings because it could influence the timing and location of hearings, and was not troubled by court fees and costs of attendance in the same way owners were.\textsuperscript{219} Lastly, the claim highlights the Crown’s alleged failure to protect owners against having to alienate lands to pay for surveys. It notes that 80,000 acres were lost in this way between 1892 and 1907, and further asserts that it was unfair to ask the owners to pay for surveys of their own land (which were necessary to defend the title to it) and then for the survey of the portion being alienated to pay for the larger survey.\textsuperscript{220}

The claim next describes how in the early twentieth century, most Ngāti Hari/Ngāti Urunumia lands not already alienated by the Crown were vested in the Waikato-Maniapoto District Maori Land Board.\textsuperscript{221} The claim argues that the board alienated most of this land without proper consent, and that the ongoing purchasing by the Crown paid little regard for the sufficiency of lands retained by Ngāti Hari/Ngāti Urunumia.\textsuperscript{222} In the block-by-block analysis that follows, the claim highlights the alienation of Rangitoto–Tuhua 9, about which requests for areas to be retained were repeatedly ignored.\textsuperscript{223} It is also asserted that the Crown did not offer the fair market value to owners.\textsuperscript{224} The claim goes on to record numerous public works takings in the blocks in which Ngāti Hari/Ngāti Urunumia had interests,\textsuperscript{225} and describes how the Crown exploited discriminatory legislative provisions which allowed it to compulsorily take Māori land with minimal notice or consultation, and often without compensation. The lack of adequate protections for wāhi tapu from such works is also noted.\textsuperscript{226} As for local government and rating, the grievances made by the claim include the failure of the Crown to require local bodies to abide by Treaty principles, and the treatment of Māori land as no different to general land when it came to rating.\textsuperscript{227}

\textsuperscript{215} Final soc 1.2.49, pp12–16.
\textsuperscript{216} Final soc 1.2.49, pp18–19.
\textsuperscript{217} Final soc 1.2.49, p19.
\textsuperscript{218} Final soc 1.2.49, pp23–36.
\textsuperscript{219} Final soc 1.2.49, pp36–37, 39.
\textsuperscript{220} Final soc 1.2.49, pp43–47.
\textsuperscript{221} Final soc 1.2.49, p52.
\textsuperscript{222} Final soc 1.2.49, pp52–53.
\textsuperscript{223} Final soc 1.2.49, pp55–60.
\textsuperscript{224} Final soc 1.2.49, pp64–65.
\textsuperscript{225} Final soc 1.2.49, pp68–73.
\textsuperscript{226} Final soc 1.2.49, pp67, 69.
\textsuperscript{227} Final soc 1.2.49, pp74, 79.
The remainder of the claim consists of socioeconomic and environmental issues. With respect to the former, the claim argues that the Crown failed to provide adequate schooling, health services, or employment initiatives to Ngāti Hari/Ngāti Urunumia, and suppressed both the use of te reo (through its exclusion from the school curriculum) and mātauranga (as it applied to health and rongoā) through the Tohunga Suppression Act. Numerous environmental failings are also alleged, with the general theme being the Crown’s failure to recognise hapū ownership and management rights with respect to natural resources. In the absence of that recognition, the claimants allege the Crown allowed these resources to become depleted or degraded. In particular, the claimants allege the Crown’s failure to properly manage introduced species resulted in damage to indigenous forests.

The claimants adopt generic pleadings on Te Ōhākī Tapu, protection of land base, Native Land Court, Crown purchasing, vested lands, public works, local government, rating, health, economic development, education, tikanga, and environment.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

228. Final soc 1.2.49, p 82.
229. Final soc 1.2.49, pp 84–85, 88.
230. Final soc 1.2.49, pp 89–90.
231. Final soc 1.2.49, pp 91–92.
232. Final soc, 1.2.49, pp 8, 10, 12, 52, 66, 74, 78, 82, 84, 88–89.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The high cost of surveying the subdivisions of the massive Rangitoto–Tuhua block, highlighted in this claim and others, is discussed in detail in section 10.6.2.3.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

Of particular relevance to this claim is the discussion at section 18.4.3 of the limitations that legislation and resourcing arrangements imposed on the ability of the Kawhia Native Committee to determine title and exercise other self-government functions. The ultimate unfulfillment of the Kawhia Committee’s potential as a self-government entity, the Tribunal found, reflected both ‘hopes that government structures could be harnessed to
advance self-determination, but also that under-investment, relatively weak statutory powers, and changing political exigencies prevented these expectations being realised in the long term.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part iv).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part iv).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part iv).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

  The following finding from section 23.3.6 is especially relevant to the claim’s allegation about the Tohunga Suppression Act 1907:

  We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Te Ika Taupō Claim (Wai 1044)

Named claimants
Rawinia Konui-Paul, Te Maioro Konui, and Heta Konui (2004)235

Lodged on behalf of
Themselves, Ngāti Pourotu, Ngāti Te Ika of Ngāti Hikairo234

Takiwā
Taumarunui. The claimants’ rohe has the Waimarino Stream as the southern boundary:

The western boundary is the Makaretu stream situated at the back of National Park Township which runs into the Piopiotia stream and into the Whakapapa River. From there the boundary then follows over to the Whangaipake Block then moving on to the maunga Waituhi, then to Kakareamea and down towards the Waihi village. Finally crossing over to Motu Taiko Island (on Lake Taupo) then onto Waitetoko then down to Korohe.235

Other claims in the same claim group
965, 1044, 1605. The claimants are Ngāti Hikairo.236

Summary of claim
The claimants allege they have been prejudicially affected by the cession to the Crown of the peaks of the mountains Ruapehu, Ngauruhoe, and Tongariro. The claim makes numerous other allegations regarding Crown actions in the central North Island.237

The joint Ngāti Hikairo amended statement of claim states that the Ngāti Hikairo rohe extends across four Waitangi Tribunal inquiry districts: Whanganui, National Park, Central North Island, and Te Rohe Pōtae. The statement alleges the Crown failed to uphold the rangatiratanga of Ngāti Hikairo, failed to recognise its laws and customs within Te Rohe Pōtae, and breached the Ōhaki Tapu agreement.238

Ngāti Hikairo are descended from Hikairo, and from Puapua, a descendant of Tūwharetoa. The amended statement of claim says Ngāti Hikairo were a sovereign

233. Claim 1.1.63; claim 1.1.63(a). The Tribunal was advised in 2004 that Heta Konui would replace Rawinia Konui-Paul, now deceased.
234. Final soc 1.2.6; submission 3.4.227. The original and amended statement of claim said it was made on behalf of ‘the descendants of Te Huri Hokopakeke and Ngaati Te Ika, a hapuu of Ngaati Hikairo ki Tongariro’ (claim 1.1.63) and ‘themselves and Ngāti Hikairo’ (claim 1.1.63(b)).
235. Claim 1.1.63(c), p 2.
236. Final soc 1.2.6, p 3.
237. Claim 1.1.63.
238. Final soc 1.2.6, p 5.
iwi in their rohe, and not a hapū of Ngāti Tūwharetoa. The statement alleges that the Crown wrongly classified Ngāti Hikairo as a hapū of Ngāti Tūwharetoa. Consequently, the claimants say the Crown failed to engage with Ngāti Hikairo and diminished their standing in Te Rohe Pōtae. The statement says Ngāti Hikairo had land taken for the North Island Main Trunk Railway, and not returned to them when not used for that purpose. It says most of the railway land was in the National Park district, where the bulk of Ngāti Hikairo land is, but some was in Te Rohe Pōtae. The statement alleges that the railway takings, and land taken for returned servicemen, denied Ngāti Hikairo the opportunity to develop these lands for their benefit.\(^{239}\)

The claimants note in closing submissions that there are several tūpuna called Hikairo. Counsel for this claim are representing Ngāti Hikairo of the Lake Rotoaira district, which is outside of Te Rohe Pōtae and near Mount Tongariro. Ngāti Hikairo allegations of Crown breaches of the Treaty in Te Rohe Pōtae are given as follows; political suppression, as the Crown did not treat them as a separate iwi; Te Ōhāki Tapu, as Ngāti Hikairo did not receive the equal relationship with the Crown that had been promised; the North Island Main Trunk Railway, for which Ngāti Hikairo land was taken; returned servicemen, as Māori returned servicemen did not receive the same opportunities as Pākehā returned servicemen in the Waimarino block, where Ngāti Hikairo had customary interests; and economic development, as the loss of land prevented Ngāti Hikairo participation in the evolving economy.\(^{240}\)

The submissions state that Ngāti Hikairo ki Tongariro were represented amongst the ‘five tribes’ involved in the 1883 negotiations with the Crown (being likely understood at the time to have joined this ‘collective enterprise’ under the ‘banner’ of either the Whanganui iwi or Ngāti Tūwharetoa, a ‘banner’ not diminishing of their mana and autonomy). The claimants also note having ‘whakapapa links’ to rangatira Hone Wetere of Ngāti Hikairo ki Kāwhia, who played a leading role in the negotiations with the Crown on behalf of Ngāti Hikairo ki Kāwhia. However, Ngāti Hikairo ki Tongariro was marginalised by the Crown after Te Ōhāki Tapu. The claimants allege that, when Ngāti Hikairo rangatira agreed to the compact, they expected that their autonomy would be respected. Instead, the Crown generally failed to interact with Ngāti Hikairo. The claimants consider that, in accordance with social structure, Ngāti Hikairo may have joined larger groups led by Whanganui or Maniapoto for some purposes. The result was a loss of identity, or becoming a ‘lost tribe’, as the claimant James Pakau described it.\(^{241}\)

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

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\(^{239}\) Final soc 1.2.6, p 8.
\(^{240}\) Submission 3.4.227.
\(^{241}\) Submission 3.4.227, p 13.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Toi Tu Ki Te Rangi Incorporated Society Te Rohe Pōtæ Claim (Wai 1059)

Named claimants
Greg Keenan, Marie Stewart, and Leslie Howe (2010)\(^{242}\)

Lodged on behalf of
Themselves and all members of the Te Kotahitanga Incorporated Society and ngā hapū katoa o Te Rohe Pōtæ\(^{243}\)

Takiwā
Taumarunui. The claimants have interests throughout Te Rohe Pōtæ ‘including the Awakino, Mokai, Taumatamaire, Rauoa, Harihari and particularly the Rangitoto–Tuhua 55A block, located approximately 10 kilometres north of Taumarunui’.\(^{244}\) Their marae, Mana Ariki, is the only area in Te Rohe Pōtæ ‘which remains dedicated as a footstool for Ihow a o Ngamano, Io Matua Kore, God Almighty’.\(^{245}\)

Other claims in the same claim group
50, 1059. Both claims are made by the members of the Te Kotahitanga Incorporated Society and relate to Rangitoto–Tuhua 55A.\(^{246}\)

Summary of claim
The original Wai 1059 statement of claim includes broad allegations concerning Crown actions that the claimants say destroyed their mana motuhake, and undermined both the Kingitanga and the political and economic independence of Te Rohe Pōtæ.\(^{247}\) The claimants allege that the Crown breached the Treaty principle of partnership in its dealings with King Tāwhiao as a Treaty partner. They say that the Crown also breached the Treaty principle of active protection through its failure to protect the claimants’ rangatiratanga over their taonga, which they argue included the Kingitanga itself.\(^{248}\) Finally, the claimants make allegations concerning the Crown’s introduction of Native Land Court processes to Te Rohe Pōtæ and claim that the Crown failed to protect their lands within the aukati.\(^{249}\)

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\(^{242}\) Claim 1.1.66; final SOC 1.2.58; submission 3.4.221; The original claim was filed by Richard Wilson on behalf of Toi Tu Ki Te Rangi Incorporated Society. However, Mr Wilson was replaced by Les Howe in 2010 as named claimant: claim 1.1.66; claim 1.1.66(a), p 1.

\(^{243}\) Final SOC 1.2.58, p 4. The original claim was made on behalf of Toi Tu Ki Te Rangi Incorporated Society: claim 1.1.66. In closing submissions, the claim was described as being made on behalf of Te Kotahitanga Society Incorporated and Mana Ariki, ‘being a Marae located just outside of Taumarunui’: submission 3.4.221, p 2.

\(^{244}\) Final SOC 1.2.58, p 6.

\(^{245}\) Submission 3.4.221, p 4; doc R14 (Ropata), p 5.

\(^{246}\) Final SOC 1.2.58, p 4.

\(^{247}\) Claim 1.1.66, para 2.4.

\(^{248}\) Claim 1.1.66, paras 5–6.

\(^{249}\) Claim 1.1.66, para 7.
In 2011, the Wai 1059 claimants joined with the Wai 50 claimants to file a further amended statement of claim. These pleadings include broad allegations concerning the Crown’s failure to protect the claimants’ mana motuhake and rangatiratanga over their lands, forests, fisheries, taonga, and people. The claim also addresses other specific areas of Crown action, such as the adoption of policies and practices that the claimants say interfered with their tikanga. These include the Maori Councils Act 1900, the Tohunga Suppression Act 1907, the Maori Purposes Act 1947 and the Maori Purposes (No 2) Act 1973, and the Crown’s native land legislation. They also give further details of Crown actions which they allege led to the degradation of their taonga.

The original Wai 50 claim concerning the Rangitoto–Tuhua 55A block remains a significant issue in these joint pleadings, and the claimants provide additional detail. The Rangitoto–Tuhua 55A block serves as a case study in the claimants’ closing submissions on the impact of Crown surveys on their lands.

The claimants seek the return of that block unencumbered and without charge.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

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250. Final SOC 1.2.58.
251. Final SOC 1.2.58, paras 29–38.
252. Final SOC 1.2.58, para 53. The Rangitoto–Tuhua 55 block, also known as Aurupu, is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 12.3.6 and 12.4.7.
253. Submission 3.4.221, p 17.
254. Submission 3.4.221, p 21(vii).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The following finding from section 23.3.6 is especially relevant to the Wai 50 claimants’ allegation about the Tohunga Suppression Act 1907:

We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare.

We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Rangatahi Public Works Claim (Wai 1064)

Named claimants

Lodged on behalf of
Ngāti Rangatahi

Takiwā
Taumarunui

Other claims in the same claim group
366, 1064. Ngāti Rangatahi have lodged claims in several inquiries: Porirua ki Manawatū (Wai 2200); Rangitikei ki Rangipō (Wai 2180); Te Whanganui a Tara me ona Takiwā (Wai 145), and the Whanganui district inquiry (Wai 903).

Initially, Ngāti Rangatahi claimants decided not to pursue claims in the Te Rohe Pōtae inquiry. Instead, they would adopt a ‘watching brief’ approach and support claimants affiliated by whakapapa to pursue claims concerning their interests within Te Rohe Pōtae.

In 2011, Ngāti Rangatahi Whanaunga Association Incorporated decided, on behalf of Wai 366 and Wai 1064, to request full claimant status for the inquiry. Claimant counsel lodged a memorandum seeking to participate as full claimants and to consolidate, join, and amend the Wai 366 and Wai 1064 claims into the Te Rohe Pōtae inquiry. The Tribunal accepted their request.

Summary of claim
The original Wai 1064 claim (2003) focuses primarily on the taking of lands in and around Taumarunui by and on behalf of the Crown. The claimants allege a range of Crown policies and actions that caused – and continue to cause – prejudice to Ngāti Rangatahi: the establishment of the native township of Taumarunui; the taking of lands under public works legislation, without consultation and payment; and the taking of lands for public reserves.

These allegations are developed in the conjoined final claim for Wai 366 and Wai 1064. It makes more specific allegations in relation to lands within and

255. Claim 1.1.276; memo 2.2.160.
256. Claim 1.1.276(a). Mr Jonathan was added as a named claimant after the passing of Mr Herbert.
257. Claim 1.1.276(a), p 2; claim 1.1.270(a); claim 1.2.131, p 2.
259. Memorandum 3.1.419.
260. The Tribunal will not be addressing this aspect of the claim as the Taumarunui township is not within our inquiry district.
surrounding Rangitoto–Tuhua, Orahiri, and Taringahaere land blocks. In particular, the final claim focuses on the Crown’s alleged Treaty breaches and the resulting prejudice relating to war and raupatu; Native Land Court processes; Crown purchasing activities; compulsory acquisitions and public works; the taking of land for railway purposes and rates; environmental degradation; loss of customary resources; and the loss of mana and tribal identity.

In conjoined closing submissions, the claimants expand on the hardships their tūpuna endured as a result of war, the Crown’s alleged neglect/abandonment of the Te Ōhākī Tapu agreements, and the effects of the construction of the North Island Main Trunk Railway.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).
  
  We discuss the Crown’s takings in the Orahiri block for the North Island Main Trunk Railway in section 9.8.6.
- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

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262. Claim 1.2.131, p 4.
264. Submission 3.4.205(c), pp 9–12.
In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

Crown and private purchasing and leasing of Te Rohe Pōtae land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Claim title
Ngāti Kowhaikura Waimarino and Ruapehu Blocks Alienation Claim (Wai 1073)

Named claimants
Chris Ngataierua (2003) and Petuere Kiwara (2009)

Lodged on behalf of
The descendants of Te Kere Ngataierua. From the hapū Ngāti Tū, Te Kere Ngataierua (also known as Te Kere Te Huaki, or Te Kere Taura) was a significant tohunga and a prominent supporter of the Kīngitanga. His prophetic visions found form in the spiritual, cultural, and political movement he named Paetiuihou.

Takiwā
Taumarunui. The claim concerns the southern Te Rohe Pōtae, including the Waimarino, Opatu, and Koiro blocks.

Other claims in the same claim group
1073, 1197, 1388, 1738. All these claims concern political issues relating to the Kīngitanga and the Te Rohe Pōtae district. The claimant hapū are from the Upper Whanganui region.

Summary of claim
The original claim was brought by Mr Ngataierua on behalf of Ngāti Kowhaikura. It addresses Crown acts and omissions related to the alienation of land in the Waimarino and Ruapehu blocks. However, Ngāti Kowhaikura’s claims relating to these blocks were later inquired into in the National Park and Whanganui inquiries, along with other claims concerning the area south and west of Mount Ruapehu. For the Te Rohe Pōtae inquiry, the Wai 1073 claim was amended to address the claimants’ whakapapa connection to their tupuna Te Kere Ngataierua. The claimants seek that the connection between their tupuna and the Kīngitanga be recognised by the Tribunal in this inquiry.

265. Final SOC 1.2.85, para 1; Petuere Kiwara was added as a named claimant in 2009: claim 1.1.167(a), para 2.
266. Final SOC 1.2.85, para 1.
267. Final SOC 1.2.85, paras 2–4.
268. Final SOC 1.2.85, para 5.
269. Final SOC 1.2.85, para 9.
270. Submission 3.4.75, para 2.
271. Submission 3.4.209, p 2; submission 3.4.206, pp 3–4; submission 3.4.207, pp 3–5.
274. Wai 1073 ROI, claim 1.1(b).
275. Claim 1.1.67(a), para 2.
276. Claim 1.1.67(a), paras 10–11.
In a second amended statement of claim, the claimants make allegations addressing the Crown’s failure to recognise the authority and rangatiratanga of Te Kere Ngataierua following Te Ōhākī Tapū. Aspects of this claim – relating to the survey of the Waimarino block, the 1886 Native Land Court hearing, and Te Kere’s subsequent petition – were all inquired into and reported on in the Whanganui land report. However, the claim also addresses the Crown’s failure to survey the external boundary of Te Rohe Pōtæ as it had agreed in 1883 as part of Te Ōhākī Tapū. Claimants allege that the Crown failed to support a single title for Te Rohe Pōtæ. In closing submissions, the claimants allege that their interests were not recognised in the Waimarino block because it overlapped with the boundary of Te Rohe Pōtæ.

The claimants further assert that the Crown failed to protect the land interests of Te Kere Ngataierua and his hapū Ngāti Tū in the southern part of Te Rohe Pōtæ. They allege that the Crown manipulated the Native Land Court process and encouraged owners to make separate applications to the court. The claimants identify the specific lands where their tupuna had interests as Tokaanu, Owhango, and Tawata.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

  In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

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277. Final soc 1.2.85, para 11; submission 3.4.207.
279. Final soc 1.2.85, para 19.
280. Final soc 1.2.85, para 24.
281. The Waimarino block is discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 8.2.3.6, 8.5.5.3, 8.9.1.5, 8.9.3.2, 8.9.3.4, 8.9.3.6, and 8.10.2.4.
282. Submission 3.4.207, paras 55–58.
283. Final soc 1.2.85, para 33.
284. Final soc 1.2.85, para 25.
285. Final soc 1.2.85, para 34.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

We discuss the construction of the North Island Main Trunk Railway at section 9.4.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
Claim title
Te Uri Ōhura South Claim (Wai 1147)

Named claimants

Lodged on behalf of
Themselves, the descendants of Kopere Tanoa 1st, and the descendants of Te Whiutahi who wish to be included287

Takiwā
Taumarunui. The claim relates to ‘lands and resources belonging to the claimants’, particularly in the Rangitoto–Tuhua block.288 The claimants note they have interests ‘in common with other iwi and hapu’. The claimants’ rohe lies across the Te Rohe Pōtæ and Whanganui inquiry districts; they are also participating in the Te Paparahi o Te Raki inquiry.289

Other claims in the same claim group
1147, 1203. The claimants are whanaunga, in particular through their tūpuna connection with the brothers Kopere Tanoa 1 and Tutemahurangi. They share whakapapa links to Ngāti Hinemihi, Ngāti Hinewai, and Ngāti Wera.290

Summary of claim
The original Wai 1147 statement of claim addresses the Public Works Act 1908, and other Crown acts and omissions which they allege caused the alienation of their ancestral lands.291 They claim that their traditional way of life in the Ōhura South and Waimarino blocks was destabilised as a result of the alienation.292 However, the Ōhura South blocks were not included within the Te Rohe Pōtæ inquiry district, and issues related to this block were inquired into by the Whanganui land Tribunal.293

In this inquiry, the Wai 1147 claim was amended to address the claimants’ interests in the Rangitoto–Tuhua block. In the amended claim, the claimants

286. Final soc 1.2.38. Grace Ngaroimata Le Gros, Cedric Powhiriwhiri Tanoa, and Tahuri Te Ruruku were added as named claimants in 2008: claim 1.1.82(a); claim 1.1.82(b).
287. Final soc 1.2.38. In original and amended statements of claim this was expressed as being made on behalf of ‘kaumatua and the descendants of Tanoa Te Uhi and the collective descendants of Te Whiutahi’: claim 1.1.82, p [1], and ‘themselves and on behalf of the descendants of Tanoa Te Uhi and the descendants of Te Whiutahi who wish to be included’: claim 1.1.82(a).
289. Final soc 1.2.38, pp 2, 5.
290. Final soc 1.2.38, p 4; doc R1(b) (Le Gros), p 2; submission 3.4.151, p 9; doc R3(d) (Tutemahurangi), p 1.
291. Claim 1.1.82.
292. Claim 1.1.82.
293. Waitangi Tribunal, He Whiritaunoka, vol 2, secs 15.3.2(4)(c), 15.4.6(4), 16.3.3(b).
make further allegations regarding the Crown’s failure to ensure that their tūpuna retained sufficient land, and its failure to more generally protect the claimants’ lands, forests, fisheries, and other taonga. The claimants also allege that the Crown failed to protect their tino rangatiratanga, and that they could not develop and manage their lands and resources in a manner consistent with their cultural preferences.294

In 2011, this claim joined with the claim brought by the Wai 1203 claimants, and they filed a final statement of claim.295 These pleadings contain allegations regarding various broad issues affecting the claimants and their lands, including Te Ōhākī Tapū; the Native Land Court, which determined title in the claimants’ Rangitoto–Tuhua blocks; the imposition of high costs from the survey of these lands; Crown purchasing; lands taken for the North Island Main Trunk Railway; the Crown’s use of public works legislation; district Māori land boards, which were empowered to manage and alienate the claimants’ lands; the development and consolidation of lands; the Crown’s land development schemes and efforts to consolidate title; the empowerment of local government bodies; the Crown’s failure to protect the claimants’ wāhi tapu; and its failure to adequately provide access to appropriate health and education services.296

The claimants also raise a specific allegation relating to the proposed settlement of Māori servicemen on Māori land, namely the Rangitoto–Tuhua 35 and Maraeroa c blocks.297 They claim that the Crown did not follow through on its promise to assist the returned servicemen in this way.298 A further specific claim concerns the Ōngarue and Taringamotu Rivers.299 The claimants say that the health of both rivers is of great concern to them and claim the rivers have been impacted by pollution and quarrying in the area.300

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

294. Claim 1.1.82(a), paras 3–5.
295. Claim 1.2.38, para 11.
297. Rangitoto–Tuhua 35 is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 14.3.2 (fn 86), 14.4.2.1.2, 14.4.3.2, 14.5.3, 21.4.3, and 21.4.5 and tables 10.3, 13.1, 13.2, 13.6, 13.8, and 13.10. Maraeroa c block is discussed in sections 13.3.7.3, 13.3.7.4, 13.3.8, 13.3.10, and 21.4.3 and the appendix to that chapter; also in table 13.6.
298. Claim 1.2.38, paras 79.
299. Claim 1.2.38, para 81; submission 3.4.151, paras 249–258.
300. Submission 3.4.151, paras 249–258.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifttings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

See section 17.4 for our discussion and findings on Māori returned service personnel.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the
areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Tongariro Power Development Scheme Lands Claim (Wai 1196)

Named claimants
Merle Maata Ormsby, Tiaho Pillot, Daniel Ormsby, and Manu Patena

Lodged on behalf of
Themselves and Ngāti Hikairo

Ngāti Hikairo describe themselves as ‘the people of the Rotoaira Basin and te maunga o Taurewa.’ They emphasise their separateness from other Te Rohe Pōtae claimant groups, including Ngāti Hikairo of the Kāwhia region; the two are kin, but distinct and independent groups. They also state that, ‘[w]hile there is some sharing of whanaungatanga and historical events with hapu of Ngāti Tuwharetoa, Ngāti Hikairo have an extensive rohe with their own distinct interests.’ While Ngāti Hikairo do not have a large interest in Te Rohe Pōtae, they submit they do have interests in the Okahukura, Taurewa, Oraukura, Ruamata, Whangaiepeke, Ngapuna, Rangipo, Kaimanawa, and Owhaoko blocks. Their marae are Otūkou (at Rotoaira), Pāpākai (Rotoaira), and Te Rena (Kākāhi).

Takiwā
Taumarunui. Ngāti Hikairo interests are limited to the area encompassed within the 1883 petition boundary. Even though it may not be easily identifiable within the Te Rohe Pōtae inquiry district boundary, the claimants lodge their claim due to the prejudice they faced as an iwi due to Crown actions and omissions that undermined their mana and autonomy as tangata whenua and kaitiakitanga over their lands and waterways. These claims may be outside the Te Rohe Pōtae inquiry district boundaries in terms of physical lands; however, the claimants say the people affected by the prejudice and breaches are of Te Rohe Pōtae.

Other claims in the same claim group
37, 933, 1196. All three claims were lodged by Ngāti Hikairo claimants. In 2008, the Tribunal agreed to claimant counsel’s request to consolidate their claims together in the Te Rohe Pōtae district inquiry (as had been done already in the Central North Island, National Park, and Whanganui inquiries, where Ngāti Hikairo also gave evidence). Soon after, the three claimant groups filed a consolidated statement of claim that replaced and incorporated the individual claims already filed. Wai 37 was described as the ‘umbrella’ claim in this Ngāti Hikairo claim ‘cluster.’

301. Submission 3.4.227, p 4.
303. Submission 3.4.227, p 5.
304. Claim 1.1.1(e), p 3; Waitangi Tribunal, Te Kāhui Maunga, vol 1, pp 49–50.
305. Memorandum 3.4.239, p 3.
306. Memorandum 3.1.170, paras 1–9; memo 2.2.59.
Summary of claim

The original Wai 1196 claim (2004) makes allegations about the Crown’s acquisition of Ngāti Hikairo lands under the Public Works Act 1928 for the Tongariro Power Development scheme.\(^{308}\) The claimants say the scheme significantly changed land and waterways within their rohe, particularly Lake Rotaira, and had considerable negative impacts – environmental, social, cultural, and spiritual.\(^{309}\) They allege the Crown denied Ngāti Hikairo opportunities to participate in managing the power scheme or otherwise benefit from it, despite it using their natural resources.\(^{310}\) Later, they add that the Crown took more land than it needed for the power scheme and failed to return unused land.\(^{311}\)

These allegations are developed in the consolidated and final statements of claim filed by the Ngāti Hikairo claim cluster (Wai 37, Wai 933, and Wai 1196). New allegations are added – including, in the consolidated claim of May 2008, about the adverse social impacts on claimants of the failure of legislation to recognise whāngai. Further, the claimants say that the Tohunga Suppression Act 1907 was aimed at supressing traditional Māori forms of healing and knowledge.\(^{312}\) These allegations are also raised in the Wai 1196 claimants’ specific closing submissions (see below).

However, neither allegation features in the cluster’s final statement of claim, filed in December 2011. There, claimants identify multiple Crown actions and policies that adversely affected Ngāti Hikairo interests in land and other resources, and breached the Treaty.\(^{313}\) Their causes of action concern old (pre-Treaty) land claims; the Crown’s military interventions in the district and the subsequent raupatu; breaches of the Te Ōhākī Tapu compact; the acquisition of their land for the railway, scenic reserves and other purposes; the introduction and operation of the Native Land Court and associated survey requirements; Crown purchasing practices; the delegation of power to local government and its effects (including environmental); the introduction and application of public works legislation; the Crown’s regime for managing minerals; the creation of Māori land boards; twentieth century land alienations (which resulted in Māori losing access to certain lands and having others vested in the Māori Trustee or brought under various development schemes); the loss of Māori ownership and control over the foreshore and seabed; and a raft of Crown “mechanisms and processes [that] have resulted in the claimants being rendered virtually landless today.”\(^{314}\)

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this

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308. Claim 1.1.84, p 3.
309. Claim 1.1.84(a), p 21.
310. Claim 1.1.84(a), p 24.
311. Submission 3.4.239, p 4.
312. Claim 1.1.84(a), pp 34–35.
313. Claim 1.2.128, pp 4–57.
314. Claim 1.2.128, p 55.
conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V). The following finding from section 23.3.6 is especially relevant to the Wai 1196 claim’s allegation about the Tohunga Suppression Act 1907:

  We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the
Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown's actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

Any additional Tribunal findings on local allegations or claims

In their claimant-specific closing submissions (2014), the Wai 1196 claimants repeat allegations about the adverse social impacts of the Native Lands Act 1909 and the Adoption Act 1909 that appear in the cluster’s consolidated claim (May 2008). The same allegations were first made by Ngāti Hikairo during the National Park Inquiry and the claimants say they remain ‘valuable points of discussion’ in this inquiry also.315

First, they note that the National Park Tribunal did not make findings on Ngāti Hikairo claims that the Crown failed to properly allow for the practice of whāngai when it passed the two acts in 1909. This issue’s omission from the National Park inquiry report was ‘unfortunate’, the claimants state, as ‘the succession of their lands was affected because of such Crown legislation’.316

In fact, the National Park inquiry report did touch on the issue. The Tribunal acknowledged the allegation that the Crown failed to properly allow for the practice of whāngai in the Native Lands Act 1909 and the Adoption Act 1909, which Ngāti Hikairo set out in its initial consolidated statement of claim (2005). However, the Tribunal noted that Ngāti Hikairo had not included the allegation in its amended statement of claim (2006). Nor had they raised it in evidence or submissions. For this reason, the Tribunal chose not to discuss the allegation in its report.317

The situation is similar in this inquiry. The claimants raise the issue of whāngai in their consolidated statement of claim (2008), alleging ongoing prejudice due to the failure of the Native Lands Act 1909 to ‘recognise the customary laws associated with the tikanga of whāngai’. The claimants say their tupuna Waaka Te Waaka (whangai to Te Waaka Reupena) was ridiculed and rejected by his birth parents, while his descendants have been told ‘they do not belong, that they are pohara, that they have nothing and they will always have nothing’. Their ability ‘to manaaki their whaanau/hapu and manuhiri has been prejudicially hindered’ as a result. The claimants also allege that the Adoption Act 1909 remains ‘the cause of hatred and animosity towards the family of Waaka Te Waaka from his siblings and their siblings to today’.318

Their claimant-specific closing submissions return to the issue, arguing that the two 1909 acts allowed the Crown ‘to alter and create land owner lists through adoption[,] potentially damaging and crossing genuine whakapapa lines’. This

315. Submission 3.4.239, pp 2–3.
316. Submission 3.4.239, p 5.
318. Claim 1.1.84(a), p 34.
meant land owners could lose control of their whakapapa, they allege: ‘instead the Crown is creating and making their whakapapa in the most unnatural way[,] demoralising the people of Ngāti Hikairo.’ At hearings, claimant Daniel Ormsby told us that ‘the consolidation of acts within the Native Lands Act 1909 led to the ability to alter and create land owner lists through adoption as well as unnatural human status on land.’

Yet there was no Adoption Act 1909. The claimants’ allegation appears to refer to Section 161 of the Native Lands Act 1909, which provided that ‘no adoption in accordance with Native custom, whether made before or after the commencement of this Act, shall be of any force or effect whether in respect of intestate succession to Native land or otherwise.’ This abolished the legal recognition of the practice of customary adoption (or whāngai) by the Native Land Court, and replaced it with the power to make adoption orders carrying the same legal effect as an adoption under the Infants Act 1908, which severed legal ties to the adoptee’s birth parents. Both before the legislative changes introduced by the Native Lands Act 1909 and after, the Native Land Court process did not recognise or give effect to the practice of whāngai in a way that was consistent with tikanga Māori. Of particular concern was that the native land regime allowed for interests in land to pass to those without whakapapa. However, this issue does not feature in the cluster’s amended statement of claim (2011), and we heard no further detail on the matter in evidence.

Therefore, having considered all the evidence presented to us, we consider this specific allegation is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

319. Submission 3.4.239, p.6.
Claim title
Ngāti Tumanuka Waimarino Lands Claim (Wai 1197)

Named claimants

Lodged on behalf of
The descendants of Tumanuka and their hapū Ngāti Tumanuka322

Takiwā
Taumarunui. Ngāti Tumanuka are a hapū of the upper Whanganui iwi and have wide interests in the southern Te Rohe Pōtae. Their claim particularly concerns the Waimarino block.323

Other claims in the same claim group
1073, 1197, 1388, 1738. All these claims concern political issues relating to the Kīngitanga and the Te Rohe Pōtae district.324 The claimant hapū are from the Upper Whanganui region.325

Summary of claim
The original Ngāti Tumanuka statement of claim raises a number of issues related to the Native Land Court process in the Waimarino block, and Crown purchasing in the claimants’ lands there.326 However, these issues were addressed in the Whanganui Lands Inquiry. In this inquiry, Ngāti Tumanuka’s final statement of claim thus focuses instead on the southern boundary of Te Rohe Pōtae as defined by the 1883 petition.327

In these pleadings, the claimants raise allegations relating to the Crown’s breach of Te Ōhākī Tapū and the North Island Main Trunk Railway.328 They claim that the Government failed to consult with Ngāti Tumanuka prior to a survey commencing along the proposed route of the North Island Main Trunk Railway, and that they were threatened with the use of armed force if they did not agree to the survey.

In joint closing submissions produced with the Wai 1388 claimants, Ngāti Tumanuka contend that they had agreed to allow the railway to be constructed on the basis that they would retain rangatiratanga over their lands, and there would be an economic benefit.329 However, the claimants assert that the Crown

321. Final SOC 1.2.50; Henry Haitana was added as a named claimant in 2006: claim 1.1.85(a); Adam Haitana was added as a named claimant in 2008: claim 1.1.85(b).
322. Final SOC 1.2.50, para 1.
323. Final SOC 1.2.59, paras 2–4.
324. Submission 3.4.75, para 2.
325. Submission 3.4.209, p 2; submission 3.4.206, pp 3–4; submission 3.4.207, pp 3–5.
326. Claim 1.1.85, p 2.
327. Final SOC 1.2.50, p 5.
328. Final SOC 1.2.59, p 7.
329. Submission 3.4.209, paras 62–64.
misinformed Māori owners about the amount of land required for the railway and its intentions to acquire a significant estate around the proposed route. Further, they allege that the Crown promised work contracts to the claimants which never eventuated. Finally, they allege that the Crown misled Whanganui Māori about increases in the value of land along the rail route, instead enacting laws to ensure that the government benefited from this increase in value.\footnote{Final soc 1.2.85, paras 8, 13, 18, 23, 25, 29.}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

  In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

  We discuss the construction of the North Island Main Trunk Railway at section 9.4.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
Claim title
Ôhura South B and Associated Land Blocks Claim (Wai 1203)

Named claimants
Lois Jean Tutemahurangi, Ihaia Te Akau, and Piripi Tutemahurangi (2004)335

Lodged on behalf of
Themselves, the descendants of Tutemahurangi and Waikura, and the descendants of Te Tarapounamu332

Takiwā
Taumarunui. The claim relates to the area occupied by the claimants’ tūpuna, which includes land in the Ôhura South, Ôhura South B, and Rangitoto–Tuhua blocks, and between the junction of the Ōngarue and Whanganui Rivers south to Piriaka and Kakahi. The claimants’ rohe lies across the Te Rohe Pōtae and Whanganui inquiry districts.333

Other claims in the same claim group
1147, 1203. The claimants are whanaunga, in particular through their tūpuna connection with the brothers Kopere Tanoa I and Tutemahurangi. They share whaka-papa links to Ngāti Hinemihi, Ngāti Hinewai, and Ngāti Wera.334

Summary of claim
The original statement of claim addresses the claimants’ rights in the Ôhura South B block, and the Whanganui, Whakapapa, and Ôhura Rivers.335 The claimants told the Tribunal that they seek to heal their disconnection from their land in Te Rohe Pōtae and hold the Crown accountable for its breaches of the Treaty of Waitangi.336 They claim that they were prejudicially affected by Crown acts and omissions related to the native land regime; Crown purchasing; public works takings; the Crown’s failure to assist in the development of the claimants’ remaining lands; the imposition of survey costs and rating demands on their lands; and Crown policy towards scenic reserves and land management.337 However, the Ôhura South blocks were not included within the Te Rohe Pōtae inquiry district, and issues related to these blocks were inquired into in the Whanganui Lands Inquiry.338

331. Final SOC 1.2.38.
332. Final SOC 1.2.38.
333. Final SOC 1.2.38, pp 2, 5.
334. Final SOC 1.2.38, p 4; doc R1(b) (Le Gros), p 2; submission 3.4.151, p 9; doc R3(d) (Tutemahurangi), p 1.
335. Claim 1.1.86, para 1.4.
337. Claim 1.1.86, para 2.1.
338. Waitangi Tribunal, He Whiritaunoka, vol 2, secs 15.3.2(4)(c), 15.4.6(4), 16.3.3(b).
In this inquiry, the Wai 1203 claim was subsequently amended to address the claimants’ interests in the Rangitoto–Tuhua block. In the amended statement of claim, the claimants make further allegations that the Crown failed to ensure that claimants retained sufficient land in the Rangitoto–Tuhua block, and it failed to more generally protect their lands, forests, fisheries, and other taonga. The claimants also allege that the Crown failed to protect their tino rangatiratanga, and that as a result of its actions and omissions, they were unable to develop and manage their lands and resources in a manner consistent with their cultural preferences.339

In 2011, this claim joined with the claim brought by the Wai 1147 claimants, and a final statement of claim was filed.340 These pleadings contain allegations regarding various broad issues affecting the claimants and their lands, including Te Ōhākī Tapu; the Native Land Court which determined title in the claimants’ Rangitoto–Tuhua blocks; the imposition of high costs from the survey of these lands; Crown purchasing; lands taken for the North Island Main Trunk Railway; the Crown’s use of public works legislation; district Māori land boards, which were empowered to manage and alienate lands; the development and consolidation of lands; the Crown’s land development schemes and efforts to consolidate title; the empowerment of local government bodies; the Crown’s failure to protect the claimants wāhi tapu; and its failure to adequately provide access to appropriate health and education services.341

The claimants also raise a specific allegation relating to the proposed settlement of Māori servicemen on Māori land, namely the Rangitoto–Tuhua 35 and Maraeroa c blocks. They claim that the Crown did not follow through on its promise to assist the returned servicemen in this way.342 A further specific claim concerns the Ōngarue and Taringamotu Rivers.343 The claimants say that the health of both rivers is of great concern to them and claim the rivers have been impacted by pollution and quarrying in the area.344

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

339. Claim 1.1.86(a), para 2.
340. Claim 1.2.38, para 11.
342. Claim 1.2.38, para 79.
343. Claim 1.2.38, para 81; submission 3.4.151, paras 249–258.
344. Submission 3.4.151, paras 249–258.
› Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

› The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

› The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

› The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

› The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

   In section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs on Māori land.

› The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

› The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

› The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

› Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

See section 17.4 for our discussion and findings on Māori returned service personnel.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Uenuku Tūwharetoa Lands and Minerals Claim (Wai 1224)

Named claimants
Robert Wayne Cribb and Roberta Rose Williams

Lodged on behalf of
All descendants of Uenuku Tūwharetoa

Takiwā
Taumarunui. Claimants say they have interests in Waimarino, Taumatamahoe, Whitianga, Waharangi, Urewera, Pipiriki Township, Taku, Huikumu, and Poutahi.

Other claims in the same claim group
555 (Tamahaki), and 1224 (Uenuku Tūwharetoa), Both groups descend from the ancestor Tamahaki. The Wai 1224 claimants describe their claim as ‘essentially a whanau claim under the “umbrella” Tamahaki claim,’ adding that ‘where the Wai 555 claim stands, the Wai 1224 claim stands also.’

Both claims are also part of the National Park and Whanganui inquiries. The claimants’ interests in the Te Rohe Pōtae district inquiry stem from the participation of Whanganui groups in the 1883 petition (see section 8.2.3.3) and through the claimants’ interests in the Waimarino block, the northern part of which was included in the 1883 petition boundary.

Summary of claim
The original Wai 1224 claim (2004) concerns the Crown’s actions and operations in the purchase and confiscation of all the lands within Waimarino, Ngapakihi, Raetiki, and Uruwera blocks that belonged to Uenuku Tūwharetoa.

In 2008, the claimants lodged another statement of claim, alleging that the hapū have been adversely affected by Crown policies and practices relating to political engagement, including Te Ōhākī Tapu; land alienation and the operation of the Native Land Court and Native Lands Acts; and socio-economic issues.

In 2011, the Tamahaki and Uenuku Tūwharetoa claimants also lodged a conjoined amended statement of claim. There, claimants allege the Crown breached the Treaty in relation to the Kingitanga, Te Ōhākī Tapu, the Native Land Court, and Crown purchasing in relation to Whanganui interests in the Rohe Potae.

345. The original claim was lodged by Robert Wayne Cribb and Marina Ruuma Williams (deceased). In 2006, Roberta Rose Williams was added as a claimant: memos 1.1.87(a), 2.2.36.
346. Claim 1.1.87(b), pp 2–3.
347. Memorandum 3.1.169.
348. Claim 1.1.87(b), p 3.
349. Claim 1.1.87, p 1.
350. Claim 1.1.87(b), p 5.
These allegations were expanded on in submissions, which argue that the Crown breached the Treaty in regard to the environment.\textsuperscript{352} Both claims emphasise what the claimants call the ‘complicated’ position of Whanganui in the Rohe Potae block. They focus especially on Ōhura South, which they say is in the Rohe Potae block but not in the inquiry district.\textsuperscript{353} Instead, it is included in the Whanganui inquiry district. The claimants consider that inquiry does not ‘really concern itself particularly with the Sacred Compact, the negotiations between the Rohe Pōtāe and the chiefs, the surveys and so on. Yet this is the essential background to how the Ohura South block came to be.’\textsuperscript{354} However, they note that their interests are not confined to the Ōhura South block.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtāe district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtāe Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtāe Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part I).

Regarding the claimants’ specific allegations about the Ōhura South block, however, we reiterate the presiding officer’s 2007 decision that the block remain part of the Whanganui District Inquiry. To extend the boundaries of the Te Rohe Pōtāe Inquiry to include it and other areas ‘would give rise to considerable overlap with the CNI, National Park and Whanganui Inquiries’, which should be avoided.\textsuperscript{355}

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtāe Māori: see chapter 10 and the findings summarised in section 10.9 (part I).

\textsuperscript{351} Claim 1.2.36.
\textsuperscript{352} Submission 3.4.163(a).
\textsuperscript{353} Submission 3.4.71, p 8; submission 3.4.163, p 2. The Ōhura South block is discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 13.3.2 and 22.3.4.
\textsuperscript{354} Submission 3.4.71, pp 9–10.
\textsuperscript{355} Memorandum 2.5.21, pp 4–5.
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Ngāti Huru Claim (Wai 1230)

Named claimants
Tame Te Nuinga Tuwhangai, Wayne Anthony Houpapa, Abra Matena, Terry Turu, and Rangi Tahuri Te Ruruku[356]

Lodged on behalf of
Themselves and the hapū of Ngāti Huru[357]

Ngāti Huru is a hapū of Ngāti Maniapoto and Ngāti Te Kanawa ‘whose customary interests stretch along and over the Hurakia ranges and southwards, including the high ranges of Tuhua maunga.’[358]

Takiwā
Taumarunui. This claim relates to the original land blocks Hurakia, Rangitoto–Tuhua 9 (Potakataka), Rangitoto–Tuhua 10, Rangitoto–Tuhua 21 (Ngairo), and Rangitoto–Tuhua 51.[359] The claimants also describe themselves as holding customary interests in other blocks in the inquiry district, in Pureora South and Waituhi Forests, and in part of the Central North Island inquiry district.[360]

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by actions of the Crown in the Hurakia block and in the Rangitoto–Tuhua 9, 10, 21, and 51 blocks[361] which breached the Treaty. Those actions include the Crown’s failure to protect Ngāti Huru land and waterways, its extinguishment of their economic base, and the Crown’s dismantling of their cultural and spiritual values.[362]

In the second amended statement, the claimants allege 11 breaches of the Treaty by the Crown: disregard of Te Ōhākī Tapu; Ngāti Huru hapū landlessness resulting from the Crown’s failure to ensure they retained sufficient land; the alienation of Māori land and the Native Land Court; surveys and survey costs; Crown

[356. Submission 3.4.168(a). The statement of claim filed in October 2004 was brought by Tame Tuwhangai, Dean Houpapa (deceased), Abra Matena, and Terry Turu (2004). Rangi Te Ruruku was added to the claim from 2008 and Wayne Houpapa from 2011: claim 1.1.88; claim 1.1.88(a); claim 1.1.88(b); memo 2.2.145.
357. Claim 1.1.88(a); submission 3.4.168(a).
358. Submission 3.4.168(a), p 3.
359. Claim 1.1.88, p [2].
360. Claim 1.1.88(a), p 3.
361. Rangitoto–Tuhua 9 is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 13.3.4, 13.3.7.1, 13.3.7.3, 13.3.8, 13.5.1–13.5.4, and 14.4.2.4 and tables 13.6–13.8. Rangitoto–Tuhua 10 is referred to in section 14.3.2 (fn 69). Rangitoto–Tuhua 21 is discussed in section 14.4.1 and, with Rangitoto–Tuhua 51, is also referred to in section 14.4.3.1.
362. Claim 1.1.88, p [4].]
purchase policy, practices, and acquisition of Māori land; public works takings; local government; rating issues; socio-economic deprivation; loss of taonga tuku iho; and the hapu’s inability to participate in and exercise autonomy over resource management and environmental issues.363

The opening submission for the claimants states that ‘at the centre of the Ngāti Huru claim is the Crown’s failure to recognise and provide for the tino rangatiratanga of the claimants in relation to their whenua, kāinga, awa and other taonga’. It lists the key issues for Ngāti Huru as land loss caused by the Native Land Court, survey costs, the Waikato-Maniapoto Land Board and Crown purchasing; environmental issues; and the loss of their social and economic position.364

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land

363. Final SOC 1.2.45, pp 2, 9.
364. Submission 3.4.69, p 2.
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Hekeawai Land Block Claim (Wai 1299)

Named claimants
Te Poumua Francis Rupe and Para Bell (2007)\textsuperscript{365}

Lodged on behalf of
Ngāti Hekeawai.\textsuperscript{366} A hapū of Maniapoto, they are also known as Ngāti Heke, Ngāti Wiwi, and Ngāti Kurawhatia.\textsuperscript{367}

Takiwā
Taumarunui. This claim relates to the Ōhura, Pukenui, and Rangitoto–Tuhua blocks. Ngāti Hekeawai land and customary interests lie in both the Te Rohe Pōtāe and Whanganui inquiry districts.\textsuperscript{368}

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by actions of the Crown in taking the Ōhura South N (Pongahuru) block under the Native Land Court Act 1865 (survey liens) and the Public Works Act 1908 (for roadways). They say they have also been prejudiced by the taking of land for electric power board purposes and for the Taumarunui hospital reserve. In addition, the claimants allege the Te Peke Marae and papakāinga has been taken and sold by various means, culminating in ‘the momentous loss of our Marae/Turangawaewae, Wharepuni, Wharekai, and the Maori King’s place of residence’ and terminating their ability to extend aroha and hospitality.\textsuperscript{369}

The amended statement of claim sets out eight causes of action: Crown failure to protect the land base and other resources of Ngāti Hekeawai; subdivision of Rangitoto–Tuhua; the exploitation of minerals found on hapū lands; failure to protect reserves set aside to Ngāti Hekeawai; loss of socio-economic ability; failure to ensure adequate housing; the Native Land Court legislation, practices, and policy; and failure to ensure hapū autonomy.\textsuperscript{370}

In closing submissions, the claimants state that the evidence substantiates that Ngāti Hekeawai are virtually landless, due to processes introduced by the Crown.

\textsuperscript{365} The Wai 1299 claim was brought by Inuhaere Lance Rupe in 2005. In 2007, his brother Te Poumua Rupe and Para Bell became co-claimants. Inuhaere Rupe passed away in 2009: submission 3.4.234, p 2; claim 1.1.90; claim 1.1.90(a); doc R25 (Rupe), p 2.

\textsuperscript{366} Final SOC 1.2.59. The original statement of claim expressed this as having been made on behalf of ‘my whanau and my hapu, Ngāti Hekeawai’: claim 1.1.90, p [1].

\textsuperscript{367} Final SOC 1.2.59, p 4; submission 3.4.234, p 2.

\textsuperscript{368} Final SOC 1.2.59, pp 3–4; submission 3.4.234, pp 3–4; claim 1.1.90, p [1].

\textsuperscript{369} Claim 1.1.90, pp [1]–[2].

\textsuperscript{370} Final SOC 1.2.59, p 2.
They add that the Crown failed to set aside adequate reserves, to safeguard the claimant’s mineral resources or to ensure adequate housing. In addition, they comment that it is well known that alcohol was used as an inducement to facilitate land sales. \(^{371}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtæ Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

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371. Submission 3.4.234, p 18.
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Tamakana, Ruakopiri, and Maringi Mana Whenua Claim (Wai 1388)

Named claimants
Matiu Haitana, Rangi Bristol, Raymond Rapana, Garth Hiroti, Aiden Gilbert, and Patrick Te Oro (2007)

Lodged on behalf of
Ngāti Tamakana, Ngāti Ruakopiri, and Ngāti Maringi. These hapū ‘affiliate themselves to Patutokotoko ki Manganui A Te Ao, Whanganui’.

Takiwā
Taumarunui. This claim relates to land in the Rangitoto–Tuhua 2 (Pukuweka) block. Ngāti Tamakana, Ngāti Ruakopiri, and Ngāti Maringi say they ‘exercised mana whenua with the Te Rohe Potae boundary in the Upper Whanganui region, extending into the Rangitoto–Tuhua block.

Other claims in the same claim group
1073, 1197, 1388, 1738. All these claims concern political issues relating to the Kīngitanga and the Te Rohe Pōtae district. The claimant hapū are from the Upper Whanganui region.

Summary of claim
The original Wai 1388 claim addresses the Crown’s alleged failure to protect ‘hapu whenua’ within the rohe of Ngāti Tamakana, Ngāti Ruakopiri, and Ngāti Maringi. The claimants raise allegations relating to the Crown’s use and extraction of resources from their lands without adequate compensation or consultation; the Crown’s failure to respect the claimants’ wishes as expressed in the 1883 petition; and the Crown’s misrepresentations and deception concerning the survey of the claimants’ lands and the boundary of Te Rohe Pōtae. The claimants further allege that the Crown encouraged upper Whanganui chiefs to withdraw their lands from Te Rohe Pōtae, and to make separate applications to the Native Land Court. This, they argue, led to further alienations of their lands.
In an amended statement of claim, Ngāti Tamakana, Ngāti Ruakopiri, and Ngāti Maringi further develop their allegations regarding Te Ōhākī Tapū and the survey of the external boundary of Te Rohe Pōtae. In particular, the claimants say that the Crown failed to ‘acknowledge and respect the rangatiratanga of the claimants’ hapū across the aukati line’. They claim that the external boundary was intended to represent the interests of all those hapū who had supported the Kingitanga, not to form a tribal boundary for Ngāti Maniapoto. Furthermore, they claim that the Crown promoted the applications of Whanganui hapū to the Native Land Court, which it knew would compromise the boundary of Te Rohe Pōtae. The claimants contend that this was done in the Waimarino block which overlapped with the boundary. They also allege that the survey of the Te Rohe Pōtae boundary was not completed in a reasonable time.

The claimants also raise a specific local claim concerning the Crown’s failure to protect the claimants’ interest in the Rangitoto–Tuhua No 2 block. However, the claimants did not pursue this issue further in their closing submissions.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

381. Final soc 1.2.46, para 5.
382. Final soc 1.2.46, para 5.
383. Final soc 1.2.46, para 19.
384. Final soc 1.2.46, para 15.
385. Submission 3.4.209, para 72. The Waimarino block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.2.1, 8.9.3–8.9.4, 8.10.2.4, 11.3.2, 11.3.3–11.3.3.3, and 11.3.3.5.
386. Final soc 1.2.46, para 24.
387. Final soc 1.2.46, para 28. Rangitoto–Tuhua 2 is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.3.7, 10.7.2.1.2, and 10.8.
388. Submission 3.4.209.
In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

We discuss the construction of the North Island Main Trunk Railway at section 9.4.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
Claim title
Te Whare Ponga Taumatamāhoe Incorporated Society and Te Whare Ponga Whānau Trust Claim (Wai 1393)

Named claimants
Rosita Dixon, Phillip Ponga, Sharlane Winiata, and Geraldine Taurerewa

Lodged on behalf of
Tamahaki, Uenuku, Ngāti Hinekura, Ngāti Rangitautahi, Tamakana, Ngāti Ruru, Ngāti Pare, and Ngāti Tumanuka, ‘within whose traditional rohe the claim area is located’

Takiwā
Taumarunui. The claimants describe the claim area as lying in the southern region of Te Rohe Pōtae and including Ōhura South, Waimarino, Taumatamahoe, and Maraekowhai.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim has been pursued predominately in the Whanganui and National Park district inquiries. However, claimants say their ‘familial relationships and political allegiances draw them northward’ into this inquiry.

The initial statement of claim (2007) was lodged in the Whanganui district inquiry. There, the claimants’ grievances concern the Crown’s ‘occupation’ of the Taumatamahoe block, the inclusion of Waimarino land blocks as a ‘public domain under the terms of the Whanganui River Trust Act 1891’ and the desecration and non-recognition of burial grounds within the ‘Wanganui National Park’.

In the amended statement of claim (2011), particularised to the Te Rohe Pōtae inquiry, claimants say the upper Whanganui supporters of the Kīngitanga maintained an aukati on the Whanganui river from around 1860 to 1885. The aukati included ‘the entire Taumatamahoe block . . . apart from a small area downstream from Parinui’. The claimants allege that attempts to maintain the aukati were weakened by Government negotiations and undermined by the operations of the Native Land Court. They also allege the Crown aggressively purchased Māori land on the upper Whanganui River, which had been pledged to the Kīngitanga, and failed to recognise the traditional authority and control of upper Whanganui iwi and hapū beyond the aukati.

392. Submission 3.4.74, p 1.
393. Claim 1.1.277.
394. Claim 1.2.39, p 3.
The claimants say they these Crown acts and omissions have caused them prejudice, particularly the fragmentation of their land holdings and resources. They argue that the Crown’s actions have prevented ‘the proper economic utilisation and development of their remaining land and resources’, and that they have been ‘hampered’ in their exercise of tino rangatiratanga.395

The claimants’ opening submissions focus on their rangatira Taumatamahoe and refer to his efforts and actions in support of the Kingitanga, particularly his stance against selling, leasing, or mortgaging the land.396

**Is the claim well founded?**

This claim is part of the Te Rohe Pōt ae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōt ae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōt ae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).

396. Submission 3.4.74, p. 1.
Claim title
The Ngāti Hotu Rohe Claim (Wai 1408)

Named claimant
Monica Matamua

Lodged on behalf of
Ngāti Hotu and Ngāti Hinewai

Takiwā
Taumarunui. The Ngāti Hinewai rohe ‘commences at Ruapehu, extending north to Matapuna at Taumarunui, then heading west to Mokau.’ The claim has been pursued in the Central North Island, National Park, Whanganui, and Te Rohe Pōtae inquiry districts.

Other claims in the same claim group
Not applicable.

Summary of claim
The initial statement claim (2007) alleges that the hapū have been prejudiced by the actions of the Native Land Court because they were ‘left out’ of the Rangitoto–Tuhua block when it went through the Native Land Court. It also alleges no compensation was paid when their lands were taken for the North Island Main Trunk Railway.

These allegations are expanded in the amended statement of claim (2011), which states the Crown has breached the Treaty as it failed to actively protect Māori in possession of their tino rangatiratanga by ‘imposing and manipulating imposed systems to unravel the tapestry of connections that defines the identities and ways of life of Tangata Whenua.’

It argues the Crown has undermined and trampled the mana taketake of tangata whenua; utilised mechanisms and processes to manipulate and control the relationships that exist between the region’s polities; intervened and imposed foreign values that have destroyed traditional leadership; dislocated social relationships between hapū and whānau; and imposed colonial systems of land tenure and adversarial court structures forcing tangata whenua to choose between and prioritise multiple descent lines to ensure their connections to land can be maintained. Further, the claim says the Crown has breached the Treaty in facilitating
the alienation of the Mokau–Mohakatino block. As a result of these alleged breaches, hapū have suffered prejudice that includes the continuing erosion of rangatiratanga and the destruction of the traditional land tenure system and social/leadership structures.

The claimant’s briefs of evidence emphasise her tūpuna’s support for Te Rohe Pōtae leadership, stating one of the ‘great leaders’, Te Pikikotuku, was involved in Te Ōhākī Tapu and was a signatory of the 1883 petition. She argues that Te Ōhākī Tapu was ‘breached before it was even formed’ and her tūpuna was oppressed by the Crown.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

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404. Claim 1.2.118, pp 5–6. The Mokau–Mohakatino block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 7.4.4.2, 7.4.4.5, 8.6.7, 8.9.1.6, 8.9.3.4, 8.10.2.4, 11.2.2, 11.6, and 11.6.4–11.6.6.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
Claim title
Mahuta Hapū Lands and Resources Claim (Wai 1435)

Named claimants
Anne Kimiora Craig, Ann-Marie Taitoko, and James Craig (2007)⁴⁰⁸

Lodged on behalf of
Themselves and Ngāti Hikairo and Mahuta⁴⁰⁹

Takiwā
Taumarunui

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the Rangitoto–Tuhua, Maraeroa, Taringamotu A, Kawhia, Pukemakoiti, Waimihia, Te Tarake, Kokomiko, and Te Tarata land blocks, from whose original owners the claimants are descended.⁴¹⁰ The claimants allege the Crown has ‘taken or marginalised’ these lands and waters through various acts and omissions, including harbour acts, payment of survey liens, public works takings for road and railway, desecration of wāhi tapu, punitive action in response to non-payment of local body rates and demands for rates to be paid on landlocked Maori land, and seabed and foreshore confiscation. The claimants also allege that riparian water rights and mining rights remain with the original owners of the land blocks and their descendants.⁴¹¹ Claimants argue that the Crown has used legislation, ‘in all its various forms’ to alienate tangata whenua of their lands in the listed blocks. They say that the grievances the Crown has created have resulted in ‘generations of landless and culturally dispossessed people’ in their rohe and are contrary to the principles of the Treaty.⁴¹²

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that the claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

⁴⁰⁸ Claim 1.1.107.
⁴⁰⁹ Claim 1.1.107, p [2]; memo 2.1.107.
⁴¹⁰ Claim 1.1.107.
⁴¹¹ Claim 1.1.107, pp [1]–[2].
⁴¹² Claim 1.1.107, pp [1]–[2].
Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV)

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Hinemihi Lands and Resources Claim (Wai 1447)

Named claimants
Ihaia Corbet Te Akau, Dominic Otimi, and Edwin Ashford (2007)\textsuperscript{413}

Lodged on behalf of
Themselves and Ngāti Hinemihi

The claimants are descendants of Hinemihi, ‘the founding ancestor of Ngāti Hinemihi, a hapu of Ngāti Tuwharetoa.’\textsuperscript{414}

Takiwā
Taumarunui. The Ngāti Hinemihi rohe lies across the Central North Island and Te Rohe Pōtae inquiry districts. Within Te Rohe Pōtae, their core lands are in the Rangitoto–Tuhua block: ‘The area was extensive and stretched from the watershed of Titirauranga, along the Waikato at Mangakino, following the Hurakia range southwards to Tuhua.’\textsuperscript{415} This claim concerns several of the Rangitoto–Tuhua blocks, as well as Petania Marae and urupā.\textsuperscript{416}

Other claims in the same claim group
Not applicable.

Summary of claim
Land loss is the major theme of the Ngāti Hinemihi (Wai 1447) claim. The claim stresses that the interests of Ngāti Hinemihi, which previously extended across Puketapu and several Rangitoto–Tuhua blocks, have been reduced to a 363-acre block under lease, and a landlocked five-acre marae and urupā block.\textsuperscript{417} The claimants argue that the Crown has failed to ensure Ngāti Hinemihi retained sufficient lands to meet their needs,\textsuperscript{418} and instead, through various actions and omissions, facilitated the alienation of their land interests.\textsuperscript{419} The claim further addresses the alleged imposition of a flawed process for allocating land ownership, the promotion of the individualisation of title, and the enabling of the vesting of lands in the Māori land board and later the Māori Trustee without the consent of owners.\textsuperscript{420} The alleged continuing loss of lands for public works is also highlighted.\textsuperscript{421} The

\textsuperscript{413} Claim 1.1.111; submission 3.4.187.
\textsuperscript{414} Claim 1.1.111, p.2.
\textsuperscript{415} Claim 1.1.111, p 2; submission 3.4.187, p.3.
\textsuperscript{417} Submission 3.4.187, p.11.
\textsuperscript{418} Final SOC 1.2.88, p.3; submission 3.4.187, pp 3, 11.
\textsuperscript{419} Submission 3.4.66, p.1.
\textsuperscript{420} Submission 3.4.187, pp 15–19, 28; submission 3.4.66, p.5. The closing submissions in reply also highlight the actions taken to remove alienation restrictions when the Crown was the purchaser: submission 3.4.187, pp 4–5.
\textsuperscript{421} Submission 3.4.187, pp 25–27.
claimants also raise a specific claim concerning the fate of the Te Kopani wharenui. First of all, the claimants say that a survey line was put through it, and after it was divided in two, the location of Ngāti Hinemihi’s share of the wharenui, Petania Marae, has been left landlocked by subdivision, so that the neighbouring landowner’s permission must be asked to access it.\textsuperscript{422}

The claimants also say that the Crown failed to support Ngāti Hinemihi’s economic development; that the promised benefits of the North Island Main Trunk Railway did not materialise, and that the Crown did not pay a fair market value for the timber taken for the railways’ construction.\textsuperscript{423} Similarly, they claim that the Crown has not given compensation for its various public works takings.\textsuperscript{424} The claim states that the reckless removal of timber for the railway, and diversion of part of the Taringamotu River, has caused the local environment to suffer from increased flooding and erosion.\textsuperscript{425}

In relation to economic advancement, the claimants address the educational barriers Ngāti Hinemihi have allegedly faced, such as the concentration on vocational training for Māori students, as opposed to academic learning, and disruption caused by school closures and staff turnover.\textsuperscript{426} The claim notes that one response to these economic challenges has been urban migration.\textsuperscript{427} The claimants say that the retention of traditional Māori knowledge was also undermined by the Tohunga Suppression Act.\textsuperscript{428} Other more general issues raised by the claim are the Crown’s alleged failure to actively protect Ngāti Hinemihi’s wāhi tapu and taonga, and to allow for the ongoing practice of tikanga, such as when hunting or fishing or harvesting food resources.\textsuperscript{429}

The claimants adopt generic pleadings on Te Ōhāki Tapu, Native Land Court, Crown purchasing, land alienation, North Island Main Trunk Railway, public works, vested lands, Māori land administration, land development schemes, local government and rating, economic development, health, education, and environment.\textsuperscript{430} The Wai 575 generic Ngāti Tūwharetoa claim is also supported.\textsuperscript{431}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

\textsuperscript{422} Submission 3.4.66, pp 5–6.
\textsuperscript{423} Submission 3.4.66, p 4; submission 3.4.187, pp 32–33.
\textsuperscript{424} Final SOC 1.2.88, pp 14–15.
\textsuperscript{425} Final SOC 1.2.88, p 29; submission 3.4.187, pp 32–33.
\textsuperscript{426} Final SOC 1.2.88, pp 28–29.
\textsuperscript{427} Submission 3.4.187, p 35.
\textsuperscript{428} Final SOC 1.2.88, p 30.
\textsuperscript{429} Submission 3.4.187, pp 4, 35–36.
\textsuperscript{430} Final SOC 1.2.88, pp 5, 9, 13, 16–18, 28–30.
\textsuperscript{431} Submission 3.4.187, p 1.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement

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schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

  We note the Tribunal finding that ‘the Crown’s actions in enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and the article 3 principle of options in terms of healthcare’ (see section 23.3.6).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any specific local allegations requiring additional Tribunal findings

The claimants raise a specific allegation concerning the circumstances of the landlocking of Petania Marae and urupā. This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

- our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Descendants of Te Hore Te Waa Nukuraerae Claim (Wai 1594)

Named claimant
Geraldine Taurerewa (2008)

Lodged on behalf of
Her whānau and the descendants of Te Hore Nukuraerae

Takiwā
Taumarunui.

This claim relates to land ‘taken by the Crown and mined for coal in the Ohura/Tangarakau region’ in connection with the ‘Tatu state mine’. The descendants of Te Hore Nukuraerae had interests in ‘a large rohe encompassing the southern area of the land pledged to the Kingitanga including the Waimarino, Taumatamahoe, Maraekowhai, Ohura South and Waiaraia blocks’, lying across the Whanganui and Te Rohe Pōtae inquiry districts.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges she and her whānau have been prejudicially affected by the Crown's land takings in the Ōhura–Tangarakau region. The sources of the prejudice they have allegedly suffered include the Crown’s failure to properly compensate the owners of land that was taken by the Crown and subsequently mined for coal.

The amended statement of claim adopts the following causes of action: breach of the Rohe Pōtae compact; Crown purchasing; the Native Land Court; and the failure to protect the claimants’ interests. The statement adds the specific allegation that the Crown failed to have regard for Māori interests in developing the Tatu and other mines of the Tangarakau coal field and failed to consult with Māori in its development. Ms Taurerewa’s brief of evidence expands on allegations related to the mine and the Crown’s non-payment for coal deposits and extraction; she also discusses the economic impact on local people of the mine’s closure.

432. Claim 1.1.278.
433. Submission 3.4.16(a), p.1.
434. Claim 1.1.278, p[1]; see also memorandum 3.1.326.
435. Final SOC 1.2.27, p.1.
436. Final SOC 1.2.27, p.5. The Ōhura–Tangarakau coalfields are discussed elsewhere in Te Mana Whatu Ahuru, including in section 21.5.2.1.
Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
• Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

• The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

• The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

• The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

• The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  The Ōhura–Tangarakau coalfield is included in our discussion of the regulation of mining and quarrying in Te Rohe Pōtae in section 21.5.2.1.

• The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

• The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Hurakia A1 Owners Claim (Wai 1597)

Named claimant
Phillip Crown (2008)438

Lodged on behalf of
The Hurakia A1 owners and associated whānau439

Takiwā
Taumarunui

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1597 claim addresses the alleged transfer of 109.21 shares in the Hurakia A1 block to the Crown.440 The claimant alleges that this occurred ‘sometime prior to 1999’, and that ‘the reason for this transfer or transfers is yet to be determined’.441

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

438. Claim 1.1.145, p [2].
440. The Hurakia A1 block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.5.4, 21.4.6.3, and 21.4.7.
441. Claim 1.1.145, p [2].
Our general findings in parts I–III (especially chapters 10–17) that the Native Land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Albert and Sophia Ketu Whanau Claim (Wai 1605)

Named claimant
Maxine Ketu

Lodged on behalf of
Herself, Ngāti Pourotu, Ngāti Te Ika of Ngāti Hikairo Iwi

Takiwā
Taumarunui. The Ngāti Hikairo rohe has the Waimarino Stream as the southern boundary:

The western boundary is the Makaretu stream situated at the back of National Park Township which runs into the Piopiotia stream and into the Whakapapa River. From there the boundary then follows over to the Whangaipeke Block then moving on to the maunga Waituhi, then to Kakareamea and down towards the Waihi village. Finally crossing over to Motu Taiko Island (on Lake Taupo) then onto Waitetoko then down to Korohe.

Other claims in the same claim group
965, 1044, 1605. The claimants are Ngāti Hikairo.

Summary of claim
The claimant alleges she and her whānau have been prejudicially affected by the Crown’s taking of land for the purpose of establishing a railroad, and for farm lots for Pākehā returned soldiers.

The joint Ngāti Hikairo amended statement of claim states that the Ngāti Hikairo rohe extends across four Waitangi Tribunal inquiry districts; Whanganui, National Park, Central North Island, and Te Rohe Pōtai. The statement alleges the Crown failed to uphold the rangatiratanga of Ngāti Hikairo, failed to recognise its laws and customs within Te Rohe Pōtai, and breached the Ōhākī Tapu agreement.

Ngāti Hikairo are descended from Hikairo, and from Puapua, a descendant of Tūwharetoa. The amended statement of claim says Ngāti Hikairo were a sovereign iwi in their rohe, and not a hapū of Ngāti Tūwharetoa. The statement alleges

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442. Claim 1.1.279.
443. Final soc 1.2.6, submission 3.4.227. The original statement of claim expressed this as being on behalf of the descendants of Rawiri and Ringahuia Ketu, Albert Ketu, for ourselves . . . on behalf of our whanau members . . . and on behalf of our future generations of whanau members': claim 1.1.279, p [1].
444. Claim 1.1.41(c), p 2.
445. Final soc 1.2.6, p 3.
446. Claim 1.1.279.
447. Final soc 1.2.6, p 5.
that the Crown wrongly classified Ngāti Hikairo as a hapū of Ngāti Tūwharetoa. Consequently, the claimants say the Crown failed to engage with Ngāti Hikairo and diminished their standing in Te Rohe Pōtae. The statement says Ngāti Hikairo had land taken for the North Island Main Trunk Railway, and not returned to them when not used for that purpose. It lists Taurewa as one of the blocks from which land was taken. Most of the railway land was in the National Park district, (where the bulk of Ngāti Hikairo land is), but some was in Te Rohe Pōtae. The statement alleges that the railway takings, and land taken for returned servicemen, denied Ngāti Hikairo the opportunity to develop these lands for their benefit.448

It is noted in closing submissions that there are several tūpuna called Hikairo. Counsel for this claim are representing Ngāti Hikairo of the Lake Rotoaia district, which is outside of Te Rohe Pōtae and near Mount Tongariro. Ngāti Hikairo allegations of Crown breaches of the Treaty in Te Rohe Pōtae are given as follows; political suppression, as the Crown did not treat them as a separate iwi; the Ōhākī Tapu, as Ngāti Hikairo did not receive the equal relationship with the Crown that had been promised; the North Island Main Trunk Railway, for which Ngāti Hikairo land was taken; returned servicemen, as Māori returned servicemen did not receive the same opportunities as Pākehā returned service men in the Waimarino block, where Ngāti Hikairo had customary interests; and economic development, as the loss of land prevented Ngāti Hikairo participation in the evolving economy.449

The submissions state that Ngāti Hikairo ki Tongariro were represented amongst the ‘five tribes’ involved in the 1883 negotiations with the Crown (being likely understood at the time to have joined this ‘collective enterprise’ under the ‘banner’ of either the Whanganui iwi or Ngāti Tūwharetoa, a ‘banner’ not diminishing of their mana and autonomy). The claimants also note having ‘whakapapa links’ to rangatira Hone Wetere of Ngāti Hikairo ki Kāwhia, who played a leading role in the negotiations with the Crown on behalf of Ngāti Hikairo ki Kāwhia. However, Ngāti Hikairo ki Tongariro was marginalised by the Crown after Te Ōhākī Tapu. The claimants allege that, when Ngāti Hikairo rangatira agreed to the compact, they expected that their autonomy would be respected. Instead, the Crown generally failed to interact with Ngāti Hikairo. The claimants consider that, in accordance with social structure, Ngāti Hikairo may have joined larger groups led by Whanganui or Maniapoto for some purposes. The result was a loss of identity, or becoming a 'lost tribe', as the claimant James Pakau described it.450

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

448. Final soc 1.2.6, p 8.
449. Submission 3.4.227.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962 and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part Iii).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part Iv).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part Iv).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part Iv).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part Iv).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Waimarino Block (Bristol) Claim (Wai 1738)

Named claimant
Rufus Bristol (2008)\textsuperscript{451}

Lodged on behalf of
Himself and other descendants of the non-sellers in the Waimarino block\textsuperscript{452}

Takiwā
Taumarunui. This claim relates to land in the Waimarino block. According to the claimant, the claim area is 'the 88,000 acres of the Rohe Potae which was included in the Waimarino block. This is often referred to as the Tuhua region. It does not purport to constitute a tribal rohe but is a boundary solely for the purpose of this Inquiry.'\textsuperscript{453}

Other claims in the same claim group
1073, 1197, 1388, 1738. All these claims concern political issues relating to the Kingitanga and the Te Rohe Pōtae district.\textsuperscript{454} The claimant hapū are from the Upper Whanganui region.\textsuperscript{455}

Summary of claim
The original Wai 1738 claim addresses the Crown’s failure to protect the interests of the non-sellers during its acquisition of the Waimarino block.\textsuperscript{456} This aspect of the claim was inquired into in the Whanganui lands inquiry.\textsuperscript{457}

In the Te Rohe Pōtae inquiry, the claimant sought to replace and further particularise their initial pleadings with a subsequent statement of claim.\textsuperscript{458} These pleadings include broad allegations concerning Te Ōhākī Tapū, and the alleged bad faith shown by the Crown in dealing with the owners of the Tūhua region in breach of that compact.\textsuperscript{459} In particular, the claim addresses the Crown’s failure to protect the interests of the claimant and other descendants in an 88,000-acre section of the Waimarino block.\textsuperscript{460} It is asserted that the Crown manipulated the title application and court processes so that many of those with interests in the Waimarino block were unable to appear before the court.\textsuperscript{461} The claim also

\textsuperscript{451} Claim 1.1.159.
\textsuperscript{452} Final SOC 1.2.86; submission 3.4.206.
\textsuperscript{453} Final SOC 1.2.86, p 2.
\textsuperscript{454} Submission 3.4.75, p 2.
\textsuperscript{455} Submission 3.4.209, p 2; submission 3.4.206, pp 3–4; submission 3.4.207, pp 3–5.
\textsuperscript{456} Claim 1.1.159. The Waimarino block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 8.9.2.1, 8.9.3–8.9.4, 8.10.2.4, 11.3.2, 11.3.3.3, and 11.3.3.5.
\textsuperscript{457} Waitangi Tribunal, \textit{He Whiriaunoka}, vol 1, chs 12, 13.
\textsuperscript{458} Wai 1738 r01, memorandum 2.2.1.
\textsuperscript{459} Claim 1.1.159(a), paras 5–8.
\textsuperscript{460} Claim 1.1.159, para 20.
\textsuperscript{461} Claim 1.1.59(a), para 17.
includes allegations about the survey of the Waimarino block, which extended into Te Rohe Pōtae contrary to the agreement made between Whanganui hapū and the Crown in 1883. This, the claimant alleges, ‘was a deliberate policy of the Crown in an attempt to break up the kingitanga.’

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
  
  In section 8.9.2.1, we discuss the Waimarino Native Land Court applications. The Tribunal’s Treaty findings and analysis on land settlement and the end of the aukati are at section 8.9.4.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II). We discuss the construction of the North Island Main Trunk Railway at section 9.4.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

462. Claim 1.1.59(a), para 7.
463. Final SOC 1.2.86, paras 23, 27.
Claim title
Descendants of Ngāti Rora and Ngāti Hia (Ormsby and Hetet) Claim (Wai 1768)

Named claimants

Lodged on behalf of
Themselves and descendants of Ngāti Rora and Ngāti Hia of Ngāti Maniapoto Iwi Tainui 465

Tākiwā
Taumarunui

Other claims in the same claim group
Not applicable.

Summary of claim
The claim centres on the Crown’s alleged failure to recognise Ngāti Maniapoto Tainui iwi land claims, particularly the claim of Ngāti Maniapoto leader Taonui Hikaka to the Hurukia block. The claimants allege that the Crown instead allowed the Native Land Court to create a new block title known as the Pouakani block, which denied Ngāti Maniapoto ‘any claim to any Land and River claims from Mangakino to Huka Falls and Lake Taupo, Aotearoa forever’. The claimants also allege the Crown breached the Treaty by failing to protect the traditional Maniapoto iwi boundary, Te Nehenehenui, and the hapū boundaries set down by Maniapoto high chiefs in 1883. Moreover, they say the Crown failed to recognise the ‘lores, customs and spiritual heritage’ of their hapū; and failed to recognise ‘the Tainui Waka Tupuna or Ancestor Rakataura in all Land and River matters and settlements with other Iwi’. 466

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

466. Claim 1.1.168, p [1].

418
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Tē Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
Claim title
Ngāti Hari (Turu and Canterbury) Claim (Wai 1803)

Named claimants
Veronica Canterbury and Terry Turu (2011)\(^{467}\)

Lodged on behalf of
Themselves and Ngāti Hari hapū.

Takiwā
Taumarunui. The claimants note that Ngāti Hari ‘are situated directly on the border between the Rohe Pōtae and Whanganui Inquiry districts’ and have claims within both.\(^{468}\) This claim relates to lands and waterways in the Ōhura South area.\(^{469}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1803 claim largely concerns the Ōhura South lands. The claimants assert that the individualisation of titles associated with the imposition of the Native Land Court, together with the large-scale alienation of Rangitoto–Tuhua land and various public works takings, left Ngāti Hari with an insufficient land and resource base.\(^{470}\) The claimants also argue that environmental damage arising from gravel extraction and quarrying, together with public works takings without compensation, has undermined Ngāti Hari cultural identity by changing traditional place names and desecrating wāhi tapu sites on Tūhua maunga.\(^{471}\)

These allegations are further particularised in the claimants’ closing submission. There, they detail how most of the 5,635-acre block Rangitoto–Tuhua 66A3 was alienated after being vested in the Waikato-Maniapoto Maori Land Board by the Native Land Settlement Act 1907 (including all the timber rights in 1923).\(^{472}\) The claimants argue that cutting up the block for settlement was contrary to the Crown’s duty to ‘ensure that land remained in Māori ownership for as long as they wished to retain it’.\(^{473}\) The claimants also highlight two instances of land being taken (two acres from Rangitoto–Tuhua 52A1, and 20 acres from Rangitoto–Tuhua 66A3C), and one of gravel being taken from a quarry, for public works without compensation.\(^{474}\) In the former case, claimants describe how the remaining 10 acres of Rangitoto–Tuhua 52A1 went on to be alienated by the Māori Trustee, in

\(^{467}\) Final soc 1.2.2.
\(^{468}\) Submission 3.4.149, p 2.
\(^{469}\) Final soc 1.2.2.
\(^{470}\) Submission 3.4.149, pp 2–3.
\(^{471}\) Submission 3.4.149, pp 3–6.
\(^{472}\) Submission 3.4.149, pp 7–9.
\(^{473}\) Submission 3.4.149, p 10.
\(^{474}\) Submission 3.4.149, pp 11–15.
whom it had been vested on the application of the county council, which had exploited the unproductive land provisions the Crown had included in the Maori Purposes Act 1950.\textsuperscript{475}

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
\item The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part \textsuperscript{III}).
  
  In particular, we find in section 12.4.13 that ‘[t]he 1907 Act, with its compulsory vesting provisions, set it aside in this period as a demonstrable example of the Crown actively prioritising and elevating its policy of pursuing the alienation of Māori land to facilitate Pākehā land settlement above its obligations under the Treaty of Waitangi.’

\item The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part \textsuperscript{III}).

\item The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part \textsuperscript{IV}).

\item The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part \textsuperscript{IV}).

  We did not receive sufficient evidence to allow us to make any additional findings on the allegations concerning gravel extraction and quarrying raised by this claim. We note, however, that more detailed evidence on environment issues for the Ōhura South lands was heard by the Wai 903 inquiry (the Whanganui Land Inquiry).\textsuperscript{476}
\end{itemize}

\textsuperscript{475}. Submission 3.4.149, pp 14–15.
\textsuperscript{476}. Submission 3.4.149, p 17.
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part iv).
Claim title
Te Uranga b2 Incorporation Claim (Wai 1994)

Named claimants
Alan Kerei Cockle, Andrew Matene Martin, Derek Kotuku Totorewa Wooster, Traci Houpapa, and Vonda Houpapa (2008)

Lodged on behalf of
The registered owners of Te Uranga b2 Incorporation of Ngāti Maniapoto descent

Takiwā
Taumarunui. The claim relates to 1,245 acres in the Rangitoto–Tuhua 74 block, north-east of Taumarunui.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim states that the Crown prejudiced the claimants in 1906 by enforcing payment in land of the £255 12s survey lien arising from the survey of Rangitoto–Tuhua 74, thereby dispossessing the affected owners of 1,245 acres.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our finding on general issues (set out in chapters 4–24 of this report) that applies to this claim is listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The taking of the 1,245 acres which is the subject of this claim forms part of the case study of Rangitoto–Tuhua survey costs (see section 10.6.2.3).

477. Claim 1.1.206.
478. Claim 1.1.206, p [1].
479. Rangitoto–Tuhua 74 is referred to elsewhere in Te Mana Whatu Ahuru, in table 10.4.
480. Claim 1.1.206, pp [1–2].
Claim title
Descendants of Rex Te Rangi ita Petera Taumata (Dunn) Lands Claim (Wai 2069)

Named claimant
Sharon Dunn

Lodged on behalf of
Her children and mokopuna

Takiwā
The claimant says her lands are ‘in and around Taumarunui and Te Kuiti.’

Other claims in the same claim group
Not applicable.

Summary of claim
This claim was officially withdrawn on 30 May 2012, but is recorded here as it remains a registered claim in the Te Rohe Pōtāe inquiry.

481. Ivy Dunn (deceased) lodged the initial claim in 2008. She was replaced by her daughter Sharon in 2010: claim 1.1.216(a).
482. Claim 1.1.216, p [1].
483. Claim 1.1.216, p [2].
484. Memorandum 2.5.125; see also memo 3.1.505.
KĀWHIA–AOTEA
Note: this takiwā overview is the Tribunal’s synthesis of evidence presented by kuia, kaumātua, and other knowledge-holders at Ngā Kōrero Tuku Iho hui held across the inquiry district in March–June 2010. It should not be interpreted as a Tribunal comment on, or determination of, the validity of tribal evidence presented about places, people, and events. Some of the groups identified in this overview may also appear in other takiwā overviews, reflecting their widespread interests. However, for organisational purposes, each claim has been assigned to only one takiwā.

3.1 Ngā Whenua

Kāwhia (a place to awhi or embrace visitors) is the final resting place of the Tainui waka.1 As described in chapter 2 (section 2.2.1), the waka was placed below Ahurei by Hoturoa and Rakataura, with limestone pillars set at the bow and stern to represent the fertility of men and women. As witness Frank Thorne told the Tribunal, the waka’s arrival at Kāwhia is viewed by some as ‘Te Puna Whakatupu Tangata, the spring of life from which man [sic] grows.’

To the north of Kāwhia lies Aotea Harbour, which takes its name from the Aotea waka. The waka is said to be buried below the sands of Oiōroa, at the harbour’s northern head, and is closely associated with the peoples of Whanganui and southern Taranaki. However, Ngāti Te Wehi and Ngāti Patupō, based primarily around Aotea, trace their whakapapa to both the Aotea and the Tainui.3

As these long-standing associations with waka traditions suggest, this takiwā has been inhabited since the beginning of human occupation. It abounds with sites of historical and cultural significance. At Ahurei, for example, Tuahuroa and Hoturoa established the first of eight Tainui wānanga. A puna near the shores of Kāwhia was the site of Rona’s abduction by the moon. As Tāne Nerai explained, Rona reluctantly fetched water from the puna, guided by the light of the moon. However, when the moon went behind a cloud, Rona tripped and, in anger, cursed Te-ao-mārama. Incensed by her impertinence, the moon reached down and grabbed Rona, pulling her up along with the ngaio tree she grabbed in a feeble attempt to resist. The moral of the story, Mr Nerai suggested, is as ‘applicable today as it was back then . . . always show respect to your superior powers, especially during testing situations.’4

1. Transcript 4.1.6, p 329 (Tāne Nerai, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
2. Transcript 4.1.12, p 35 (Frank Kingi Thorne, hearing week 7, Waipapa Marae, 6 October 2013).
4. Transcript 4.1.6, p 329 (Tāne Nerai, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
From the harbours, the Kāwhia–Aotea takiwā stretches east to Pirongia and south to Marokopa, where it borders the Mōkau takiwā. Several witnesses emphasised the significance of Pirongia, including Frank Thorne who said that Pirongia is the tūpuna, the maunga and the central point of Ngāti Hikairo identity, rohe and clans. Pirongia is an ancestor, a tribal icon, a sacred place, a source of life, spirituality, culture, the home of the patupaiarehe, a highway for travellers, the home of the mauri of the tribe.5

Meanwhile, Ngāti Toa Tupāhau claimants detailed a centuries-long connection to Marokopa in the south. As their counsel explained, ‘Ngāti Toa Tupāhau trace their connections to this district back to Kupe. . . . The claimants say Kupe prophesised the coming of Tupāhau and claimed the lands from Harihari to Tauhau, to Marokopa, Tirau and Karākarā for him.’6

Alongside its cultural and historic significance, the Kāwhia–Aotea takiwā has always provided inhabitants with abundant resources. The rivers feeding the harbours, as well as the dune lakes dotted across the takiwā, offered plentiful access to tuna, while the coastline and harbours abounded in kaimoana. Kāwhia was a particularly rich source of flounder, which Māori caught and dried to sustain themselves over winter. Witness John Kaati spoke of the shellfish at Kāwhia, noting the richness of the mussel rock, Puremu, located near the traditional Ngāti Hikairo kāinga of Te Tōtara and visible only at low tide.7

Tangata whenua developed the natural abundance of the area through extensive cultivations. Throughout this inquiry, we heard of the gardening prowess of the claimants’ tūpuna, including the cultivations of Ngāti Maniapoto, to the south of Kāwhia, and Ngāti Patupō’s achievements around Aotea.8 These traditions substantiate the archaeological record, which documents the presence of heavily worked and highly modified soils around Aotea, as well as garden sites on north-facing cliffs.9

3.2 Ngā Iwi me ngā Hapū
The takiwā’s tribal landscape changed significantly in the decades leading up to the signing of the Treaty of Waitangi. As detailed in chapter 2, the period was

5. Transcript 4.1.12, p 39 (Frank Kingi Thorne, hearing week 7, Waipapa Marae, 6 October 2013).
8. Transcript 4.1.2, pp 172, 221 (Walter Tata, Chris Tuapiki, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 30 March 2010).
characterised by intra-tribal warfare, as two sections of Tainui-Māori and their allies sought redress for a range of accumulated grievances.

### 3.2.1 Ngāti Hikairo

Ngāti Hikairo once had a substantial land base stretching across Te Rohe Pōtae and the Waikato; however, we were told that most of their land has been confiscated.\(^\text{10}\) More specifically, Ngāti Hikairo claimants describe their rohe as commencing at the island of Kārewa, proceeding inland to Raukūmara (beach), to Puakeatua and then onward to Tūrangatapuwae.\(^\text{11}\) According to evidence we received, the area from Raukūmara to Tūrangatapuwae is an ancient boundary, marked out by the tūpuna Tūirirangi and Te Ariari, for Ngāti Hikairo, Ngāti Te Wehi, Te Patupo and Ngāti Mahanga.\(^\text{12}\)

Meto Hopa offered further insight into these ancient boundaries by explaining the use of ‘rua kariri’\(^\text{13}\) as boundary markers at Tūirirangi and Raukūmara. Two ancestors, Te Kihirini and Pingareka, who were among a group who came from Waikato in 1840 to the Tūrangatapuwae area, became embroiled in a dispute over the land. Pingareka settled at a place called Te Kanawa, at Pākirikiri. However, Kihirini and his father Te Kanawa-te-ika-a-Tū tried to claim the land from Pingareka. When the elders of Ngāti Hikairo and Ngāti Apakura heard about the trouble, they went to Tūirirangi where they dug a pit. A trench dug from Tūirirangi to Raukūmara remains in the area today.\(^\text{14}\) The pits or ‘rua kariri’ are tribal boundaries, as Mr Hopa explained:

> Ko koe tēnei taha, ko au ki tēnā taha. Mē pēhea taku whakamārama ki a koe? ‘Ae, ko te rua nā, [k]o to waewae ki tēnē taha, ko toku waewae ki tēnei taha. Ki te peka mai koe ki tēnei taha o te rua nei ka patua koe, nā, koinei te rua ka nuku koe ki roto, nā ka tanumia i a koe ki roto.’ Now, this thing about boundaries, you are on this side and I am on that side, and that is my clarification. ‘Yes’, I said, ‘That hole, that pit, your leg in that one and my leg in this one. If you jump on this side of the pit I will beat you and then you will be thrown into that pit and buried.’\(^\text{15}\)

From Tūrangatapuwae, Ngāti Hikairo’s boundary travels to Tirohanga Kaipuke then Te Whetūtakaora. It ascends Mount Moerangi, to Mangahoanga, then on to

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13. The English version of the hui transcript reads ‘ruakarere’ (p 28).
Tahuanui. The name Tahuanui relates to the abundance of provisions in the area, particularly birds. The word ‘tahua’ concerns the harvesting of gardens and the gathering of food. From Tahuanui, Ngāti Hikairo’s boundary moves to Te Hiwi Raki, north of Pirongia, then down to Manga-ō-Tama (at Waipā), before crossing to Ōhaupō. This boundary includes Ngāroto, Mangapiko, and the source of the Mangapōuri. It crosses the Waipā River to Whatiwhatihoe and the western side of Waipā, and then on to Te Arataura. From here, the boundary ascends the hill Te Ake-ā-Hikapiro. The boundary follows present-day State Highway 31, which Ngāti Hikairo ancestors helped to build in the 1860s. From there the boundary follows the turn-off to Harbour Road, goes down to Te Kauri, to Tiriritiri o Mātangi and then to the ancient site of Tānewhango. Tānewhango demarcates Hikairo in the north from Maniapoto in the south. Finally, the boundary of Ngāti Hikairo ascends to Paringatai (which is Ngāti Mahuta), proceeds to Te Puia, before returning to the sea. The southern boundary is Te Kauri, Tiriritiri o Mātangi.

Rakataura, the tohunga onboard the Tainui, connects Ngāti Hikairo with the Kāwhia harbour and inland to the east. Rakataura brought the birds to Kāwhia. He also named the altars on Pirongia. From Rakataura came Hapekituarangi, then Rongoihi who had Kahupeka. According to the evidence of Frank Thorne, Kahupeka named some significant mountains in the area, such as Te Aroaro-o-Kahu. From Kahupeka came Rakataura II, then Houmea, and then Matua-ā-Iwi. The whakapapa descends from Matua-ā-Iwi to Tokohei and then to Rakataura III. Many Ngāti Hikairo hapū are named after the descendants of Rakataura III.

Today, most Ngāti Hikairo members affiliate to numerous hapū and many Ngāti Hikairo hapū have recognised sub-hapū. At the Ngā Kōrero Tuku Iho hearings, Ngāti Hikairo witnesses presented a great deal of whakapapa evidence to support and explain the complex relationships between their hapū. Frank Thorne told us that Ngāti Hikairo has more than 22 hapū of varying size and vigour. Not all of

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21. The Tribunal acknowledges that Shane Te Ruki’s evidence credits Kahurere, daughter of Hoturoa and wife of Rakataura, with naming Te Aroaro o Kahu, as we have noted earlier in the Waipā–Pūniu overview in this report: transcript 4.1.1, p 66 (Shane Te Ruki, Ngā Kōrero Tuku Iho hui, Te Kotahiitanga Marae, 1 March 2010).
23. See document C3, p 1, for a whakapapa table of ngā uri o Rakataura.
them descend from Hikairo II directly, with around six descending from other non-Hikairo hapū. He acknowledged that some hapū have declined or become lost over time. Others came into the rohe as a result of being invested with the mana and land of others, and Hikairo II and his son Whakamarurangi were known to bring other hapū under ‘Te Maru o Ngāti Hikairo.’

Te Whānau Pani is Ngāti Hikairo’s hapū matua. They descend from Whakamarurangi, the child of Rangikōpi and Hikairo II, for whom Frank Thorne recited the relevant whakapapa. The progeny of Whakamarurangi are known as Te Whānau Pani – Kopa, Hikairo, Te Weu, Te Makaho-ō-te-rangi, Hihi, Toataua Te Au, Rewa, and Te Akerautangi. The whānau of Kopa is known as the hapū Ngāti Ngāti, because so many of the matāmua (senior descendants) were female. The family of another, Te Akerautangi, formed the hapū Te Whānau-a-Te-Ake. Other groups within Te Whānau Pani include Ngāti Hineue, Ngāti Rāhui, Ngāti Ureore, Ngāti Whattiri, and Ngāti Parehinga.

Ngāti Horotakere and Ngāti Puhia were two other large Ngāti Hikairo hapū; Frank Thorne described them as ‘he momo iwi iti oitia’ (‘kind of small iwi’). Ngāti Puhia are descendants of Kāweipēpeke and Te Rimangemange. Ngāti Horotakere descend from Raeroa. From Raeroa came Pahoro-i-te-Rangi, whose three children were Takoto-te-rangi, Waikahoe, and Ngāmuriwi. Horotakere, from whom Ngāti Horotakere takes their name, descends from Takoto-te-rangi. Horotakere married Parehaunui, sister of Rakamoana, who descends from

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28. Transcript 4.1.2, pp 21, 23–24 (Frank Thorne, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29–30 March 2010). At this hearing, both Frank Thorne and Meto Hopa (p 29) spoke of Te Whareiaia vesting his lands in Whakamarurangi; Kuratūhope and Te Ngako are other tūpuna who similarly ceded their mana.
30. Transcript 4.1.2, pp 17, 22. (Frank Thorne, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29–30 March 2010). Mr Thorne told us that Whakamarurangi descends from Horotakere, who begat Te Kamonga-ō-te-rangi and he had many children, including Te Manutāheikura. From Te Manutāheikura came Te Ngako, who had three children, Parekuku, Rangikōpi, and Hauāuru. Rangikōpi married Hikairo II, the grandchild of Hikairo I, and from this union came Whakamarurangi (p 22).
34. Transcript 4.1.2, p 22 (Frank Thorne, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29–30 March 2010).
Pikirangi of Ngāti Apakura. Ngāti Horotakere also descends from the tupuna Te Ariari, whose mana once extended from Raukūmara to the southern side of the harbour. Te Ariari’s child Te Urikahutarahake had 12 children. Of those 12, three stayed in Kāwhia – Te Hōkaimātangi, Tuaiwa, and Pourewa. Tuaiwa had Tarapiko, whose descendants are Ngāti Horotakere.

Meanwhile, descendants of Katohau comprise the hapū of Ngāti Pare, who reside at Mōkai Kāinga and at Pouewe. The children of Rakamoana – Puhiawe, Huritake and Waikaha – each lend their names to Ngāti Hikairo hapū. Pokaia, the grandchild of Huritake, lends hers to another hapū of Waipapa Marae. Ngāti Paretaikō take their name from a sister of Hikairo, Paretaikō, who married Tūkeria of Ngāti Mahuta; the hapū are therefore half Ngāti Hikairo and half Ngāti Mahuta. Similarly, Ngāti Taiuru are half Ngāti Whanaunga. Ngāti Rahopūpūwai reside at Te Kōpua and at Mangauika. Maru, who descended from the union of Whatihua and Apakura, gave rise to the hapū Ngāti Maru who have interests in Pirongia. Mr Thorne listed other Ngāti Hikairo hapū including Ngāti Te Mihinga, Ngāti Parehinga, Ngāti Whakaaea, Ngāti Whatitiri, Ngāti Hineue, Ngāti Purapura, Ngāti Wai, Ngāti Whaikorhanga, Ngā Uri-a-Te Makaho, Te Matewai, Ngāti Te Uru, Ngāti Taiuru, and Ngāti Huarore.

3.2.2 Ngāti Whakamarurangi

Ngāti Whakamarurangi descend from Whakamarurangi of Ngāti Hauā, of Waikato. They entered the takiwā from the north following a conflict in which Whakamarurangi warriors avenged the death of Ngāti Tūirirangi leaders, to whom they were related. In recognition, Tūirirangi gifted Ngāti Whakamarurangi land in the takiwā between Karioi and Aotea. Intermarriages between Ngāti Whakamarurangi and Ngāti Tūirirangi followed, cementing their close relationship; their interests in the whenua at Aotea Moana are said to be based both
on the ancestral interests in the land and the gift to Ngāti Whakamarurangi in consequence.\textsuperscript{46} Today, Ngāti Whakamarurangi lands are chiefly at Owhakarito, Mākaka, and Mōtakotako. They are affiliated to the Mōtakotako Marae, north of Aotea Harbour.\textsuperscript{47}

3.2.3 Ngāti Apakura

Ngāti Apakura are traditionally located in and around the Aotea and Kāwhia Harbours, as well as in their inland rohe. Witness Gordon Lennox referred to a letter from his tupuna Penetana Pukewhau in 1898 describing Rangiaowhia and Kāwhia as the ‘two homes’ of Ngāti Apakura.\textsuperscript{48} According to Mr Lennox, due to the war of 1863 and the confiscations that followed, ‘a lot of hapū that were part of Apakura have been taken into other tribes, such as Maniapoto, Hikairo, Mahuta.’\textsuperscript{49} However, he also emphasised that, since the war and raupatu, ‘my tupuna have continued to identify as Ngāti Apakura te iwi.’\textsuperscript{50}

Ngāti Apakura retain a presence in the takiwā and are among the iwi associated with Mōkai Kāinga Marae at Aotea Harbour,\textsuperscript{51} according to Ngāti Hikairo evidence, this marae stands on land within the Kawhia block that was awarded to Ngāti Hikairo hapū.\textsuperscript{52} In addition, a Ngāti Apakura ancestral house stands on the summit of Mokoroa.\textsuperscript{53} Ngāti Apakura have retained some lands at Mangaora and Te Whetūtakaora,\textsuperscript{54} and also have interests at Awaroa through Te Akaimapuhia.\textsuperscript{55}

3.2.4 Ngāti Te Wehi

Ngāti Te Wehi are a people of both the Kāwhia and Aotea Harbours.\textsuperscript{56} Ngāti Te Wehi identify Kakatihi, Tāwhao, Tūrongo, and Whatihua as particularly significant tūpuna, all descending from Hoturoa, and, to this day, Ngāti Te Wehi retain a considerable presence in the north of the takiwā.\textsuperscript{57} Their marae generally encircle

\begin{itemize}
\item \textsuperscript{46} Document A100(a), pp 3–5.
\item \textsuperscript{47} Transcript 4.1.3, p 117 (Heather Thompson, Ngā Kōrero Tuku Iho hui, Poihākena Marae, 13 April 2010).
\item \textsuperscript{48} Document K22, p 9.
\item \textsuperscript{49} Transcript 4.1.2, p 134.
\item \textsuperscript{50} Document K22, p 7.
\item \textsuperscript{51} Transcript 4.1.2, p 229 (Miki Apiti, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29 March 2010).
\item \textsuperscript{52} Document A98, pt 3, pp 185–186.
\item \textsuperscript{53} Transcript 4.1.2, p 177 (Tuscon Tata, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 30 March 2010).
\item \textsuperscript{54} Transcript 4.1.2, pp 136–137 (Gordon Lennox, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29 March 2010). Both were originally awarded to Ngāti Hikairo, who say in evidence that they arranged for Te Whetūtakaora to be awarded to ‘refugees’ from Ngāti Apakura and other groups. Ngāti Hikairo also say they gifted the Mangaora block to Ngāti Apakura; it was later awarded to Ngāti Apakura by the court: doc A98, pt 3, pp 182–183.
\item \textsuperscript{55} Transcript 4.1.2, pp 136–137 (Gordon Lennox, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29 March 2010).
\item \textsuperscript{56} Transcript 4.1.2, p 39 (Miki Apiti, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 29 March 2010).
\item \textsuperscript{57} Document C4 (Apiti), p 5.
\end{itemize}
the Aotea Harbour and include Ōkapu on the harbour’s southern shores, Te Papatapu in the north, and Te Tihi o Moerangi.58

3.2.5 Ngāti Whawhākia
This hapū also maintains a presence in the north of the takiwā, around Aotea. Ngāti Whawhākia are closely connected with Maukutea, and identify Māhanga and Tuheitia as tūpuna. Their rohe is located south of the harbour, beginning at Nihinihi Point and then extending east to where Kowiwi enters Aotea. The boundary then follows the present path of Morrison Road along the southern reaches of the shore, continuing past Ōkapu Marae to a point above Matakōwhai Bay. It then follows the ridgeline to Te Ruakotae Point, on the harbour.59

3.2.6 Ngāti Mahuta
Ngāti Mahuta are a hapū of Waikato, although not exclusively so.60 Their presence in this takiwā grew in the decades before the signing of the Treaty when they were heavily engaged in fighting against their enemy-kin. Following Te Rauparaha’s departure, Ngāti Mahuta maintained a presence in Kāwhia under the leadership of their rangatira, Kiwi. Over time, the Kāwhia-based Ngāti Mahuta – who refer to themselves as Ngāti Mahuta ki te hauāuru – developed separate marae and a distinct identity from their inland whanaunga, though the hapū retain close connections.61 Other Waikato hapū included under the umbrella of Ngāti Mahuta ki te hauāuru include Ngāti Koata, Ngāti Huiarangi, and Ngāti Kiriwai. Ngāti Mahuta’s interests run adjacent to the west coast of the inquiry district, from Maketu peninsula in the north to Harihari in the south.62 Incorporated within their rohe is Lake Tahāroa, with their marae Āruka and Te Kōraha close by.

3.2.7 Ngāti Patupō
With strong historic links to Ngāti Mahuta, Ngāti Patupō likewise retain interests in the Kāwhia–Aotea takiwā.63 Born of war, the hapū’s unique history and constitution was explained by witness Pita Te Ngaru:

Ko tāku karekau ana he whakapapa tō Te Patupō, i te mea kāore hoki mātou i heke mai rā i te tupuna. Nā te pakanga ka whakatū ai te ingoa o Te Patupō. Pēnei rā hoki a

59. Document G26 (Reti, Ormsby, and King); transcript 4.1.6, p 333 (Owen Ormsby, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
60. Ngāti Mahuta are among the ‘hapu of Waikato’ whose raupatū claims were settled by the Waikato Raupatū Claims Settlement Act 1995. As we set out in section 1.4.2.2, the Tribunal’s jurisdiction to hear the raupatū claims of already-settled Waikato-Tainui groups in this inquiry is limited to those hapū who ‘can establish that they are making a claim on the basis of some other non-Waikato-Tainui affiliation’. However, we do not need to apply that jurisdictional test in this case, as Ngāti Mahuta are not pursuing any raupatū claims in this inquiry: see section 1.4.2.
61. Submission 3.4.143, pp 4, 12.
63. Submission 3.4.143, p 4.
Ngāti Hikairo nei ka timata mai rā i te tupuna ka heke iho mai. Mātou nei he pēnei, he pēnei. Ka taea ai e ngā hapū katoa, e ngā iwi katoa o te moana o Aotea, o Kāwhia neti ki te whakapapa ki roto i a Te Patupō i te mea kāore hoki mātou i heke mai rā i te tupuna. Nā te pakanga ka pēnei rawa kē tō mātou whakapapa, kāore hoke he pēnei.

Patupō do not have whakapapa because we do not descend from an [eponymous] ancestor. It was because of battle that our name Patupō was erected, unlike Hikairo who descended from an ancestor. All of these hapū of Aotea can whakapapa to Patupō because we did not descend from an ancestor. Because of battle our whakapapa is lateral rather than vertical.\(^{64}\)

Mr Te Ngaru described Patupō ‘as part of the elite warriors of Te Wherowhero and skilled at warfare. . . . When the expertise of warfare was needed, Te Wherowhero called upon the people of Ngāti Patupō to assist [and he] strategically placed Patupō around the Waikato so he could call on them at any time.’\(^{65}\) He said that despite their strategic dispersion, Ngāti Patupō’s stronghold was Aotea, with the area to the north and south of the Aotea Harbour entrance constituting their traditional whenua.\(^{66}\)

### 3.2.8 Hapū of Ngāti Maniapoto

While northern sections of the takiwā are dominated by those connected to, or associated with Waikato and Ngāti Hikaro, it is Ngāti Maniapoto who are prominent to the south. Beyond Ngāti Mahuta’s interests along the west coast, from Kāwhia to Harihari, Maniapoto dominate southern Kāwhia. Their presence in the takiwā expanded in the wake of Te Rauparaha’s departure. Significant Ngāti Maniapoto interests include Mokoroa and Rākaunui Marae, near the shores of Kāwhia, and Marokopa Marae, at the southern boundary of the takiwā. Across the takiwā, the iwi is represented by a number of groups, including Ngāti Paretekawa, Ngāti Ngutu, Ngāti Te Kanawa, and Ngāti Kiriwai.

### 3.2.9 Ngāti Toa Tupāhau

While Ngāti Maniapoto dominate the southern reaches of the takiwā, they are joined there by the remnants of Ngāti Toa’s presence in Te Rohe Pōtāe – namely, Ngāti Toa Tupāhau. As Kahuwaiora Hōhaia told the Tribunal, the hapū ‘are situated at Marokopa, and their rohe stretches along the coast from Harihari to Tirua and inland to Karākarā, encompassing everything in between.’\(^{67}\) While not represented by a specific marae, Ngāti Toa Tupāhau claim interests around Marokopa stretching back to the days of Kupe, who is said to have prophesied their coming.

The hapū retain interests in their traditional land holdings and, in recent times,
have played a leading role in the protection of the wāhi tapu, Wahamanga, at the northern head of the Marokopa river mouth.\textsuperscript{68}

\textbf{3.2.10 Ngāti Koata}

Ngāti Koata abandoned Whāingaroa in the wake of their defeat by Ngāti Mahanga at Huripopo, seeking refuge with their whanaunga to the south. From there, Ngāti Koata joined Ngāti Toa-rangatira in raids upon the north, escalating the conflict.\textsuperscript{69} The conflict ultimately came to head at Te Kāraka, on the shores of Lake Taharoa. Speaking to the impact of this battle, and the defeat of Te Rauparaha’s forces there, Angela Ballara suggested that “Te Kāraka . . . seems to have been the decisive moment in Kāwhia’s history. Te Whēoro felt that it was a crucial show of strength between the two sides, after which it must have become obvious to Te Rauparaha that his people were not strong enough to prevail.”\textsuperscript{70} Forced onto the back foot, Te Rauparaha and his allies abandoned the takiwā shortly after the battle and commenced their heke south, as detailed in chapter 2. At this time, the majority of Ngāti Toa and Ngāti Koata migrated with Te Rauparaha, while the victorious hapū and iwi expanded their presence in the takiwā to fill the void left by their departure.\textsuperscript{71}

\textsuperscript{68}. Submission 3.4.202, p 12.


\textsuperscript{70}. Ballara, \textit{Taua}, p 305.

\textsuperscript{71}. Ballara, \textit{Taua}, p 310.
3.1 Kāwhia–Aotea: ngā Kerēme

Claim title
Kāwhia Fisheries Claim (Wai 74)  

Named claimant
John Puke

Lodged on behalf of
Ngāti Kiriwai, Ngāti Hounuku, Ngāti Korokino, and Ngāti Te Kanawa Te Maunu

Takiwā
Kāwhia–Aotea. The claimant says the hapū ‘actively recognise the Rakaunui harbour and surrounding coastline as taonga’ and are kaitiaki of the area.  

Other claims in the same claim group

Summary of claim
The Wai 74 claimant alleges that the hapū has been prejudiced by the Crown’s granting of fishing licenses permitting commercial fishing in Kāwhia Harbour and along the west coast from Mōkau to Manukau. This claim is developed in closing submissions, where it is alleged that the Crown has failed to prevent overfishing along the harbours and coastline of the hapū’s rohe; to set aside or recognise fishing reserves in and around Kāwhia, Raglan, and Aotea Harbours; and to protect customary fisheries along the Rohe Pōtae coast. In respect of Rakaunui Harbour specifically, the claim says the Crown has failed in its duty to treat tangata whenua and the Rakaunui Tribal Committee as an equal Treaty partner; it has ‘not respected the principles of partnership and good faith, has usurped the role of kaitiakitanga, and has minimised the resulting exploitation and degradation of resources.  

In addition, the claim makes broad allegations of prejudice as a result of various Crown policies, practices, actions, and omissions during the nineteenth and

72. Claim 1.1.4.
73. Submission 3.4.195.
74. Claim 1.2.78, p.5.
75. Claim 1.1.4, p.1.
76. Submission 3.4.195, paras 8–10.
77. Submission 3.4.195, para 12.
These allegations are particularised in the amended statement of claim filed by the wider claimant collective in 2011. It sets out 15 causes of action: old land claims (four of the five old claims for which the Land Claims Commission held hearings in Te Rohe Pōtae concerned lands near the harbours of Whāingaroa, Aotea, and Kāwhia); military engagement; raupatu; the Native Land Court 1884–1910 (and surveys); Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues:

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part i).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part i).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part ii).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part ii).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part iii).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement

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78. Claim 1.1.4(a), para 4.
79. Claim 1.2.78.
schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  In section 22.4.3, we find that the Crown acted contrary to the principles of good governance and rangatiratanga by failing ‘to legislate to recognise and provide for the rangatiratanga or manawhakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime.’

  Relevant to this claim is our discussion in section 22.5.5 of the Crown’s gradual assumption of control over the Kāwhia Harbour, and Maori concerns over the growth of commercial fishing activity there – including in the Rākaunui area. We say that there is no evidence of Maori being meaningfully consulted about the establishment and operation of harbour boards, nor about responsibility for coastal marine areas being delegated to local authorities. The consequences for fisheries management are discussed in section 22.6. In our findings, we note that Māori concerns about the decline of their fisheries due to habitat loss, commercial exploitation and over-fishing were marginalised in the Crown’s management regime ‘until the 1980s.’ As for the general decline in fish stocks in the inquiry area, we agree that some can be attributed to commercial fishing and over-exploitation, finding that
‘this amounts to a Crown failure to abide by its duty to actively protect taonga species and mahinga kai important to Te Rohe Pōtae Māori. Māori never willingly relinquished possession and authority over fisheries, we conclude; ‘rather it was progressively wrested from them’.

› The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

› The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Te Uku Landing Reserve Claim (Wai 426)

Named claimant
Rangiwahia Kathleen Huirama Osborne

Lodged on behalf of
Herself and the three hapū of Waingaro – Ngāti Tehuaki, Ngāti Tamainupō, and Ngāti Kotara

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the Crown’s takings of both the Te Uku Landing Reserve and surrounding Te Uku lands. The original statement of claim (1993) specifically addresses the Crown’s taking of the Te Uku Landing (lot 39, parish of Whāingaroa) as a reserve for public recreation under the Land Act 1892. The claimant says the Crown breached the principles of the Treaty by this wrongful alienation and by permanently setting it aside as a recreational reserve.

In closing submissions, counsel submits evidence on the history of alienation of the Te Uku Landing Reserve and the surrounding Te Uku lands. They say the reserve was originally intended to be much larger and that the ‘Native Reserve was defined in 1852 by the Māori owners and set aside in the Whaingaroa Purchase Deed.’

In 1895, the surrounding lands of what became (and were intended to be part of) the Te Uku Landing Reserve were sold, despite an ongoing investigation and Māori objections at the time. The claimant says there is no evidence that the Māori owners received payment and they were denied rights to their land as originally agreed in the Whaingaroa purchase deed. The claim also argues that they were...
subsequently denied access to important resources (the harbour, river, and kai-moana) and lands.\(^{86}\)

In 1903, the Te Uku Landing Reserve land was permanently reserved for ‘public recreation’. From then on, it was leased to numerous people over the years before being included in the Te Uku and District Memorial Domain. In 1980, the reserve was classified as a reserve for recreational purposes. The claim alleges the Crown assumed ownership of the lands despite evidence that it was intended to be specifically excluded from the original purchase. It asserts the Crown failed to ensure that the title was properly investigated, failed to honour the original 1852 agreement for the setting aside of reserves, and failed to properly compensate Māori owners for the alienation of the landing reserve.

The claimant alleges that the Crown breached Treaty principles by wrongfully alienating the Te Uku lands, failing to provide compensation, selling without consultation the surrounding lands originally identified as a native reserve, and failing to offer the land back after ceasing to use it as a recreation reserve.\(^{87}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).
  - The purchase of the Te Uku lands, and the administration of the reserve, are discussed in some detail in section 5.4. We find in section 5.8 that:

    The Crown was aware that in the Whaingaroa purchase, Māori sought for land to be reserved near the harbour. However, the Crown included only limited harbourside reserves. In the case of the Te Uku reserve, the Crown failed to award this land to Māori in a timely manner, and did not act to prevent the land from being sold to a settler. Instead, it provided Māori with replacement land that was inadequate to their needs. . . . For failing to ensure that Māori retained sufficient land for their present and future needs, we found that the Crown failed in its duty of active protection and thereby breached the Treaty principle of partnership.

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\(^{86}\) Submission 3.4.146, p10.

\(^{87}\) Submission 3.4.146, p11.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
Claim title
Te Maika Land Claim (Wai 614)

Named claimants
Isaac Kuila, Edith Uru Dockery, and Allan Rubay

Lodged on behalf of
Themselves and the beneficiaries of the Te Maika Trust

Takiwā
Aotea-Kāwhia

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the land area known as Te Maika (Parawai) and the Crown’s actions in taking it for a native township. The claimants allege the Crown’s conduct has ‘kept the owners of the land impoverished, and unable to utilise their lands because . . . of Crown imposed survey plans and roads, in breach of Te Tiriti’.

The claimants allege that Crown acquired land at Te Maika through the Native Townships Act 1895 without consulting any of the 234 owners of the Taharoa A block and without adequately providing meaningful native reserves in return. They allege that, although 485 acres was acquired, fewer than 100 acres were ever intended for the Parawai township. The rest was to be used for grazing – though ‘not by the Maori owners’. The claimants further allege that insufficient land was set aside as reserves for the owners. By the 1920s, the township ‘was a failure’ and it was decided to gift it to the Māori king. However, the claimants say that the land was by then unusable and unprofitable. Land was also taken from the Taharoa block for roading in 1892. Again, the claimants allege these public works takings occurred without the Crown consulting or compensating the Māori owners.

The claimants say the Crown’s actions prejudicially affected landowners as they were unable to develop, use, or maintain control over their lands. The claimants also allege that the Crown breached the Treaty by failing to consult with Māori
over matters affecting their rangatiratanga and by failing to ensure they could retain sufficient lands to sustain their current and future needs.\textsuperscript{96}

These allegations are expanded on in closing submissions. There, claimants say the Crown returned the land in an encumbered state that has impeded their ability to economically develop or properly control it. Further, they submit that the establishment and delegation of powers to local government bodies – and their `obstructive behaviours’, particularly regarding roading – has restricted claimants’ tino rangatiratanga to deal with their land as they see fit.\textsuperscript{97}

The claimants also allege that the Waitomo District Council has continually failed to provide services or good quality infrastructure to Te Maika. They argue that, while they pay significant rates (despite the township having never been established), they are not provided with usual local government services.\textsuperscript{98} The claimants also allege that they are unable to manage their environment because of ‘the Crown’s failure to relinquish the land in a legal and usable state’.\textsuperscript{99}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part 111).

  Parawai/Te Maika features as a native township case study in chapter 15 (see section 15.4.1), and we make the following finding specific to it at section 15.4.1.7:

  In failing to consult adequately with the owners of Parawai/Te Maika and to gain their consent to a native township being established on their land, in taking more land than it needed for the township, for its failure to set aside sufficient reserves, for its administration of the township until 1908, and for its failure to assist the land board administer the leases, we find that the Crown acted inconsistently with the Treaty principles of partnership, reciprocity, and mutual benefit . . . The Crown ultimately transferred the ownership of most of Parawai/Te Maika to the Kingitanga in 1929. We consider this action mitigated

\textsuperscript{96} Claim 1.2.100, pp 4, 7.
\textsuperscript{97} Submission 3.4.142(a), p 25.
\textsuperscript{98} Submission 3.4.142(a), pp 27–29.
\textsuperscript{99} Submission 3.4.142(a), pp 29–30.
some of the prejudice arising from its earlier Treaty breaches . . . The action did not, however, remove all the land’s associated problems, many of which had their origins in the period of direct Crown administration.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
  Taharoa A is the subject of a case study in section 16.4.3.4.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
Claim title
Section 137 of the Māori Affairs Act 1953 Claim (Wai 656)

Named claimant
Linda Cudby (nee Lihou)

Lodged on behalf of
The descendants of Parekāhuki Parete (also known as Pare Barrett)

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 656 claim (1996) concerns prejudice the claimant says that she and other descendants of Parekāhuki Parete have experienced due to the Māori Affairs Act 1953. The claimant asserts that her grandmother Parekāhuki Parete was ‘missed out’ of all previous land settlements and not included as an original landowner ‘anywhere’. As a result, her descendants have no succession rights. The claim alleges that this omission and subsequent actions of the Māori Land Court continue to affect descendants’ rights and are contrary to the principles of the Treaty.

In 2011, an amended statement of claim was lodged that expands the initial allegations. In particular, it focuses on the effects of the Native Land Act 1862. The claim says Māori were prejudicially affected by the reformation of their customary land tenure and that the imposition of individualised titles left them landless. Further, the claim alleges the Crown breached its Treaty obligations by waging war and raupatu, and by imposing land administration regimes – particularly through the 1953 Maori Trustee Act and Maori Affairs Act. The claimant says she and other descendants have been prejudicially affected by Crown actions in both spheres.

In closing submissions, counsel re-emphasises the impact of landlessness on the identity of the claimant’s whānau. They say the essence of the claim is ‘mistaken identity, wrongful succession, errors in the Native Land Court, and the later limitations the Crown have established for the Maori Land Court, through legislation that prevents the corrections of those errors.’

100. Claim 1.1.31, p[1].
101. Claim 1.1.31, p[1].
102. Claim 1.1.31, p[1].
103. Claim 1.1.31, p[1].
104. Claim 1.2.17, p7.
105. Submission 3.4.241, p2.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

  In section 16.2.3, we set out the Crown’s concession that provisions (such as those in the Maori Affairs Act 1953 and its amendments) allowing the Māori Trustee to compulsorily acquire uneconomic land interests breached the principles of the Treaty.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

In particular, the Tribunal found there that ‘the Maori Purposes Act and the Maori Affairs Act 1953, which allowed for vesting orders to be made, were a breach of article 2 of the Treaty’ (see section 19.14).
Claim title
Oioroa Block, Aōtea Head (King Country) Claim (Wai 827)

Named claimants
Huihana Rewa, Diane Bradshaw, Miki Apiti, and Thomas Moke

Lodged on behalf of
Ngāti Te Weehi

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The original statement of claim and amended statement of claim (1999, 2011) concern Aotea Harbour, the Oioroa block at the entrance of the harbour (also known as Aotea Scientific Reserve), and the foreshore and seabed and other taonga within the area.

The claimants allege the Crown wrongfully alienated the Oioroa block, Aotea Harbour land, and the foreshore and seabed, resulting in a loss of tino rangatiratanga and ownership over the area. They allege the Crown has failed to sufficiently recognise Ngāti Te Weehi tino rangatiratanga over rights of ownership of Oiōroa from 1887 to the present, with particular reference to 1862–1909 Native Land Court legislation. Claimants also allege the Crown extinguished aboriginal title to the land and to the foreshore and seabed.

Further, the claimants say that Crown legislation and policy presumes ownership and control over Aotea Harbour and the foreshore and sea, and denies them their rights of control (including over sand and petroleum). The claimants allege conservation and resource management legislation does not provide them with proper representation and standing. In particular, the claimants allege the Conservation Law Reform Act 1990 does not give effect to Treaty principles found in section 4 of the Conservation Act.

The claimants also say the Crown has mismanaged and desecrated Oiōroa and wāhi tapu sites. They allege Oiōroa has been used for military and naval purposes.

106. The Wai 827 claim was brought by Tumate Mahuta, Lawrence Bradshaw, Miki Apiti, and Thomas Moke in 1999. Huihana Rewa was added as a named claimant in 2007: claim 1.1.40; claim 1.1.40(a); final SOC 1.2.74; submission 3.4.245.
107. Final SOC 1.2.74, p 3; submission 3.4.245.
108. Final SOC 1.2.74, p 5.
109. The Oioroa block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4.4.3, 5.4.4.3.2, 5.4.4.4, and 5.4.6. The Aotea Scientific Reserve is discussed in section 21.3.3.6.
110. Claim 1.1.40, pp 1–2; claim 1.2.74, pp 5–10.
111. Claim 1.2.74, pp 18–19.
and mismanaged by the Department of Conservation and earlier government agencies – particularly the decision to designate it a scientific reserve.\footnote{112. Claim 1.2.74, p12.}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtāe district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtāe Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtāe Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  In section 5.4.6.3, we find that:

  In acquiring the Harihari, Oiōroa, and Wahatane blocks . . . the Crown did not set aside any land for the sellers, in contradiction to McLean’s instructions from July 1855, as well as the Crown’s own purchasing standards. . . . In failing to set aside adequate reserves from its purchases, and for failing to ensure that Māori retained sufficient land for their present and future needs, we find that the Crown failed in its duty of active protection and thereby breached the Treaty principle of partnership.

  In relation to Crown’s failure to consult all customary right holders when purchasing land in 1851, we cite the Oiōroa purchase as an example of both the Crown’s reliance on ‘rangatira involved in the land sales to distribute portions of the purchase price to other right holders’ and its failure to explain to Māori the nature and extent of transactions. We find these failures to be breaches of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection (section 5.8).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtāe Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  Our discussion of the Oioroa block at section 21.3.3.6 is relevant to this claim:

  The legislation and policy operation of the Ministry for the Environment and Department of Conservation do not adequately meet appropriate Treaty standards. Both ministries need to prioritise adequate consultation regarding, and participation in, environmental management, with a focus on ultimately working in partnership with Māori. The first step is to amend section 4 and 6 of the Conservation Act 1987 and update DOC’s Conservation General Policy 2005.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Marokopa Reserves Claim (Wai 870)

Named claimant
Kahuwaiora Hohaia (2000)

Lodged on behalf of
Herself and Ngāti Toa Tupāhau

Takiwā
Kāwhia–Aotea.

The claim area comprises ‘all the land within the boundary beginning on the coast at Harihari, extending southwards to Tirua Point and inland to Karākarā’, and relates in particular to the Harihari, Taharoa, Kinohaku West, and the Marokopa Reserve blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns tribal identity, pre-1865 Crown purchasing, the imposition of the Native Land Court and land alienation, the management of the environment and wāhi tapu by local government, natural resources and waterways, and public works takings. The claimant says that the Native Land Court did not recognise Ngāti Toa Tupāhau as a tribal entity in its own right. Ngāti Toa Tupāhau owners were instead included in blocks, if at all, on the basis of ties to other claimants such as Ngāti Maniapoto. In the case of Kinohaku West, this obscuring of Ngāti Toa Tupāhau’s interests and identity occurred despite other parties conceding that the land had originally belonged to the ancestor Tupāhau. The claimant asserts that after passing through the court, more than half the Kinohaku West, Marokopa, Hauturu West, and Taumatatotora blocks (in which Ngāti Toa Tupāhau are described as having had customary interests) were alienated. She alleges that Ngāti Toa Tupāhau’s customary interests were similarly ignored when the Crown purchased the Harihari block in the 1850s.

The claim argues that the Crown introduced local government without consultation, and delegated authority to bodies without requiring they act in accordance with Te Tiriti and its principles. It is also asserted that resource management,
heritage, and local government legislation have severely limited the ability of Ngāti Toa Tupāhau to protect their wāhi tapu. The claimant says many wāhi tapu sites have been destroyed, desecrated, or modified, and cite the Marokopa River burial ground as an example.\textsuperscript{121}

The claimant contends the Crown took over the ownership of natural resources and waterways without the consent of Ngāti Toa Tupāhau and has not recognised their interests in them. This has prevented Ngāti Toa Tupāhau from acting as kaitiaki or drawing on these resources for traditional materials, such as rongoā.\textsuperscript{122}

The claim concludes by asserting that the Crown failed to provide adequate notice, consultation, or compensation when taking land for public works, and failed to assess whether Ngāti Toa Tupāhau had sufficient lands for their own needs.\textsuperscript{123} It also alleges the Crown used its powers of compulsion to acquire several sites of taonga and cultural significance to Ngāti Toa Tupāhau, many of which were made scenic reserves.\textsuperscript{124}

The claim adopts generic pleadings on pre-1865 Crown purchasing, Native Land Court, Crown purchasing, Māori land administration and land development, land alienation (private purchasing), protection of land base, environment, local government, and rating.\textsuperscript{125}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865; see chapter 5 and the findings summarised at section 5.8 (part 1).

  With specific reference to the allegation that Ngāti Toa Tupāhau customary interests in the Harihari block were ignored, we note in section 5.4.6.1 that agent John Rogan was responsible for ensuring lands in this block were acquired with the consent of all rights-holders. However, the Crown’s tactic was to conduct negotiations with specific rangatira, ‘with the understanding that these rangatira would distribute portions of the purchase price to other right holders’. As researcher Leanne Boulton said in evidence, this ‘put those not involved in the initial transactions in 1854 at a disadvantage’ and

\textsuperscript{121} Final soc 1.2.8, pp 9–11.
\textsuperscript{122} Final soc 1.2.8, pp 11–12.
\textsuperscript{123} Final soc 1.2.8, pp 12–13.
\textsuperscript{124} Final soc 1.2.8, p 13.
\textsuperscript{125} Final soc 1.2.8, pp 4, 8, 11.
left ‘many to find out later that other individuals had sold interests in the land’. In section 5.8, we found the Crown’s inadequate efforts to identify all right holders in the Harihari block and others were ‘in breach of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  In relation to the recognition of customary interests, in section 10.4.3.3 the Tribunal agreed with the Central North Island Tribunal that ‘it was up to Māori to decide how they would resolve . . . disputes’ and that the Crown’s role was ‘to provide their arrangements with legal force’.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtai Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtai Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtai between 1930 and 1962: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtai Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Manuaitu Blocks (Waikato) Claim (Wai 908)

Named claimant
Ben Ranga

Lodged on behalf of
Tainui and Ngāti Ruanui (Tainui) and Ngāti Ruanui (Aotea)

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
This claim relates to the Manuaitu land, specifically Manuaitu B7 and Manuaitu B11C blocks. The claimant alleges these blocks were lost from family ownership by operation of the Maori Affairs Act 1953 and the actions of the Maori Trustee, who sold the lands. Evidence of Maori Land Court and survey costs are provided in the initial statement of claim but no specific allegations are made.

Is the claim well founded?
Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

We note that section 445 of the Maori Affairs Act 1953 gave the Māori Land Court the jurisdiction to make recommendations to the Māori Trustee to acquire ‘uneconomic’ interests in Māori land upon the making of consolidation orders. If the Māori Trustee consented to buy the interests, and there were no objections, the court vested the interests in the Māori Trustee.

126. Memorandum 2.1.48, p [1]. At a 2007 judicial conference, a Mr Bolton/‘Lord Bolton’ made representations to the Tribunal on behalf of the claimants. Counsel confirmed that this person had no mandate to speak on behalf of the claimants and anything said should be disregarded: memo 3.1.96.
127. The Manuaitu B blocks are discussed in section 16.6.2 of Te Mana Whatu Ahuru.
128. Memorandum 2.1.48, p [1].
129. Claim 1.1.48.
thereby facilitating the alienation of those interests. With respect to this claim, however, we received no evidence on the impact of this provision.

However, the claim is nonetheless consistent with:

- our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

- our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Kāwhia Harbour, Rivers, and Lakes Claim (Wai 1112)

Named claimants
Manihera Watson Forbes (2002), Marlene Pikia Edwards, and Tiriata Thorne (2014)\(^{130}\)

Lodged on behalf of
Themselves and Te Rūnanganui o Ngāti Hikaio Incorporated, and for the benefit of the members of representative hapū and marae of Ngāti Hikairo\(^{131}\)

Takiwā
Kāwhia–Aotea. Ngāti Hikairo are an iwi with customary interests in Kāwhia Harbour. Their rohe stretches inland to the Waipā River and sits between those of Ngāti Maniapoto and Waikato. They also have close affiliations with their larger neighbours.\(^{132}\)

Other claims in the same claim group
1112, 1113, 1439, 2351, 2352, 2353. The claimants in this grouping are all members of Ngāti Hikairo. Although separate pleadings were filed for each claim, they fall within the umbrella of the Ngāti Hikairo iwi claims.\(^{133}\) Wai 1112 includes Ngāti Hikairo’s broader land alienation claims, and Wai 1112 their waterways claims. The Wai 1439, Wai 2351, Wai 2352, and Wai 2353 claims each address specific areas of Crown action within the claimants’ rohe.

Summary of claim
The Wai 1112 claim addresses Crown policy in respect of Kāwhia Harbour, the Kāwhia lakes, Ōpārau River, and the other lakes, rivers, and waterways within Ngāti Hikairo’s rohe.\(^{134}\) In the original statement of claim, Ngāti Hikairo alleges that the Crown failed to protect the physical and spiritual health of these various waterways; to provide for their ownership and guardianship as tangata whenua in the preservation of these waterways; and to protect the access of Ngāti Hikairo and its hapū and marae to customary fisheries and resources within their rohe.\(^{135}\) Ngāti Hikairo also makes a further specific allegation concerning the Crown’s failure to protect and provide for their customary tuna fisheries.\(^{136}\)

In a final amended statement of claim, Ngāti Hikairo develops its pleadings regarding Crown actions affecting the waterways within their rohe. They adopt

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\(^{130}\) Marlene Pikia Edwards and Tiriata Thorne were added as named claimants in 2014. Mere Gilmore was listed as a named claimant in 2007, but was removed in 2014: claim 1.1.173(b), paras 1–2.

\(^{131}\) Final SOC 1.2.98, para 1.

\(^{132}\) Final SOC 1.2.98, para 10.

\(^{133}\) Submission 3.4.226, para 13.

\(^{134}\) Claim 1.1.73.

\(^{135}\) Claim 1.1.73, paras 9–15.

\(^{136}\) Claim 1.1.73, para 16.
and support the Wai 1113, Wai 2352, and Wai 2353 which fall under the umbrella of the Ngāti Hikairo iwi claims.\(^{137}\) They further allege that the Crown failed to recognise and provide for Ngāti Hikairo rangatiratanga in the foreshore and seabed of Kāwhia Harbour, and failed to protect or provide for Ngāti Hikairo’s rights to use all rivers and waterways within their rohe for navigation.\(^{138}\) In addition, Ngāti Hikairo allege that the Crown failed to adequately protect customary Māori fishing and the Māori customary tuna fisheries in Ōpārau and other lakes, rivers, and waterways.

The claim also includes some specific allegations of Crown Treaty breach. They concern the Crown’s alleged failure to:

- consider alternative tenure options before taking the Mangauika B\textsuperscript{2}s\textsuperscript{2} block for waterworks;\(^{139}\)
- recognise and protect the Paretao Tribal Eel Reserve (Kāwhia s) and the Kāwhia H\textsuperscript{n} Tribal reserve, and also to ensure that the legal owners of the reserves were regarded as trustees;\(^{140}\)
- protect the Ōweka lagoon for Ngāti Hikairo;\(^{141}\)
- protect Ngāroto Moana from damage and/or desecration, and to properly recognise or protect the importance of the moana to Ngāti Hikairo;\(^{142}\)
- protect Te Wai o Rona (a freshwater spring).\(^{143}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\(^{137}\) Final soc 1.2.98, para 49.
\(^{138}\) Final soc 1.2.98, paras 74–79, 85.
\(^{139}\) Final soc 1.2.98, para 86. The Mangauika block is discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 7.4.3.3, 10.4.1.2.3, 10.4.3.2, 10.5.1.2, 11.4.3, and 11.5.3–11.5.4 and table 11.5.
\(^{140}\) Final soc 1.2.98, paras 87–88.
\(^{141}\) Final soc 1.2.98, para 89.
\(^{142}\) Final soc 1.2.98, para 90.
\(^{143}\) Final soc 1.2.98, para 91.
The alienation of land from Te Rohe Pōtai Māori as a result of the Crown's process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

We discuss George Charleton's land claim at Pouewe at section 4.4.2. Our findings on the Pouewe claim are at section 4.6.2.2.

Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtai iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtai Māori patrolled and protected against unsanctioned incursions – and the Crown's response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown's subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtai (1883–1903); the Crown's actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtai Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

We discuss the Crown's purchase of interests in land in the Mangauika block where the claimants have interests at sections 11.3.3.4, 11.4.3, 11.4.5.2,
and 11.4.9. The Crown’s purchase of interests in land in the Pirongia West block is discussed at sections 11.4.5.3, 11.4.6, 11.4.8, and 11.4.9.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).
  The Te Puru and Kārewa native townships are discussed in section 15.4.2. We set out our Treaty analysis and findings at section 15.4.2.8.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
  In specific relation to the Māori Affairs Amendment Act 1967, we found in section 16.5.4 that

  the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the
Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part 111).
  We discuss the Ōpārau land development scheme in section 17.3.4.2.2 and make findings on the operation of the scheme in section 17.3.5.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part 1v).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part 1v).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part 1v).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part 1v).
In section 21.3.4.2, we discuss the Conservation Act 1987 and issues associated with the Department of Conservation’s management of Pirongia maunga where the claimants have interests. In section 21.4.6.1, we consider the Pirongia Forest Park specifically, and note evidence given by DOC witnesses that no partnership arrangement had been established with Ngāti Hikairo. The regulatory control of protected wildlife on Kārewa Island is discussed at section 21.3.3.7.

- In section 21.5.3, we discuss Crown acts and omissions relating to drainage for land utilisation. At section 21.5.3.2, we consider the impact of drainage on the swampy lakes at Paretao and Ōweka where the claimants have interests.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  In section 22.3.7.1, we discuss the Crown’s regulation over Lake Ngāroto, and set out our findings and analysis in section 22.3.8. We discuss Crown regulation of tuna at section 22.6.8 and set out findings on customary non-commercial fisheries at section 22.6.10.

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

  Ngāti Hikairo’s grievances concerning their tribal identity are discussed in section 23.6.1.

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Te Rohe Pōtae Land Alienation Claim (Wai 1113)

Named claimants
Manihera Watson (2002), Marlene Pikia Edwards, and Tiriata Thorne (2014)\textsuperscript{144}

Lodged on behalf of
Themselves and Te Rūnanganui o Ngāti Hikairo Incorporated, and for the benefit of the members of representative hapū and marae of Ngāti Hikairo.\textsuperscript{145}

Takiwā
Kāwhia–Aotea. Ngāti Hikairo are an iwi with customary interests in Kāwhia Harbour. Their rohe stretches inland to the Waipā River and sits between those of Ngāti Maniapoto and Waikato. They also have close affiliations with their larger neighbours.\textsuperscript{146}

Other claims in the same claim group
1112, 1113, 1439, 2351, 2352, 2353. The claimants in this grouping are all members of Ngāti Hikairo. Although separate pleadings were filed for each claim, they fall within the umbrella of the Ngāti Hikairo iwi claims.\textsuperscript{147} Wai 1113 includes Ngāti Hikairo’s broader land alienation claims, and Wai 1112 their waterways claims. The Wai 1439, Wai 2351, Wai 2352, and Wai 2353 claims each address specific areas of Crown action within the claimants’ rohe.

Summary of claim
The claim addresses Ngāti Hikairo’s alleged loss of political autonomy, mana motuhake, and the erosion of the claimants’ ability to exercise tino rangatiratanga over their lands and taonga. In particular, the claimants point to the Crown’s failure to uphold the agreement it made with Ngāti Hikairo and the other four iwi in Te Ōhāki Tapu; its subsequent failures to recognise Ngāti Hikairo as an independent iwi and to ensure they retained sufficient tribal lands for their present and future needs; and its failure to recognise and protect the claimants’ customary interests in their lands, wāhi tapu, forests, fisheries, waterways, and other taonga.\textsuperscript{148}

In the original Wai 1113 statement of claim, the claimants raise broad allegations concerning the alienation of Ngāti Hikairo’s tribal lands; the introduction of the Native Land Court to Te Rohe Pōtae; the introduction of alcohol into Te Rohe Pōtae; the imposition of railway lines through the district; public works

\textsuperscript{144} Marlene Pikia Edwards and Tiriata Thorne were added as named claimants in 2014. Mere Gilmore was listed as a named claimant in 2007, but was removed in 2014: claim 1.1.173(b), paras 1–2.
\textsuperscript{145} Final SOC 1.2.98, para 1.
\textsuperscript{146} Final SOC 1.2.98, para 10.
\textsuperscript{147} Submission 3.4.226, para 13.
\textsuperscript{148} Claim 1.1.74, paras 7–13.
takings; and a specific claim concerning the destruction of the ancient marae of Whatiwhatihoe.\(^{149}\)

The Ngāti Hikairo group’s later amended statement of claim makes further allegations about Crown action to undermine tribal authority, including through its Treaty settlement policy. The claimants also make allegations concerning pre-Treaty land transactions; Crown purchasing policy; Crown-administered district land boards which managed much of Ngāti Hikairo’s remaining land without consultation; the land development schemes pursued on Ngāti Hikairo lands; Ngāti Hikairo landlessness; the socio-economic consequences of the Crown’s Treaty breaches on Ngāti Hikairo; and the near extinction of te reo Māori and tikanga among Ngāti Hikairo due to the Crown’s assimilationist policies. Other allegations concern the power given to local authorities to levy rates on Ngāti Hikairo; the Crown’s failure to ensure that local authorities protected Ngāti Hikairo’s Treaty rights; resource management and environmental issues; and the establishment and empowerment of the Māori Trustee and the Public Trustee to control and manage Ngāti Hikairo lands.\(^{150}\) The amended statement of claim also includes ‘non-raupatu’ allegations within the Waikato claim area that relate to specific lands, including the parishes of Pirongia, Ngāroto, and Mangapiko; and the townships of Alexandra West and East.\(^{151}\)

In a final statement of claim filed in 2011, the claimants further particularise these claims, and adopt and support the Wai 1112, Wai 2351, Wai 2352, and Wai 2353 claims (which fall under the umbrella of the Ngāti Hikairo iwi claims)\(^{152}\). They make additional allegations concerning the Crown’s use of the native township legislation, the Crown’s failure to protect wahi tapu, and the purchase of ‘uneconomic shares’ in land by the Māori Trustee following the enactment of the Maori Affairs Amendment Act 1967. They also set out the socio-economic consequences of the Crown’s acts and omissions on Ngāti Hikairo.\(^{153}\) Among the claimants’ specific allegations\(^{154}\) (not all of which are pursued in closing submissions) are:

- The Crown’s failure to ensure that Ngāti Hikairo’s lands within Pirongia were included in the Pirongia West block, and to remedy an error in the survey of the Pirongia West block that resulted in the claimants losing land.\(^ {155}\)

\(^{149}\) Claim 1.1.74, para 9.
\(^{150}\) Claim 1.1.74(b), paras 36–143.
\(^{151}\) Claim 1.1.74(b), para 140.
\(^{152}\) Final SOC 1.2.99, para 37.
\(^{153}\) Final SOC 1.2.99, paras 77–97.
\(^{154}\) Many of the blocks cited in this claim are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.8, 17.3.4.2.2.1–17.3.4.2.2.2, and 20.4.4.3 and table 11.5 (Pirongia West); sections 4.1, 4.2.2–4.2.3, 4.3.1–4.3.2, 4.4, 4.4.2, 4.6.2.2, 4.6.4, 8.3.1.2, and 15.4.2.1 (Pouewe); sections 7.4.3.3, 10.4.1.2.3, 10.4.3.2, 10.5.1.2, 11.4.3, and 11.5.3–11.5.4 and table 11.5 (Mangauika); and table 11.5 (Motukotuku).
\(^{155}\) Final SOC 1.2.99, para 55.
The Crown’s award of 44 acres of the Pouewe block to a settler on the basis of a pre-Treaty transaction.\(^{156}\)

The Crown’s purchase of a high proportion of individual shares out of the Mangauika block without regard to the interests of the Ngāti Hikairo owners.\(^{157}\)

The Crown’s purchase of a high proportion of individual shares out of the Pirongia West block without regard to the interests of the Ngāti Hikairo owners.\(^{158}\)

The appointment of the Māori Trustee as the agent for the owners of the Motukotuku block, which created the conditions for the subsequent alienation of the block.\(^{159}\)

The Crown’s failure to ensure that Ngāti Hikairo retained enough of their papakāinga reserve at Kawhia.\(^{160}\)

The alienation by the Crown of land at Kawhia P8s2, without first providing iwi with an opportunity to purchase the land. A further matter was the Crown’s failure to protect the claimants’ wāhi tapu in the Kawhia P9s2 block.\(^{161}\)

The Crown’s purchase of the entire Te Puru Township in 1912.\(^{162}\)

The Karewa Township was vested in the Māori Trustee from 1952 without adequate consultation with Ngāti Hikairo.\(^{163}\)

The Crown’s exclusion of Ngāti Hikairo landowners from the management of their land at Ōpārau.\(^{164}\) The Ōpārau land development scheme was also the subject of the Wai 1439 claim.\(^{165}\)

\(^{156}\) Final soc 1.2.99, para 60.
\(^{157}\) Final soc 1.2.99, para 67.
\(^{158}\) Final soc 1.2.99, para 67.
\(^{159}\) Final soc 1.2.99, paras 69–70.
\(^{160}\) Final soc 1.2.99, para 71.
\(^{161}\) Final soc 1.2.99, para 72–73.
\(^{162}\) Final soc 1.2.99, para 104(viii-x).
\(^{163}\) Final soc 1.2.99, para 107(i).
\(^{164}\) Final soc 1.2.99, para 114.
\(^{165}\) Final soc 1.2.63.
The Tainui-Kawhia Incorporation’s inability to provide opportunity for tikanga Māori to be exercised in tribal decision-making, despite it being established to have full management control of Ngāti Hikairo land.\footnote{166. Final SOC 1.2.99, para 115.}

The Crown’s failure to protect Ngāti Hikairo’s customary interests and ownership rights in Pirongia Maunga.\footnote{167. Final SOC 1.2.99, para 126.}

The Crown’s failure to protect Ngāti Hikairo’s customary interests and ownership rights in Mātakitaki Pā.\footnote{168. Final SOC 1.2.99, para 127.}

The Crown’s failure to properly care for and protect Taumata Atua, and to adequately consult with Ngāti Hikairo in relation to the taonga.\footnote{169. Final SOC 1.2.99, para 128.}

The Crown’s failure to adequately protect culturally significant pōhutukawa trees at Kawhia.\footnote{170. Final SOC 1.2.99, para 123.}

The Crown’s failure to return Te Tokitoki urupā following protest at its inclusion within the Kawhia A1 purchase block, and the subsequent construction of Highway 31 without regard for this site.\footnote{171. Final SOC 1.2.99, paras 130–131.}

The Crown’s failure to recognise the kaitiaki roles of the owners of Kārewa Island in 1889 and allowing them succession. The Crown also failed to consult with the owners before placing the motu within a wildlife sanctuary.\footnote{172. Final SOC 1.2.99, para 146.}

\section*{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).
We discuss George Charleton's land claim at Pouewe at section 4.4.2; our findings on the claim are at section 4.6.2.2.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

  We discuss the Crown’s purchase of interests in land in the Mangauika block, where the claimants have interests, at sections 11.3.3.4, 11.4.3, 11.4.5.2, and 11.4.9. The Crown’s purchase of interests in land in the Pirongia West block is discussed at sections 11.4.5.3, 11.4.6, 11.4.8, and 11.4.9.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtai under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III). The Te Puru and Kārewa native townships are discussed in section 15.4.2. We set out our Treaty analysis and findings at section 15.4.2.8.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtai Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

  In specific relation to the Māori Affairs Amendment Act 1967, we found in section 16.5.4 that

  the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtai between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  We discuss the Ōpāruru land development scheme in section 17.3.4.2.2 and make findings on the operation of the scheme in section 17.3.5.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtai Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part iv).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part iv).

We discuss the Crown’s compulsory taking of land for the Ōpārau school at section 20.4.2.1. In section 20.4.4.3, we discuss the lands acquired for scenic reserves around Kāwhia Harbour.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part iv).

In section 21.3.4.2, we discuss the Conservation Act 1987 and issues associated with the Department of Conservation’s management of Pirongia maunga, where the claimants have interests. In section 21.4.6.1, we consider the Pirongia Forest Park specifically, and note evidence given by DOC witnesses that no partnership arrangement had been established with Ngāti Hikairo. The regulatory control of protected wildlife on Kārewa Island is discussed at section 21.3.3.7. In section 21.5.3, we discuss Crown acts and omissions relating to drainage for land utilisation. At section 21.5.3.2, we consider the impact of drainage on the swampy lakes at Paretao and Ōweka, where the claimants have interests.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

In section 22.3.7.1, we discuss the Crown’s regulation over Lake Ngāroto, and set out our findings and analysis in section 22.3.8. We discuss Crown regulation of tuna at section 22.6.8 and make findings on customary non-commercial fisheries at section 22.6.10.

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

Ngāti Hikairo’s grievances concerning their tribal identity are discussed in section 23.6.1.
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

Any additional Tribunal findings on local allegations or claims

The Wai 1113 claimants raise the matter of the removal of a taonga known as Taumata Atua from Tiritirimatangi. According to their evidence, this taonga – placed on the island by the claimants’ tūpuna to protect the descendants of Rakataura and Hoturoa – was uncovered and removed in 1980 when the Ōpārau land development scheme was in operation. It subsequently ended up in a museum (Waikato Museum of Art and History). According to claimant counsel: ‘The witnesses noted that this taonga had actually been placed at Tiritirimatangi for special reasons and had been carefully hidden, rather than lost’. In turn, Mr John Tukotahi Pouwhare, the named claimant for the Ōpārau Station Trust claim (Wai 1439), considered that Taumata Atua should be returned.

The removal of the taonga sits within wider allegations about access to Tiritirimatangi Island. At the time the claimants gave evidence in this inquiry, September 2013, they had claims before the Māori Land Court alleging that the Department of Māori Affairs or Māori Trustee had failed to gazette a legal accessway to Tiritirimatangi. Claims regarding access to Tiritirimatangi had been ongoing since 2004, when the court ruled that access would be given across the Pırongia block to Tiritirimatangi; an order to this effect would be made on finalisation of compensation.

While acknowledging the matter remained before the courts, counsel for the claimants told us they were seeking ‘a finding in relation to Treaty principles that the Crown’s management of the Ōpārau Land Development Scheme failed to rectify the problem of access to Tiritirimatangi’. In response, the Crown submitted that without further information about its alleged failure to ensure access, the Tribunal was unable to make such a finding.

While this grievance is undoubtedly of considerable importance to the claimants, we are constrained in our ability to address it. As Crown counsel explained: ‘the Tribunal’s jurisdiction relates to prejudice to Māori caused by the Crown’s acts or omissions’. In the case of Taumata Atua’s removal from Tiritirimatangi, there

174. Submission 3.4.226, p 76.
175. Document N33, p 9; Submission 3.4.226, p 76.
177. Submission 3.4.226, p 76.
178. Submission 3.4.310(e), pp 177–178.
179. Submission 3.4.310(e), p 178.
is no evidence of Crown involvement. According to witness Barbara Moke, her understanding was that the taonga was found by two youths kayaking along the foreshore of Kāwhia Harbour, after which John Tukotahi Pouwhare recalled that many hui were held at a house in Ōpārau where ‘[k]aumātua came from everywhere to discuss the tohu.’ Mr Pouwhare said he did not ‘know how Taumata Atua ended up at the Museum.’ Accordingly, while we acknowledge the importance of this taonga to the claimants, no evidence has been placed before us indicating Crown involvement in the matter and, in turn, no Treaty breach is demonstrated.

Nonetheless, it is important to recognise that, as a Treaty partner, the Crown has an important role to play in protecting taonga tūturu, as it does with all kinds of heritage sites and objects. Where taonga tūturu are found in New Zealand, the Protected Objects Act 1975 provides for the Crown to assume temporary ownership until claims of ownership are settled. Section 12 of that Act established the jurisdiction of the Māori Land Court to consider such claims. Under section 11(4) and (5) (as substituted by the Protected Objects Amendment Act 2006), the chief executive of the Ministry of Culture and Heritage is required to notify parties that may have an interest in discovered taonga tūturu and facilitate claims to ownership. In cases where only one claim is lodged, the chief executive can apply to the Māori Land Court for an order of ownership.

In section 21.8, we commented on the Crown’s long-standing failure to adequately protect wāhi tapu, important sites, and material taonga. Historically, heritage protection legislation has been ‘unable to prevent destruction or modification of many sites of importance to Te Rohe Pōtae Māori’, and it is too early to say if the Heritage New Zealand Pouhere Taonga Act 2014 is improving the situation. We found both the Resource Management Act and the New Zealand Historic Places Trust Act 1993 to be ‘inconsistent with the principles of the Treaty with respect to the Crown’s duty to actively protect taonga.’ Likewise, we concluded that the Protected Objects Act 1975 and its predecessors provided inadequate protection against the export of sacred taonga, and had also been unable to ‘aid in [their] retrieval’. Despite the 2006 Amendment Act aligning New Zealand with international agreements intended to counter such illegal trade, we said that these measures had ‘come too late to retrieve many historic relics’.

Similarly, the removal of Taumata Atua highlights the inadequacy of the Protected Objects Act 1975 to protect the interests of hapū in their own taonga.

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

Marge Pongo Rameka (2007)

Herself, her whānau, and the hapū of Ngāti Ngutu and Ngāti Hua

Kāwhia–Aotea. This claim relates to the Te Awaroa A block, Rakaunui Native School, and Te Awaroa Scenic Reserve.

Not applicable.

The claim alleges Ngāti Ngutu and Ngāti Hua were prejudiced by the alienation of land in their rohe that was facilitated through the Native Land Court (which allowed the sale of land by individuals, not hapū). It also alleges the Crown took and did not return land for a school.

The amended statement of claim identifies five causes of action: the alienation of Te Awaroa A block; the operations of the Native Land Court; the gifting of land for Rakaunui Native School and its subsequent disposal; the land takings for Awaroa Scenic Reserve; and the desecration of wāhi tapu and urupā. In all cases, the claimant alleges the Crown breached the Treaty.

The following generic statements of claim are adopted: land alienation; Crown purchasing issues; the Native Land Court; public works takings; Māori land administration and development; economic development; tikanga; and environment.

In closing submissions, counsel submit the Crown breached its duty to actively protect Ngāti Ngutu by acquiring vast amounts of their lands through purchasing and public works takings. Counsel refers to evidence given by Marge Rameka concerning the landlocked Awaroa A2F2 block and asserts: The prejudicial Native Land Court processes which impacted Te Awaroa block suggests the difficulty Maori encountered undergoing such change with inflexible new laws and unfamiliar processes. These processes have ultimately led to the inability for Maori to access their lands creating a vast amount of landlocked lands.

181. Submission 3.4.197; claim 1.1.105.
182. Final SOC 1.2.107, p 2; submission 3.4.197.
183. Final SOC 1.2.107, pp 3–8.
184. Claim 1.1.105.
185. This block is discussed in section 20.4.4.3 of Te Mana Whatu Ahuru.
186. Final SOC 1.2.107, pp 3–4, 6–8.
187. Submission 3.4.197, p 4.
Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part I).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part I).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Section 24.3.3.1 notes that, from 1900, it was standard government practice for land gifted by Māori communities for native schools to be transferred to Crown ownership using the Public Works Act. Rākaunui was one of five native school sites in Te Rohe Pōtae treated in this way. The school was located on the Awaroa A3 block, but the Crown took both the school site and the road access to it in 1909. It was taken under the Public Works Act as officials advised it was ‘almost an impossibility’ to get all 42 owners to sign a deed of transfer. No compensation was paid.
Claim title
Aōtea Harbour and Waahi Tapu Claim (Wai 1410)

Named claimant
Davis Apiti (2007)

Lodged on behalf of
Ngāti Te Wehi

Takiwā
Kāwhia–Aotea. Ngāti Te Wehi’s rohe lies in the area surrounding Aotea Harbour. This claim relates to land development at Maukutea, Aotea Harbour, specifically in the Aotea South 1 and 2 blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges the Crown’s actions and omissions in the Aotea South 1 and 2 blocks under the Resource Management Act 1991 and Te Ture Whenua Māori Act 1993 have caused prejudice. The claim’s cause of action is the development of Maukutea, an area containing wāhi tapu, including taniwha holes; it is also where Te Korotangi, a bird artefact connected to the arrival of the Tainui waka, was found in 1887 at a site known as Oteohu. The claim alleges the development company, Aotea Estate Ltd, fulfilled the consultation with Māori required by the Resource Management Act 1991 by negotiating with a fictitious, non-existent Aotea Estate Committee. Following resource consent, Maukutea was demolished with the pā site, midden sites, and burial sites destroyed.

The amended statement of claim sets out two causes of action: failure to protect Māori land and wāhi tapu; and failure to consult with Māori. In the first cause of action, the claimant alleges the Crown breached its Treaty duties by failing to ‘protect wāhi tapu from destruction’ and to ‘provide clear direction and guidelines to those seeking to build on, adjacent and opposite to Māori land and wāhi tapu’. In the second, the claimant alleges the Crown breached its Treaty duties by failing to ensure meaningful consultation with iwi was required ‘in regards to developments which involved wāhi tapu’ and to make provision for district councils to consult with iwi and hāpū.

188. Submission 3.4.216.
189. Submission 3.4.216. In the statement of claim this was expressed as being made on behalf of ‘the tangata whenua of Aotea Harbour, namely Ngāti Te Wehi’: claim 1.1.106, p 2.
190. Submission 3.4.215, pp 3, 5; doc A104 (de Silva), pp 29, 32.
191. The Aotea South blocks are discussed in sections 20.5.1 and 20.6 of Te Mana Whatu Ahuru.
194. Final SOC 1.2.16, pp 2, 7, 10, 12.
The importance of Maukutea to Ngāti Te Wehi and what they describe as the inadequacy of the resource consent and Historic Places Trust processes are further explained in the claimant's brief of evidence. Mr Apiti says subdivision consent was granted in 1998 on the condition that earthworks were to cease if new archaeological sites were found; nor were any earthworks to be within 10 metres of known sites. Following a disturbance of significant sites in 2003, the Historic Places Trust advised the developer to stop work. The developer ignored this and continued excavations. Ngāti Te Wehi appealed to the Environment Court in 2004, which recommended mediation. At mediation, the developers agreed to comply with the conditions. In 2008 they applied for resource consent to carry out further earthworks. This led to a more extensive consultation process but the claimant alleges ‘insufficient consideration was given to our cultural values and cultural sites of significance.’ Further work by the developers resulted in the destruction of Maukutea.

The closing submission addresses the requirement for consultation with Māori on matters of land development and the protection of wāhi tapu, as well as the inability of legislation to protect Māori land and wāhi tapu from desecration. The claimant submits that the destruction of sites of cultural heritage at Maukutea ‘clearly shows that even in contemporary times, tangata whenua concerns remain secondary and that the true vision of partnership implicit in the Treaty is not being honoured.’

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4-24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  The destruction of Maukutea is described in section 21.5.1.2.2.2, one of three case studies which we say demonstrate the limited options available to Maori seeking the protection of important taonga sites ‘and the vigilance and sheer effort needed for maintaining their responsibilities as kaitiaki for these sites.”

197. Submission 3.4.216, p9.

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In regard to the claimant’s allegations about the deficiencies of the Crown’s legislative regime, in section 21.8 we comment that the ability of Māori ‘to protect taonga sites and other material taonga, waterways, and fisheries, was continually threatened by the Crown’s land use and planning policies and legislation.’ We find that as neither the RMA nor the New Zealand Historic Places Trust Act 1993 have provided sufficient protection for important taonga sites, they ‘are therefore inconsistent with the principles of the Treaty with respect to the Crown’s duty to actively protect taonga.’ Further, we find the Crown has acted ‘in a manner inconsistent with the principle of good government’ for its continued failure to adhere to previous Waitangi Tribunal reports requiring the amendment of section 8 of the RMA (which says the Crown must take Treaty principles into account).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Te Patupō Kāwhia and Aōtea Harbours Claim (Wai 1438).

Named claimant
Allan RuBay (2007)\(^{198}\)

Lodged on behalf of
Himself and all descendants of Ngāti Patupō\(^{199}\)

Takiwā
Kāwhia–Aotea. The claim relates to the Kāwhia and Aotea Harbours ‘and the land and resources in, around and between those harbours’, including the Kārewa and Te Puru Native Townships and Morrison Road.\(^{200}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1438 statement of claim concerns Kāwhia and Aotea Harbours, and the lands and resources between these harbours where Ngāti Patupō have interests. The claimant makes the general allegation that Crown actions (including legislation, regulations, and other policies and practices) undermined, and continue to impact on, Ngāti Patupō’s tino rangatiratanga within the rohe.\(^{201}\)

These pleadings are developed in an amended statement of claim, which alleges that the Crown failed to ensure Ngāti Patupō tūpuna retained sufficient land to sustain their needs and could develop their land in a manner consistent with their customs. In these pleadings, the claimant makes specific allegations related to the establishment of the Kārewa Native Township and the Te Puru Native Township.\(^{202}\) Regarding the former, it is alleged that the Crown acquired land at Kārewa surreptitiously to gain access to Kāwhia Harbour. In particular, the claim asserts that at least a third of the township area was taken without compensation under the Native Townships Act 1895. It draws special attention to the Kawhia M\(^2\) block, which allegedly came to be vested in the township following informal lease arrangements between Māori and Pākehā.\(^{203}\) The claim alleges that the loss of land for cultivation caused a food shortage in Kāwhia.\(^{204}\) Regarding the Te Puru

\(^{198}\) Submission 3.4.183, p [2]; claim 1.1.109, p [2].
\(^{199}\) Submission 3.4.183, p [2].
\(^{200}\) Claim 1.1.109, p [2]; final SOC 1.2.101.
\(^{201}\) Claim 1.1.109, p 2.
\(^{202}\) Final SOC 1.2.101, pp 4–8.
\(^{203}\) Final SOC 1.2.101, p 6. The Kawhia M block is discussed in sections 10.7.2.2 and 15.4.2.2 of Te Mana Whatu Ahuru.
\(^{204}\) Final SOC 1.2.101, p 7.
Township, the claim notes that only 10 per cent of the township was set aside as reserves and the owners were not compensated for 35 per cent of the township.\footnote{205}{Final soc 1.2.101, p 8.}

The claim raises another specific local allegation concerning the Crown's failure to consult with the right owners before compulsorily acquiring land at Morrison Road in 1965. It is also asserted that the right owners were not paid compensation for this taking.\footnote{206}{Final soc 1.2.101, p 9.} In closing submissions, counsel contend that this taking also led to roading being constructed over an urupā. They submit that the Crown removed kōiwi following discovery, and Ngāti Patupō do not know the location of these remains.\footnote{207}{Submission 3.4.183, p [10].}

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

  Our specific findings on the Kārewa and Te Puru townships are set out in section 15.4.2.8. While we found that at least some owners did not consent to Kārewa being proclaimed as a native township, we cannot be sure about Te Puru. For a discussion of the Kawhia M2 block, see section 15.4.2.2, where we consider Māori involvement in the decision to establish a township at Kārewa.

  Our findings on the Te Puru Township are restricted to our general findings on the native townships regime itself, set out in section 15.3.8. However, in section 15.4.2.1 we confirm the claim’s contention that the Crown acquired 35 per cent of the township without compensating the owners, and that Māori were only provided an allotment of 10 per cent of the whole township area.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

We address the allegations regarding the Morrison Road takings in detail in section 20.5.1.
Claim title
Oparau Station Trust Claim (Wai 1439)

Named claimant
John Pouwhare (2007)

Lodged on behalf of
Himself and all the trustees and beneficial owners of the Oparau No 1 block

Takiwā
Kāwhia–Aotea. The claimant traces collective ancestry to the eponymous ancestor Maniapoto and affiliates to both Ngāti Maniapoto and Ngāti Hikairo. Ngāti Hikairo are an iwi with customary interests in Kāwhia Harbour. Their rohe stretches inland to the Waipā River and sits between those of Ngāti Maniapoto and Waikato. They also have close affiliations with their larger neighbours.

Other claims in the same claim group
1112, 1113, 1439, 2351, 2352, 2353. The claimants in this grouping are all members of Ngāti Hikairo. Although separate pleadings were filed for each claim, they fall within the umbrella of the Ngāti Hikairo iwi claims. Wai 1113 includes Ngāti Hikairo’s broader land alienation claims, and Wai 1112 their waterways claims. The Wai 1439, Wai 2351, Wai 2352, and Wai 2353 claims each address specific areas of Crown action within the claimants’ rohe.

Summary of claim
The original Wai 1439 statement of claim addresses compulsory surveys and road works on the Ōpārau Station Trust lands, parts of which front Kāwhia Harbour. These Crown actions, the claimant alleges, created ‘significant impediments, obstacles and barriers to the use, access and development of our lands.

The final statement of claim makes additional allegations concerning the Crown’s policy of vesting Māori land in Māori land councils and land boards. It broadly alleges that the Crown implemented land administration legislation that did not sufficiently protect landowners and undermined their rangatiratanga. The claim specifically identifies the Ōpārau development scheme established in 1955, saying that once the scheme was established, owners were not consulted over the management and development of their land.
Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  We discuss the Ōpārau land development scheme in section 17.3.4.2.2 and make findings on the operation of the scheme in section 17.3.5.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
Claim title
Ngāti Te Wehi Kāwhia Harbour and Resources Claim (Wai 1448)

Named claimants
Nancy Āwhitu (2007)\(^\text{215}\) and Rose Pairama (2011)\(^\text{216}\)

Lodged on behalf of
The tangata whenua of Aotea Harbour, namely Ngāti Te Wehi\(^\text{217}\)

Takiwā
Kāwhia–Aotea. The claim area is the harbours of Kāwhia and Aotea, ‘their foreshores, their harbour beds and that foreshore and seabed in and about the harbours extending to the territorial sea limit.’\(^\text{218}\)

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.\(^\text{219}\)

Summary of claim
The original Wai 1448 claim challenges the Crown’s presumption of ownership of the foreshore and seabed, especially with respect to Kāwhia Harbour. It argues that the Crown abrogated the claimants’ tino rangatiratanga through legislation such as the Harbours Acts 1878 and 1950, Resource Management Act 1991, and the Foreshore and Seabed Act 2004.\(^\text{220}\)

The Wai 1448 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate.\(^\text{221}\) The claim also notes that grievances concerning wāhi tapu will be raised later in the inquiry process after evidence had been collated on them.\(^\text{222}\)

\(\text{\textsuperscript{215}}\) Claim 1.1.112.
\(\text{\textsuperscript{216}}\) Final soc 1.2.44, p 9.
\(\text{\textsuperscript{217}}\) Claim 1.1.112; claim 1.1.112(a).
\(\text{\textsuperscript{218}}\) Claim 1.1.112(a), p 3.
\(\text{\textsuperscript{219}}\) Final soc 1.2.44, pp 9–11.
\(\text{\textsuperscript{220}}\) Claim 1.1.112, pp 3–5.
\(\text{\textsuperscript{221}}\) Final soc 1.2.44, pp 18–19, 29, 40–41, 56, 86, 100–101, 125, 144–145, 157–159, 200–201.
\(\text{\textsuperscript{222}}\) Final soc 1.2.44, pp 222–224.
The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.\(^{223}\) The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road),\(^{224}\) and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).\(^{225}\) Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.\(^{226}\) It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.\(^{227}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, we found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and failed to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land

\(^{223}\) Submission 3.4.237, p 46.
\(^{224}\) Submission 3.4.237, pp 58–59.
\(^{225}\) Submission 3.4.237, pp 58–59.
\(^{226}\) Submission 3.4.237, pp 16, 19–23.
\(^{227}\) Submission 3.4.237, pp 30–33.
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

> The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

> Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

> The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

> The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

> The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962: see chapter 17 and the findings summarised in section 17.6 (part III).

   The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

> The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

> The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Morrison Road is the subject of a case study in section 20.5.1. This details how the area was taken without compensation, and that the consultation was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding in section 22.6.1 about harbours: we said that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’.

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Hauturu West and Other Land Blocks Claim (Wai 1450)

Named claimants
John Kaati, Shane Edwards, and Nick Tuwhangai

Lodged on behalf of
Themselves and the hapū of Ngāti Ngutu, Ngāti Kinohaku, Ngāti Te Kanawa, Ngāti Hikairo, Ngāti Tamainu, and other resident hapū of the Kāwhia Harbour

Takiwā
Kāwhia–Aotea

Other claims in the same claim group

Summary of claim
The original statement of claim focuses on the actions of the Crown and local authorities in regard to three land blocks (Hauturu West, Kinohaku West, and Awaroa) and Kāwhia Harbour in general. The claimants allege the Crown gave no consideration to providing access to the blocks; further, they say Maniapoto Māori land and resources were taken for roading and conservation use without consultation and compensation.

More detail of specific Crown actions and inactions, and their consequences for the claimants, are set out in Mr Kaati’s evidence and the submissions of counsel. Among other matters, they allege that the Old Land Claims Commission failed to investigate pre-Treaty transactions between Kāwhia Māori and William Johnston, that land confiscation and alienation resulted in economic deprivation, and that Crown purchasing led to Māori land in the Maniapoto and Kāwhia areas becoming
landlocked.\textsuperscript{233} The six-acre Patahi block is of particular concern to the claimants. Landlocked after the Crown sold surrounding land to private buyers in the early twentieth century, without provision for access to the block, the claimants say they have since been unable to use, lease or develop it due to a lack of legal access.\textsuperscript{234} Instead, it has been used by a neighbouring farmer at no return to the owners. As well as being deprived of Patahi’s economic potential, Mr Kaati submits that the claimants ‘have [had] to suffer the humiliation of seeking permission to access their own lands, leading to a loss of mana’. Mr Kaati also said that, despite not being an owner in the block himself, he personally paid the fee charged by the Māori Land Court for an investigation into the ownership of Patahi initiated by another party. He did so in order to prevent the land from being sold, a gesture that he says ‘illustrates the costs Māori incur to save their lands’\textsuperscript{235}

Other allegations are set out in the amended statement of claim filed by the wider claimant collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the Old Land Claims commission held hearings in Te Rohe Pōtae concerned lands near Whāingaroa, Aotea, and Kāwhia Harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the Native Land Court 1884–1910 and surveys; Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).\textsuperscript{236}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

\begin{itemize}
  \item \textsuperscript{233} Submission 3.4.196, pp 4–10.
  \item \textsuperscript{234} Submission 3.4.90, p [4]; claim 1.2.78, p 55.
  \item \textsuperscript{235} Document S12, pp 12–14.
  \item \textsuperscript{236} Claim 1.2.78.
\end{itemize}
Also, in section 6.9.8.2 we find ‘that the Crown breached the plain meaning of the article 2 guarantee of tino rangatiratanga when it confiscated lands north of the Pūniu River where Ngāti Maniapoto and Ngāti Maniapoto-affiliated hapū had interests. Our finding encompasses but is not limited to: the lands between the Pūniu, Waipā, and Mangapiko Rivers, claimed by Ngāti Paretekawa and Ngāti Ngutu.’

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  Section 10.5.2 is particularly relevant to the claimants’ assertion that ‘the Crown has failed, and continues to fail, by not providing legal access to landlocked lands’ remaining in their ownership, including the Patahi block.  

There, we state that ‘[a] particularly damaging outcome of the court’s ad hoc approach to partitioning was that land could end up with restricted access or, in the worst-case scenario, no access at all (“landlocked land”).’

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1961, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtæ Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

237. Submission 3.4.196, p15.
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Pearl Comerford Hāpū of Te Rohe Pōtae Claim (Wai 1495)

Named claimant
Pearl Comerford (2008)\(^{238}\)

Lodged on behalf of
The hāpū of Te Rohe Pōtae\(^{239}\)

Takiwā
Kāwhia–Aotea. The claim relates to ‘that area known as Aotea.’\(^{240}\)

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.\(^{241}\)

Summary of claim
The original Wai 1495 claim concerns local government and rating. It argues the Crown had developed a local government system which historically had been able to operate in the absence of Māori representation or consultation with Māori. With respect to rating, the claim asserts that the Crown created a rating system that did recognise the distinctive relationship of Māori with their land, and nor did it consider whether the imposition of rates on Māori land was consistent with the Treaty. Lastly, the claim alleges the Crown did not provide a consistent approach for remitting rates on Māori land.\(^{242}\)

The Wai 1448 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme).\(^{243}\) The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. (The claim also noted that grievances concerning wāhi tapu would be raised later on in the inquiry process after evidence had been collated).\(^{244}\)

\(^{238}\) Claim 1.1.122.
\(^{239}\) Claim 1.1.122.
\(^{240}\) Claim 1.1.122, p [1].
\(^{241}\) Final SOC 1.2.44, pp 9–11. Throughout the SOC, the terms ‘Aotea’ and ‘Aotea Harbour’ are used interchangeably; we adopt the same convention here.
\(^{242}\) Claim 1.1.122, pp [2]–[3].
\(^{244}\) Final SOC 1.2.44, pp 222–224.
The combined claim raises rating issues raised by the Wai 1495, Wai 1592, and Wai 2137 claimants. The claimants allege the Crown used rating as another means for alienating Māori land. The claim describes how the rating exemptions for Māori land were progressively removed between the 1870s and 1920s, and how rates debt came to be attached to the land via the imposition of charging orders. The claim points to Āpirana Ngata’s observation that the rates demands were often based on inaccurate valuation rolls, and asserts that the payment of rates by Māori owners, complicated by the multiple ownership of the land, was made more difficult by the practice of Māori land boards using income from vested lands for other purposes. The claim points to 1950s legislation which empowered the court to appoint the Māori Trustee to lease or sell land encumbered by rates debt. A second broad allegation made by the claim is that the Crown enabled the non-payment of rates to be used to deny Māori a voice in local government, which ignored their interests.

Expanding on these allegations about local government, the claim states broadly that Te Rohe Pōtae Māori have rarely been consulted about important decisions made in their rohe and that local government has actively helped drive the alienation of Māori land, by pushing for land regarded as unproductive to be turned over to the Māori Trustee and then leased to Pākehā farmers. The claimants say that an ongoing lack of services for the Māori community, especially roading, has had wide-ranging adverse impacts such as impaired access to schooling, and reduced farm productivity. The combined claim states that local government (including rating) was established to serve the interests of the Pākehā community, so has largely ignored Māori interests.

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead
of its return to the original owners) when the scheme ended.  It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

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The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that 'the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of 'uneconomic interests' and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae' (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding about harbours in section 22.6.1: we said that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Ngāti Ngutu Hapū Claim (Wai 1497)

Named claimant
Richard Albert Williams (2008)

Lodged on behalf of
Ngāti Ngutu. The claimant’s marae is Rakaunui.

Takinā
Kāwhia–Aotea. This claim is concerned with the Te Awaroa A2E2 land block, also known as Hapaingarua.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim allege the Crown’s alienation of land in Te Rohe Pōtae has prejudiced Ngāti Ngutu, and relates particularly to the Awaroa A2E2 block.

The amended statement of claim states that, in 1919, the Crown took 26 acres 2 roods 2 perches of land in the Awaroa A2E2 block for scenery preservation. The Native Land Court ordered compensation of £54 to be paid to the Māori owners. The area taken contained a wāhi tapu and a spring. The claimant states the compensation was inadequate as it was based solely on the economic value of the land and ignored values important to Māori. The taking also landlocked a neighbouring block with Ngāti Ngutu owners. The claim alleges the Crown breached article 2 of the Treaty and the duty of active protection, and failed to ensure that Ngāti Ngutu retained authority, control, and ownership of ancestral lands and resources contained within them.

The amended statement of claim specifies two causes of action under which the Crown allegedly breached the Treaty of Waitangi: the taking of land under the Scenery Preservation Act 1908 and the Public Works Act 1908, and the desecration of wāhi tapu and urupā. It adopts the generic pleadings on Crown purchasing; protection of land base; public works takings; economic development; environmental policy and practice; taonga and tikanga; and the Native Land Court.

261. Claim 1.1.124; submission 3.4.203.
262. Final SOC 1.2.115. In closing submissions this was expressed as being made on behalf of himself and ‘his tupuna, Eugene Albert Thom, his hapu, Ngāti Ngutu as well all the shareholders of Awaroa A2E2 who are known as Haipaingarua’: submission 3.4.203, p 3.
263. Claim 1.1.124; claim 1.1.124(a).
264. Final SOC 1.2.115, p 3; submission 3.4.203, p 3.
265. Claim 1.1.124. The Awaroa A2E2 block is discussed in section 20.4.4.3 of Te Mana Whatu Ahuru.
266. Final SOC 1.2.115, pp 5, 8.
The claimant Richard Williams gave an account of the land taking, which we discuss in some detail in section 20.4.3. He said that in 1911 the Scenery Preservation Board recommended land in the Awaroa A2 block be acquired for scenery preservation. His grandfather, Henry Thom, expressed concern as the land surveyed for the reserve took the centre of the land he farmed with his siblings and left the remainder divided into three sections. He proposed to exchange their land in Awaroa A2E block for land elsewhere. Despite a sympathetic report by an inspector in 1913, an intention to take the reserve land was published in May 1915. Henry Thom objected for the same reasons as earlier and added that he would be left landless. He and two of his siblings then signed an agreement in December 1915 that they would not seek compensation for their land if there was an exchange arrangement. Three other owners in the Awaroa A2 block also objected to the land taking. The Commissioner of Crown Lands dismissed all objections. The matter was then left for the duration of the First World War. In May 1919, another notice of intent to take the land was issued. The agreement of December 1915 was set aside, against the wishes of three of the Thom family, as two other family members had agreed to compensation. Consequently, in September 1920, compensation for the land taken was paid to the Thom family and other owners in Awaroa 2 block. The claimant alleges that ‘the legislation favoured proponents of public works in their dealings with native landowners . . . The Crown was at a great advantage with land under multiple Maori ownership.’

The closing submissions state the claimant’s evidence shows that his tupuna’s attempts to engage with the Crown in a spirit of compromise were spurned. It concludes that the takings in Awaroa A2E were forced despite protests, the compensation was too little to commence building an economic base to replace the one lost, and the claimants are now landless and without the means to sustain themselves.

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

269. Submission 3.4.203, p 13.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtai Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtai Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtai Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtai Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

In section 20.6, we refer to several instances where ‘Māori owners indicated a preference to receive other land in redress’ when the Crown proposed taking their land for scenic reserves. We cite the taking of the Thom whānau’s land in the Awaroa block for a reserve as an illustration of officials being ‘quick to abandon efforts to exchange lands if the process appeared too complicated or inconvenient.’
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Floyd Kerapa and Ngāti Ngutu Hapū Claim (Wai 1498)

Named claimant
Floyd Kerapa (2008)

Lodged on behalf of
Himself and the Ngāti Ngutu hapū

Takiwā
Kāwhia–Aotea. Ngāti Ngutu’s interests lie largely in the Rākaunui area, Kāwhia.

Other claims in the same claim group

Summary of claim
The Wai 1498 claim makes broad allegations of prejudice as a result of Crown policies, practices, actions, and omissions during the nineteenth and twentieth centuries. They range from the operation of the Native Land Court and public works takings to rating legislation, landlocked land, the foreshore and seabed, the delivery of health services, and the ‘constitutional illegitimacy’ of successive governments.

Mr Kerapa’s evidence highlighted the loss of the 200-acre block traditionally known as Tanuku as a result of the Crown’s rating legislation. Tanuku sat within the Awaroa block, approximately three miles from the Rakaunui Native School. From 1905 to 1940, Kerapa – Mr Kerapa’s great-grandfather, today remembered by his people as a prophet – ran a popular healing practice from Tanuku, using a building that could sleep up to 200 people. Mr Kerapa told us that after his great-grandfather died, the family had to dispose of the land because they ‘could not keep up with the rates payments’ and it was leased to a farmer. Native trees were cut down and the buildings ‘desecrated’ by livestock. So too was a monument to Kerapa gifted by his father-in-law, the renowned carver and mason Ranui Mo Pakanga. At the time the land was alienated, the family understood a five-acre

270. Claim 1.1.125.
271. Claim 1.2.78, p 5.
272. Claim 1.1.125(a).
273. The Awaroa block, of which Tanuku was part, is discussed in section 20.4.4.3 of Te Mana Whatu Ahuru.
274. Submission 3.4.193, paras 3–8.
reserve would be created that would require the lessee to ‘farm around and not on this area of significance’.275 However, as the reserve did not eventuate, they have ‘not only lost this land, but suffered the indignity of it being trampled upon’. Thus, the claim alleges Ngāti Ngutu have been prejudiced by rating legislation that breached Treaty principles and the Crown’s Treaty duties.276 In addition, they say they can no longer collect whitebait from the stream at Tanuku without the farmer’s permission; they allege this loss of access is a breach of their customary fishing rights.277

Meanwhile, the Wai 1498 claimants’ general claims are developed in the amended statement of claim filed by the wider collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the Land Claims Commission held hearings in Te Rohe Pōtae concerned lands near the Whāingaroa, Aotea, and Kāwhia Harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the Native Land Court 1884–1910 and surveys; Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).278

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).
  
  Particularly relevant are our findings set out in section 6.9.8.2:

  the Crown breached the plain meaning of the article 2 guarantee of tino rangatiratanga when it confiscated lands north of the Pūniu River where Ngāti

276. Submission 3.4.193, para 7.
277. Submission 3.4.193, para 8.
278. Claim 1.2.78.
Maniapoto and Ngāti Maniapoto-affiliated hapū had interests. Our finding encompasses but is not limited to: the lands between the Pūniu, Waipā, and Mangapiko Rivers, claimed by Ngāti Paretekawa and Ngāti Ngutu.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

Section 10.5.2 is particularly relevant to the claimant group’s assertion that ‘the Crown has failed, and continues to fail, by not providing legal access to landlocked lands that remain in the claimants’ ownership’. There, we state that ‘[a] particularly damaging outcome of the court’s ad hoc approach to partitioning was that land could end up with restricted access or, in the worst-case scenario, no access at all (“landlocked land”).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource
sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Vernon Houpapa and Ngāti Ngutu Hapū Claim (Wai 1499)

Named claimant
Vernon Houpapa (2008)\textsuperscript{279}

Lodged on behalf of
Ngāti Ngutu and Ngāti Mahuta\textsuperscript{280}

Takiwā
Kāwhia–Aotea. This claim is related to land in the Taharoa block.\textsuperscript{281}

Other claims in the same claim group
Not applicable.

Summary of claim
The claim allege the hapū have been prejudiced by actions of the Crown through the Native Land Court and the laws of succession, particularly in relation to the Taharoa land block.\textsuperscript{282}

The amended statement of claim sets up eight causes of action: Crown purchasing and private purchasing; public works takings; Native Land Court; tikanga and wāhi tapu; economic development and unemployment; health; environmental issues; and Māori land administration and development. It adopts the generic pleadings on these issues.

The claim then describes the loss of land in the Taharoa block. Land was taken by Crown and private purchase, which included Old Land Claim 400.\textsuperscript{283} Other land was taken for roadways and public works, including the Albatross Point lighthouse. The amended statement lists blocks left landlocked by Native Land Court partitions and Māori land made into general land. It raises the issue of the looting of graves and the destruction of wāhi tapu, which it says the Crown failed to protect. The statement is also concerned with unemployment and lack of employment for local Māori in the Taharoa iron sand industry. It alleges that unemployment has also been caused by the Crown encouraging the leasing of Māori land instead of supporting farming by Māori. The claim also alleges inequalities of health care,

\textsuperscript{279} Claim 1.1.126.

\textsuperscript{280} Submission 3.4.171(a), p 3. The original statement of claim states it is made on behalf of ‘myself and on behalf of the Ngāti Ngutu hapu,’ while the final statement of claim is made on behalf of ‘himself, his whanau, Ngāti Hikairo, Ngāti Mahuta, Ngāti Maniapoto and Ngāti Ngutu, hapu of Ngāti Maniapoto’: claim 1.1.126; final SOC 1.2.122, p 3.

\textsuperscript{281} Claim 1.1.126; final SOC 1.2.122, p 4.

\textsuperscript{282} Claim 1.1.126.

\textsuperscript{283} The Taharoa block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 10.4.1.4, 10.5.2, 10.7.1.2, 11.3.2.6, 13.5.6, 14.3.1., 15.4.1.1–15.4.1.7, 15.4.2, 16.4.3.4, 16.5.1.2, 21.4.5, and 21.5.2.1.1–21.5.2.1.4 and tables 11.5, 13.2, 13.3, and 13.8. Old Land Claim 400 is discussed in sections 4.1, 4.5.1–4.5.2, 4.6.3, and 4.7.
particularly over the past treatment of tuberculosis, and says the Crown failed to protect Lake Tahāroa from degradation; it is now polluted.\(^{284}\)

In closing submissions, the claimants allege the Crown breached its Treaty duties by adopting predatory purchase practises. Counsel also say that the Crown, through the Native Land Court, failed to adopt a fair practice and to leave the claimants with sufficient land. They say the Crown failed to protect their wāhi tapu from desecration and failed to ensure the claimants retained control over, and received an equitable return from, their lands, mines, and other economic resources.\(^{285}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtate district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtate Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtate Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).
  
  The permanent alienation of land at Ōhaua/Nathan’s Point (Old Land Claim 400) is discussed in section 4.5.2. Unlike other instances of old land claims in Te Rohe Pōtate that were investigated by the Land Claims Commission, here a Crown grant was awarded for land subject to a pre-Treaty transaction in the apparent absence of any form of inquiry. In section 4.7, we find that this was a further failure by the Crown to fulfil its duty to actively protect Māori interests under article 2 of the Treaty.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtate (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtate Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

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\(^{284}\) Final soc 1.2.122, pp 3–31.

\(^{285}\) Submission 3.4.171(a), pp 4, 23, 45, 57.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtæ under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).
In section 21.6, we state that ‘the Crown, in actively pursuing its policy priorities with respect to the environment in conjunction with local or regional authorities, acted in a manner inconsistent with the principles of the Treaty of Waitangi’. We go on to identify various Crown actions, policies, and legislation that prejudiced claimants. With specific reference to the mining of the Tahāroa ironsands (examined in detail in section 21.5.2.1.2), we find that the enactment of the Iron and Steel Industry Act 1959 actively undermined Te Rohe Pōtæ Māori property rights in ironsands and took away their ability to set a market price for their ironsands. However, given the real benefits that have accrued to the owners from mining, we say that the prejudice here has been mitigated for the owners of Taharoa C.

We also find in section 21.6 that claimants were prejudiced by ‘a general failure’ to assist Māori owners and the Lakes Trust monitor the operations of New Zealand Steel Mining Limited – including with respect to damage to Lake Tahāroa, Wainui Stream, and associated taonga fisheries.

- The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

In respect of this claim’s allegations about the degradation of Lake Tahāroa, the impact of ironsand mining on the health of the lake and its fish stocks is discussed in section 21.5.2.1.2.

- The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Petunia Taylor Te Rohe Pōtae Claim (Wai 1501)

Named claimants

Lodged on behalf of
‘Those Maori of the Rohe Potae’

Kāwhia–Aotea

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.

Summary of claim
The original Wai 1501 claim concerns the destruction of wāhi tapu sites. Evidence given by Petunia Mahara indicates that the wāhi tapu in question were damaged in the course of the Okapu land development scheme.

The Wai 1501 claimants subsequently joined other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu will be raised later in the inquiry process after evidence had been collated on them.

The combined claim also addresses issues relating to public works takings raised by the Wai 1501, Wai 1592, Wai 1899, and Wai 2126 claimants. The claimants say that the Crown generally failed to consult adequately with Māori owners. They claim compulsory taking powers were used, often without compensation...
or recognition of the need to preserve Māori ownership of ancestral lands. They say the Crown failed to ensure the claimants retained sufficient lands for their needs, and failed to avoid damaging or destroying wāhi tapu. The claim notes that Māori land had been more greatly affected by public works taking in Te Rohe Pōtae than in any other region. The claimants point specifically to the takings made in connection with Morrison Road, and Aotea Road.

In relation to the taking for Morrison Road, which had occurred in the mid-1960s, the claimants allege the Crown did not consult with the owners, and failed to address concerns over the road being put through an area containing multiple urupā (this decision ultimately led to kōiwi being unearthed and reinterred elsewhere during the construction process). It is noted that no compensation was paid for the land taken, and that while the road had provided access to a local camp ground, it had not provided the claimants with access to their marae, their papakāinga, or the local foreshore. In relation to Aotea Road, the combined claim asserts that the owners of the Moerangi 3G and 3H blocks had paid for a road-line survey across their lands in the 1940s, which the Crown subsequently took without consultation by declaring it a public road, and without meeting the costs of its survey.

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

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296. Final soc 1.2.44, p 98.
299. Final soc 1.2.44, pp 119–121. Moerangi blocks are discussed in sections 16.4.5.1, 17.3.4.1.2, 17.3.4.1.3.1, 17.3.4.2.3.1, 17.3.4.2.3.1, 19.5.3, and 20.5.1 of Te Mana Whatu Ahuru.
300. Submission 3.4.237, p 46.
304. Submission 3.4.237, pp 30–33.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to 'set aside adequate reserves from its purchases' and to 'ensure that Māori retained sufficient land for their present and future needs', and thereby 'failed in its duty of active protection'.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part II).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships
with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

» The Crown’s support for the health and well-being of Te Rohe Pōtai Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Okapu F2 Land Block (Mahara) Claim (Wai 1502)

Named claimants
Steve Mahara (2008) and Raymond Mahara (2012)

Lodged on behalf of
The claimants and their whānau

Takiwā
Kāwhia–Aotea. This claim relates to the Okapu F2 block.

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.

Summary of claim
The original Wai 1502 claim concerns the taking of ancestral land for public, and subsequent rating demands. The claim asserts that the Crown took land for (Old) Morrison Road from the Okapu F2 block without compensation, and without consulting whānau or hapū with interests in the land. The claimants state that the construction of the road desecrated an urupā and wāhi tapu. Lastly, the claimants argue that higher rates demands were imposed on them after the road was built.

The Wai 1502 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. (The claim also noted that grievances concerning wāhi tapu would be raised later on in the inquiry process after evidence had been collated).

The combined claim also addresses issues with land title reforms associated with the Okapu Land Development Scheme arising from the Wai 1502, Wai 1804, Wai 1899, and Wai 1900 claims. In these pleadings, the claimants allege that the
Crown did not ensure that Ngāti Te Wehi landowners understood the scheme when convincing them to go ahead with it, and brought some blocks into the scheme against the wishes of their owners.\textsuperscript{313} They claim that the resulting rearrangement of the scheme’s lands was to be accompanied by the compulsory acquisition of some shares by the Māori Trustee.\textsuperscript{314} The claimants say that the Crown policy of placing non-owners on the land as occupiers effectively alienated the land from the owners (at least for the direction of the scheme).\textsuperscript{315}

Closely associated with the title reform issues affecting the Okapu development scheme are allegations arising from the Wai 1502, Wai 1899, and Wai 1900 claim concerning the operation of the scheme.\textsuperscript{316} The claimants point to the lack of consultation with the owners about the running of the scheme, and the leasing out of the lands on terms that favoured the occupiers rather than the owners (including compensation for improvements).\textsuperscript{317} The claim states that the Crown had not allowed for Ngāti Te Wehi’s participation in the management of the development scheme, and had loaded up the land with debt, while not delivering any meaningful financial return to the owners (the total payments to owners having only amounted to $20 over the life of the scheme).\textsuperscript{318}

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.\textsuperscript{319} The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road),\textsuperscript{320} and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).\textsuperscript{321} Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.\textsuperscript{322} It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.\textsuperscript{323}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

\begin{itemize}
\item \textsuperscript{313} Final soc 1.2.44, pp 148–150.
\item \textsuperscript{314} Final soc 1.2.44, pp 150–152.
\item \textsuperscript{315} Final soc 1.2.44, pp 201, 212.
\item \textsuperscript{316} Final soc 1.2.44, p 199.
\item \textsuperscript{317} Final soc 1.2.44, pp 211–219.
\item \textsuperscript{318} Final soc 1.2.44, pp 152–153.
\item \textsuperscript{319} Submission 3.4.237, p 46.
\item \textsuperscript{320} Submission 3.4.237, pp 58–59.
\item \textsuperscript{321} Submission 3.4.237, pp 58–59.
\item \textsuperscript{322} Submission 3.4.237, pp 16, 19–23.
\item \textsuperscript{323} Submission 3.4.237, pp 30–33.
\end{itemize}
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, the Tribunal found that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’ (see section 5.4.6.3).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement
schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part i i i).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtai Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part i v).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtai Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part i v).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part i v).

Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtai: see chapter 21 and the findings summarised in section 21.8 (part i v).

- The extent to which the Crown enabled Te Rohe Pōtai Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part i v).
We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).
Claim title
Okapu c Block (King) Claim (Wai 1534)

Named claimant
Janet King (2008) 324

Lodged on behalf of
Herself and the descendants of Ngāti Whawhakia 325

Takiwā
Kāwhia–Aotea. Ngāti Whawhakia’s traditional rohe is the area around Okapu, on the southern shore of Aotea Harbour. They are ‘the kaitiaki and manawhenua of Moerangi, Matakowhai, Maukutea, Putikitiki and Pourewa.’ 326

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges she and the descendants of Ngāti Whawhakia have been prejudicially affected by the Crown’s taking of land in the Okapu c block by an amalgamation order. She alleges the memorialised lands are held by the Okapu Trust, but were not properly transferred. 327

The amended statement of claim makes further allegations of Crown Treaty breaches – particularly that the actions of Crown troops at Rangiaowhia were war crimes, and that the Crown prolonged the war after the surrender of Ngāruawāhia by planning to invade Te Rohe Pōtāe. This caused the arrival of refugees, and wounded needing care, in the Ngāti Whawhakia rohe. Although no Ngāti Whawhakia lands were confiscated after the war, they had to provide for the displaced without compensation. The claim also raises issues related to the environment, alleging government legislation has reduced Māori to the status of consultees, and education, which they allege had a harmful assimilationist orientation, and discouraged the use and development of te reo. 328

Janet King gave evidence in support of the claim. She said her parents owned land at Matakowhai (Moerangi 3G2 block). Her father sold their farm to Maori Affairs in 1960 but retained some shares in Matakowhai. This land is now vested in the Okapu Block Trust, which is administered by Ngāti Wehi. Her family subsequently swapped their home at Matakowhai with a cousin in return for shares. They were later given the first option to buy the house back, but could not raise the money. She and her family are now landless. The land they formerly held is

324. Claim 1.1.132.
325. Submission 3.4.217, p 2.
326. Submission 3.4.217, p 2; see also doc S8 (King), pp 4–5.
327. Claim 1.1.132. The Okapu lands are discussed in sections 17.3.4.2.3 and 19.11.3 of Te Mana Whatu Ahuru.
328. Final SOC 1.2.134, p 11.
now either owned by the Crown, private land, or vested in a trust administered by people who are not Ngāti Whawhakia. She would like to regain a papakainga at Matakowhai for Ngāti Whawhakia and for the Moriu urupā to be returned to them.\textsuperscript{329}

The closing submissions state that the claimant evidence establishes that Ngāti Whawhakia lived at Matakowhai on Aotea Harbour and are the guardians of several other areas. Counsel submit that Crown breaches of the Treaty of Waitangi have devastated life, property, and culture. The claimant adopts the generic pleadings for war and raupatu; local government and rates; environmental issues; and education.\textsuperscript{330}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtæ Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

\textsuperscript{329} Document s8, pp 6–7.
\textsuperscript{330} Submission 3.4.217, p 2.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Mahuta (McQueen) Claim (Wai 1587)

Named claimant
Te Amohia McQueen (2008)\textsuperscript{331}

Lodged on behalf of
Herself, Ngāti Mahuta, and the descendants of Te Wherowhero\textsuperscript{332}

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1587 claim broadly addresses the Crown’s alleged failure to protect the Ngāti Mahuta’s right to determine their own political and social organisation, and to exercise rangatiratanga over their lands, forests, fisheries, and other taonga.\textsuperscript{333} It points to legislation enacted by the Crown including the Rating Act, the Land Transfer Act, and Local Councils Act, which it alleges did not allow for the exercise of tikanga. Furthermore, the claim alleges that the Crown failed to adequately respond to King Tāwhiao’s petitions to Parliament in the early twentieth century, and that the Westminster system did not give a fair hearing to the Māori perspective.\textsuperscript{334}

A later amendment to the statement of claim expands on these allegations and asserts that Ngāti Mahuta were prejudiced by Crown actions and omissions in many areas. These include the operation of the Native Land Court, the alienation of land in lieu of survey liens, Crown purchasing policy, the Crown’s use of public works legislation to compulsorily acquire Māori land, the Crown’s implementation of schemes for land development, the operation of the Māori Trustee, Crown environmental policy and practice, the failure to protect wāhi tapu, rating legislation, education policy for Māori, the inadequate delivery of health services to Māori, the failure to facilitate Māori economic growth, ‘raupatu’ of the foreshore and seabed, the generation of landlocked land, the operation of the Maori Land Board, and ‘the constitutional illegitimacy’ of successive governments.\textsuperscript{335}

In a final statement of claim, new pleadings are introduced concerning Waikato rangatira Pōtatau Te Wherowhero (later the first Māori king), and the relationships between rangatira who did not sign the Treaty of Waitangi and the Crown.

\begin{footnotesize}
\textsuperscript{331} Claim 1.1.136.
\textsuperscript{332} Claim 1.1.136.
\textsuperscript{333} Claim 1.1.136 p [1].
\textsuperscript{334} Claim 1.1.136 p [1].
\textsuperscript{335} Claim 1.1.136(a).
\end{footnotesize}
The claimant alleges the Crown failed to acknowledge that rangatira who did not sign the Treaty were not bound by it, and the Crown ‘seized land unlawfully based on its incorrect interpretation of the Treaty.’\textsuperscript{336} The claim says that the Crown ‘breached and contravened the legitimacy of He Whakaputanga and Kingitanga by assuming authority by way of treaty.’\textsuperscript{337}

Allegations of Crown Treaty breach are also included in the pleadings. The claimant says the Crown breached the Treaty through its actions that empowered local government and imposed rating legislation prejudicing Māori. It is alleged that ‘inflated rates and charges resulted in rapid expropriation of land.’\textsuperscript{338} Furthermore, the claim says Māori land was compulsorily vested in land councils as a consequence of rating legislation, the Maori Settlement Act 1905, and Maori Settlement Amendment Act 1906.\textsuperscript{339} It also raises the issue of whāngai (customary Māori adoption practice). In particular, the claim points to legislation governing Māori land and adopted children, saying that the Crown has failed to address the possibility that Māori adoptions might lead to land rights being passed to non-Māori.\textsuperscript{340}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

\textsuperscript{336} Final soc. 1.2.54, pp 7–8.
\textsuperscript{337} Final soc. 1.2.54, p 7.
\textsuperscript{338} Final soc. 1.2.54, p 8.
\textsuperscript{339} Final soc. 1.2.54, p 9.
\textsuperscript{340} Final soc. 1.2.54, pp 15–16.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Any additional Tribunal findings on local allegations or claims

The claim raises two issues which require further consideration. The first is the claim to have been prejudiced by ‘the constitutional illegitimacy’ of successive New Zealand Governments. From the final statement of claim, we understand the allegation to be that the Crown failed to sufficiently recognise He Whakaputanga (the 1835 Declaration of Independence of the United Tribes of New Zealand) as the foundational constitutional document. This allegedly prejudiced rangatira such as Pōtatau Te Wherowhero, who signed He Whakaputanga but not the Treaty of Waitangi. However, this claim sits outside of the Tribunal’s jurisdiction to inquire into claims of Crown breaches of the Treaty of Waitangi. Consequently, we are unable to comment on the substance of this allegation.

The claim also raises allegations concerning the Waikato War and the raupatu. Ngāti Mahuta’s raupatu claims were settled in 1995 by the Waikato Raupatu Claims Settlement Act 1995, and the Tribunal has no jurisdiction to inquire into Waikato raupatu claims. The claimant did not address this jurisdictional issue in evidence or submissions. We do not consider that this claim meets the jurisdictional test set out in section 1.4.2.2.

On the issue of whāngai, we understand the claim to be alleging that legislation governing Māori land and adoptions allows for the possibility of Māori land passing to non-Māori. Indeed, the Native Land Court process did not recognise or give effect to the practice of whāngai in a way that was consistent with tikanga Māori. Of particular concern was that the native land regime allowed for interests in land to pass to those without whakapapa. However, the claimant did not pursue this allegation in submissions or evidence. Therefore, having considered all the evidence presented to us, we consider this specific allegation is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

341. Claim 1.1.136(a), p [2].
Claim title
Descendants of Turongo (New Zealand Constitution Act 1852) Claim (Wai 1588)

Named claimant
Phillip Tauri King (2008)\(^{343}\)

Lodged on behalf of
Ngāti Mahuta, who are ‘a hapuu of Waikato and form part of the wider Tainui confederation of hapuu and iwi.’ They have a ‘strong allegiance to the Kiiingitanga movement.’\(^{344}\)

Takiwā
Kāwhia–Aotea. The traditional boundary of Ngāti Mahuta ‘extended from Waikawau in the south to the Moerangi block in the north (around the Aotea Harbour).’\(^{345}\)

Other claims in the same claim group
1588, 1589, 1590, 1591. The claimants are members of the ‘hapuu of Ngaati Mahuta.’\(^{346}\)

Summary of claim
The claim alleges Ngāti Mahuta have been prejudicially affected by the actions and omissions of the Crown in Te Rohe Pōtae under the New Zealand Constitution Act 1852. It is alleged that the Act replaced their tūpuna’s partnership with the Crown under the Treaty of Waitangi with governance by a settler minority intent on obtaining land. It also alleges that Māori were not able to participate fully in the political process because voting rights at that time derived from individual title to land, which was a foreign concept to Māori. The Act, it is alleged, disregarded their tino rangatiratanga and their right to the undisturbed possession of their land and taonga.\(^{347}\)

These themes are developed further in submissions, which seek to illustrate the effects upon Ngāti Mahuta of the Crown’s alleged usurpation of tino rangatiratanga, pre-Treaty land claims, the Native Land Court, land alienations, environmental issues and te moana, education, native townships, Māori land administration, and local government. On other issues, counsel for the claimants say they adopt the generic submissions. Finally, counsel submit that Ngāti Mahuta have their own identity and traditional history distinct from Ngāti Maniapoto.\(^{348}\)

\(^{343}\) Claim 1.1.137.
\(^{344}\) Submission 3.4.7, pp 2–3; submission 3.4.143, p 11.
\(^{346}\) Submission 3.4.7; submission 3.4.143.
\(^{347}\) Claim 1.1.137.
\(^{348}\) Submission 3.4.7; submission 3.4.143, p 68.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on the following general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown's process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

With specific reference to the Hārihāri block, section 5.8 concludes that the Crown failed to consult all customary right holders when purchasing the Whaingaroa block in 1851, requiring a series of further payments. During the second phase of purchasing, from 1854, chief commissioner McLean targeted willing sellers, through a series of arrangements made with individuals or small groups of people. This enabled him to circumvent any potential opposition. McLean then left it to his subordinate John Rogan and others to complete negotiations, which usually involved further payments. Rogan, too, made inadequate efforts to identify all right holders, for example in the Hārihāri and Oiōroa purchases, where the Crown relied on rangatira involved in the land sales to distribute portions of the purchase price to other right holders. We found these failures to be in breach of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

Our discussion of the native townships established at Parawai/Te Maika (see section 15.6.1), and Kārewa and Te Puru (see section 15.6.2) is particularly relevant to this claim.

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

Our discussion of the mining of the Tahāroa ironsands (examined in detail in section 21.5.2.1.2) is relevant to this claim: the schedule to the Iron and Steel Industry Act 1959 lists only one North Island ironsands area, and the Taharoa C block lies within it. In section 21.6, we find that the enactment of the Act actively undermined Te Rohe Pōtae Māori property rights in ironsands and took away their ability to set a market price for their ironsands. However, given the real benefits that have accrued to the owners from mining, we conclude that the prejudice here has been mitigated for the owners of Taharoa C.

We also find in section 21.6 that claimants were prejudiced by ‘a general failure’ to assist Māori owners and the Lakes Trust monitor the operations of
New Zealand Steel Mining Limited, including with respect to damage to Lake Tahāroa, Wainui Stream, and associated taonga fisheries.

- The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

- The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

  In section 24.3.3.1, we note the delay in establishing the Tahāroa native school after requests from local Māori who had gifted land for that purpose (it opened in 1910). Tahāroa was among the five Te Rohe Pōtæ schools for which the Crown did not pay compensation when it subsequently took the site under the Public Works Act. We later discuss the school as ‘a stark example’ of the barriers that Māori pupils faced in accessing schooling; until the Crown agreed to fund a road to the school in 1968, children could reach it only by an unsafe dirt track. In our findings, we cite such actions as examples of the Crown’s failure to uphold its Treaty obligation (see section 24.10).
Claim title
Descendants of Turongo (Native Land Acts) Claim (Wai 1589)

Named claimants
Phillip Tauri King and Verna Tuteao

Lodged on behalf of
Ngāti Mahuta. They are ‘a hapu of Waikato and form part of the wider Tainui confederation of hapu and iwi.’ They have a ‘strong allegiance to the Kīingitanga movement’.

Takiwā
Kāwhia–Aotea. The traditional boundary of Ngaati Mahuta ‘extended from Waikawau in the south to the Moerangi block in the north (around the Aotea Harbour).’

Other claims in the same claim group
1588, 1589, 1590, 1591. The claimants are members of the ‘hapu of Ngaati Mahuta.’

Summary of claim
The claimants allege they have been prejudicially affected by the Crown’s passing of the Native Land Act 1862. They allege this Act undermined their communal ownership of land and made easier the alienation of their land. In the claimants’ view, the legislation and its effects breached the Treaty of Waitangi, which promised Māori the possession of their land and taonga.

In the amended statement of claim, the claimants state that the Crown had a duty of active protection to ensure Ngāti Mahuta retained sufficient land for their needs and economic prosperity. The claimants allege that the Crown, in breach of the Treaty, alienated Ngāti Mahuta land through its purchasing policies and the introduction of the Native Land Court. The claimants also allege the Crown breached the Treaty through the desecration of sites of significance and the environmental degradation of Kāwhia Harbour and of waterways in their rohe. In addition, they allege the Crown failed to provide adequate infrastructure and also

349. This claim was brought by Phillip King in 2008. Verna Tuteao was added as a named claimant in 2010: claim 1.1.138; claim 1.1.138(a).
350. Submission 3.4.143; submission 3.4.338. The first amended statement of claim was made on behalf of the claimants, ‘Their whānau, including their tupuna; and All other members of the hapu Te Iti o Mahuta’; claim 1.1.138(a), p [2]. Later this was amended to ‘Te Iti o Mahuta’; claim 1.1.138(b); memo 2.2.105. The joint closing submissions were made on behalf of ‘Ngāti Mahuta’, and the submissions in reply for Wai 1589 were filed on behalf of ‘Ngaati Mahuta’: submission 3.4.143; submission 3.4.338.
351. Submission 3.4.7, pp 2–3; submission 3.4.143, p 11.
353. Submission 3.4.7; submission 3.4.143.
failed to protect the claimants’ mineral resources, their rangatiratanga, and their seabed, coastline, and oceanic territory.\textsuperscript{356}

The claimants further develop these themes in their submissions, which seek to illustrate the effects upon them of the Crown’s alleged usurpation of tino rangatiratanga, pre-Treaty land claims, the Native Land Court, land alienations, environmental issues and te moana, education, native townships, Māori land administration, and local government. On other issues, the claimants adopt the generic submissions. Counsel for the claimants finally submit that Ngāti Mahuta has its own identity and traditional history distinct from Ngāti Maniapoto.\textsuperscript{357}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part i).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part i).

  With specific reference to the Harihari block, section 5.8 concludes that the Crown failed to consult all customary right holders when purchasing the Whaingaroa block in 1851, requiring a series of further payments. During the second phase of purchasing, from 1854, chief commissioner McLean targeted willing sellers, through a series of arrangements made with individuals or small groups of people. This enabled him to circumvent any potential opposition. McLean then left it to his subordinate John Rogan and others to complete negotiations, which usually involved further payments. Rogan, too, made inadequate efforts to identify all right holders, for example in the Harihari and Oiōroa purchases, where the Crown relied on rangatira involved in the land sales to distribute portions of the purchase price to other right holders. We found these failures to be in breach of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection.

\textsuperscript{356} Claim 1.2.129, pp 6–9.

\textsuperscript{357} Submission 3.4.7; submission 3.4.143, p 68.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Tē Rohe Pōtē Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtē Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtē Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtē Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtē under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

Our discussion of the native townships established at Parawai/Te Maika (see section 15.6.1), and Kārewa and Te Puru (see section 15.6.2) is particularly relevant to this claim.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtē Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Tē Rohe Pōtē Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource...
sites in Te Rohe Pōtāe: see chapter 21 and the findings summarised in section 21.8 (part IV).

- Our discussion of the mining of the Tahāroa ironsands (examined in detail in section 21.5.2.1.2) is relevant to this claim: the schedule to the Iron and Steel Industry Act 1959 lists only one North Island ironsands area, and the Taharoa C block lies within it. In section 21.6, we find that the enactment of the Act actively undermined Te Rohe Pōtāe Māori property rights in ironsands and took away their ability to set a market price for their ironsands. However, given the real benefits that have accrued to the owners from mining, we say that the prejudice here has been mitigated for the owners of Taharoa C.

- We also find in section 21.6 that claimants were prejudiced by ‘a general failure’ to assist Māori owners and the Lakes Trust monitor the operations of New Zealand Steel Mining Limited, including with respect to damage to Lake Tahāroa, the Wainui Stream, and associated taonga fisheries.

- The extent to which the Crown enabled Te Rohe Pōtāe Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtāe Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtāe from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

  In section 24.3.3.1, we note the delay in establishing the Tahāroa native school after requests from local Māori who had gifted land for that purpose (it opened in 1910). Tahāroa was among the five Te Rohe Pōtāe schools for which the Crown did not pay compensation when it subsequently took the site under the Public Works Act. We later discuss the school as ‘a stark example’ of the barriers that Māori pupils faced in accessing schooling; until
the Crown agreed to fund a road to the school in 1968, children could reach it only by an unsafe dirt track. In our findings, we cite such actions as examples of the Crown’s failure to uphold its Treaty obligation (section 24.10).
Claim title
Descendants of Turongo (Māori Reserved Land) Claim (Wai 1590)

Named claimant
Phillip Tauri King (2008)\(^{358}\)

Lodged on behalf of
Ngāti Mahuta, who are ‘a hapuu of Waikato and form part of the wider Tainui confederation of hapuu and iwi.’ They have a ‘strong allegiance to the Kīingitanga movement.’\(^{359}\)

Takiwā
Kāwhia–Aotea. The traditional boundary of Ngāti Mahuta ‘extended from Waikawau in the south to the Moerangi block in the north (around the Aotea Harbour).’\(^{360}\)

Other claims in the same claim group
1588, 1589, 1590, 1591. The claimants are members of ‘the hapuu of Ngaati Mahuta.’\(^{361}\)

Summary of claim
The claim alleges that Ngāti Mahuta have been prejudicially affected by perpetually renewable leases (Māori reserve land leases). It argues that perpetually renewable leases are a form of land alienation, as control of the land is lost and the land must be bought back by the owners. The claimant alleges that even owners do not get first right of refusal to buy back the lease.\(^{362}\)

These themes are developed in submissions, which seek to illustrate the effects upon Ngāti Mahuta of the Crown’s alleged usurpation of tino rangatiratanga, pre-Treaty land claims, the Native Land Court, land alienations, environmental issues and te moana, education, native townships, Māori land administration, and local government. On other issues, the claimant adopts the generic submissions. Finally, counsel submit that Ngāti Mahuta have their own identity and traditional history distinct from Ngāti Maniapoto.\(^{363}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

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358. Claim 1.1.139.
359. Submission 3.4.7, pp 2–3; submission 3.4.143, p 11.
361. Submission 3.4.7; submission 3.4.143.
362. Claim 1.1.139.
363. Submission 3.4.7; submission 3.4.143, p 68.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

  With specific reference to the Harihari block, section 5.8 concludes that the Crown failed to consult all customary right holders when purchasing the Whaingaroa block in 1851, requiring a series of further payments. During the second phase of purchasing, from 1854, chief commissioner McLean targeted willing sellers, through a series of arrangements made with individuals or small groups of people. This enabled him to circumvent any potential opposition. McLean then left it to his subordinate John Rogan and others to complete negotiations, which usually involved further payments. Rogan, too, made inadequate efforts to identify all right holders, for example in the Harihari and Oiōroa purchases, where the Crown relied on rangatira involved in the land sales to distribute portions of the purchase price to other right holders. We found these failures to be in breach of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- Our discussion of the native townships established at Parawai/Te Maika (see section 15.6.1), and Kārewa and Te Puru (see section 15.6.2) is particularly relevant to this claim.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  Our discussion of the mining of the Tāharoa ironsands (examined in detail in section 21.5.2.1.2) is relevant to this claim: the schedule to the Iron and Steel Industry Act 1959 lists only one North Island ironsands area, and the Taharoa block lies within it. In section 21.6, we find that the enactment of the Act actively undermined Te Rohe Pōtae Māori property rights in ironsands and took away their ability to set a market price for their ironsands. However, given the real benefits that have accrued to the owners from mining, we say that the prejudice here has been mitigated for the owners of Taharoa C.

  We also find in section 21.6 that claimants were prejudiced by ‘a general failure’ to assist Māori owners and the Lakes Trust monitor the operations of New Zealand Steel Mining Limited, including with respect to damage to Lake Tahāroa, the Wainui Stream, and associated taonga fisheries.
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

In section 24.3.3.1, we note the delay in establishing the Tahâroa native school after requests from local Māori who had gifted land for that purpose (it opened in 1910). Tahâroa was among the five Te Rohe Pōtae schools for which the Crown did not pay compensation when it subsequently took the site under the Public Works Act. We later discuss the school as ‘a stark example’ of the barriers that Māori pupils faced in accessing schooling; until the Crown agreed to fund a road to the school in 1968, children could reach it only by an unsafe dirt track. In our findings, we cite such actions as examples of the Crown’s failure to uphold its Treaty obligation (section 24.10).
Claim title
Descendants of Turongo (Native Land Court) Claim (Wai 1591)

Named claimant
Phillip Tauri King (2008)

Lodged on behalf of
Ngāti Mahuta, who are ‘a hapuu of Waikato and form part of the wider Tainui confederation of hapuu and iwi.’ They have a ‘strong allegiance to the Kīingitanga movement’.

Takiwā
Kāwhia–Aotea. The traditional boundary of Ngāti Mahuta ‘extended from Waikawau in the south to the Moerangi block in the north (around the Aotea Harbour).’

Other claims in the same claim group
1588, 1589, 1590, 1591. The claimants are members of the ‘hapuu of Ngaati Mahuta.

Summary of claim
The claim alleges Ngāti Mahuta have been prejudicially affected by the Native Lands Act 1865. It alleges the Native Land Court, through its individualisation of land titles, dispossessed Māori of their land. The claim asserts this breached the Treaty of Waitangi, which allowed Māori undisturbed possession of their land.

These themes are developed further in submissions, which seek to illustrate the effects upon Ngāti Mahuta of the Crown’s alleged usurpation of tino rangatiratanga, pre-Treaty land claims, the Native Land Court, land alienations, environmental issues and te moana, education, native townships, Māori land administration, and local government. On other issues, the claimant adopts the generic submissions. Finally, counsel for the claimant submit that Ngāti Mahuta have their own identity and traditional history distinct from Ngāti Maniapoto.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations of issues requiring additional Tribunal findings.

364. Claim 1.1.140.
365. Submission 3.4.7, pp 2–3; submission 3.4.143, p 11.
367. Submission 3.4.7; submission 3.4.143.
368. Claim 1.1.140.
369. Submission 3.4.7; submission 3.4.143, p 68.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

  With specific reference to the Harihari block, section 5.8 concludes that the Crown failed to consult all customary right holders when purchasing the Whaingaroa block in 1851, requiring a series of further payments. During the second phase of purchasing, from 1854, chief commissioner McLean targeted willing sellers, through a series of arrangements made with individuals or small groups of people. This enabled him to circumvent any potential opposition. McLean then left it to his subordinate John Rogan and others to complete negotiations, which usually involved further payments. Rogan, too, made inadequate efforts to identify all right holders, for example in the Harihari and Oiōroa purchases, where the Crown relied on rangatira involved in the land sales to distribute portions of the purchase price to other right holders. We found these failures to be in breach of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

Our discussion of the native townships established at Parawai/Te Maika (see section 15.6.1), and Kārewa and Te Puru (see section 15.6.2) is particularly relevant to this claim.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

Our discussion of the mining of the Tahāroa ironsands (examined in detail in section 21.5.2.1.2) is relevant to this claim: the schedule to the Iron and Steel Industry Act 1959 lists only one North Island ironsands area, and the Taharoa C block lies within it. In section 21.6, we find that the enactment of the Act actively undermined Te Rohe Pōtae Māori property rights in ironsands and took away their ability to set a market price for their ironsands. However, given the real benefits that have accrued to the owners from mining, we say that the prejudice here has been mitigated for the owners of Taharoa C.

We also find in section 21.6 that claimants were prejudiced by ‘a general failure’ to assist Māori owners and the Lakes Trust to monitor the operations of New Zealand Steel Mining Limited, including with respect to damage to Lake Tahāroa, the Wainui Stream, and associated taonga fisheries.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of
accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

  In section 24.3.3.1, we note the delay in establishing the Tahāroa native school after requests from local Māori who had gifted land for that purpose (it opened in 1910). Tahāroa was among the five Te Rohe Pōtae schools for which the Crown did not pay compensation when it subsequently took the site under the Public Works Act. We later discuss the school as ‘a stark example’ of the barriers Māori pupils faced to accessing schooling; until the Crown agreed to fund a road to the school in 1968, children could reach it only by an unsafe dirt track. In our findings, we cite such actions as examples of the Crown’s failure to uphold its Treaty obligation (section 24.10).
Claim title
Moerangi (Descendants of Te Apiti) Claim (Wai 1592)

Named claimant
Marge Blackie (2006)\textsuperscript{370}

Lodged on behalf of
Herself and the descendants of Te Apiti\textsuperscript{371}

Takiwā
Kāwhia–Aotea. This claim relates to ‘that area known as Moerangi’\textsuperscript{372}

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.\textsuperscript{373}

Summary of claim
The primary issue arising from the Wai 1592 claim is the alienation of Moerangi land to pay for rates.\textsuperscript{374} The claimant subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme).\textsuperscript{375} It is also noted that grievances concerning wāhi tapu will be raised later in the inquiry process after evidence had been collated on them.\textsuperscript{376}

With respect to economic development, the combined claim addresses issues raised by the Wai 1592 and Wai 2137 claimants.\textsuperscript{377} First, the claimants raise issues concerning commercial fisheries, and claim that legislation such as the Harbour Boards Act 1870 and the Fisheries Conservation Act 1884 prevented them from exercising tino rangatiratanga over fisheries, and benefiting from associated commercial rights.\textsuperscript{378} Secondly, the claimants allege that various Crown actions undermined Māori engagement in the timber industry, such as invalidating contracts with private millers, not making funds available to owners to construct mills,
making Māori landowners pay for timber appraisals, and unilaterally changing contract terms to favour timber companies during the 1930s.\textsuperscript{379} The claimants say that agricultural industry at Aotea had been flourishing until the Waikato War.\textsuperscript{380}

The combined claim raises rating issues raised by the Wai 1495, Wai 1592, and Wai 2137 claimants.\textsuperscript{381} The claimants allege the Crown used rating as another means of alienating Māori land.\textsuperscript{382} The claim describes how the rating exemptions for Māori land were progressively removed between the 1870s and 1920s,\textsuperscript{383} and how rates debt came to be attached to the land via the imposition of charging orders.\textsuperscript{384} The claim points to Āpirana Ngata’s observation that the rates demands were often based on inaccurate valuation rolls,\textsuperscript{385} and asserts that the payment of rates by Māori owners, complicated by the multiple ownership of the land, was made more difficult by the practice of Māori land boards using income from vested lands for other purposes.\textsuperscript{386} The claimants point to 1950s legislation which empowered the Court to appoint the Māori Trustee to lease or sell land encumbered by rates debt.\textsuperscript{387} A second broad allegation made by the claim is that the Crown enabled the non-payment of rates to be used to deny Māori a voice in local government.\textsuperscript{388}

Expanding on these allegations about local government, the claim states broadly that Te Rohe Pōtae Māori have rarely been consulted about important decisions made in their rohe (with council advocacy for lifting the liquor ban being cited as an example)\textsuperscript{389} and that local government has actively helped drive the alienation of Māori land, by pushing for land regarded as unproductive to be turned over to the Māori Trustee and then leased to Pākehā farmers.\textsuperscript{390} The claimants say that the ongoing lack of services for the Māori community, especially roading, has had wide-ranging adverse impacts, such as impaired access to schooling, and reduced farm productivity.\textsuperscript{391} The combined claim states that local government (including rating) was established to serve the interests of the Pākehā community, and has largely ignored Māori interests.\textsuperscript{392}

The combined claim also addresses issues relating to public works takings raised by the Wai 1501, Wai 1592, Wai 1899, and Wai 2126 claimants.\textsuperscript{393} The claimants say that the Crown generally failed to consult adequately with Māori owners. They claim that compulsory taking powers were used, often without compensation or

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{379} Final soc 1.2.44, pp 45–50.
  \item \textsuperscript{380} Final soc 1.2.44, pp 51–52.
  \item \textsuperscript{381} Final soc 1.2.44, p 54.
  \item \textsuperscript{382} Final soc 1.2.44, p 55.
  \item \textsuperscript{383} Final soc 1.2.44, pp 58–63.
  \item \textsuperscript{384} Final soc 1.2.44, pp 68–70.
  \item \textsuperscript{385} Final soc 1.2.44, p 67.
  \item \textsuperscript{386} Final soc 1.2.44, pp 71, 81.
  \item \textsuperscript{387} Final soc 1.2.44, pp 72–73.
  \item \textsuperscript{388} Final soc 1.2.44, pp 74–75.
  \item \textsuperscript{389} Final soc 1.2.44, p 89.
  \item \textsuperscript{390} Final soc 1.2.44, pp 90, 92–93.
  \item \textsuperscript{391} Final soc 1.2.44, pp 87–88.
  \item \textsuperscript{392} Final soc 1.2.44, pp 86–87, 95.
  \item \textsuperscript{393} Final soc 1.2.44, p 98.
\end{itemize}
\end{footnotesize}
recognition of the need to preserve Māori ownership of ancestral lands. They say that the Crown failed to ensure the claimants retained sufficient lands for their needs, and failed to avoid damaging or destroying wāhi tapu. The claim observes that Māori land had been more greatly affected by public works taking in Te Rohe Pōtae than in any other region. The claimants point specifically to the takings made in connection with Morrison Road, and Aotea Road.

In relation to the taking for Morrison Road, which had occurred in the mid-1960s, the claimants allege that the Crown did not consult with the owners, and failed to address concerns over the road being put through an area containing multiple urupā (this decision ultimately led to kōiwi being unearthed and reinterred elsewhere during the construction process). It is noted that no compensation was paid for the land taken, and that while the road had provided access to a local camp ground, it had not provided the claimants with access to their marae, their papakāinga, or the local foreshore. In relation to Aotea Road, the combined claim asserts that the owners of the Moerangi 3G and 3H blocks had paid for a road-line survey across their lands in the 1940s, which the Crown subsequently took without consultation by declaring it a public road, and without meeting the costs of its survey.

The combined claim raises issues pertaining to the Māori Trustee highlighted by Wai 1592 and Wai 2126 claimants. The claimants say that the Crown failed Te Rohe Pōtae Māori landowners by empowering the Māori Trustee to take over the administration and alienation of their lands without their consent. They claim that the same grievance applied where the Māori Trustee compulsorily acquired and sold off shares of those owners whose interests in the land were deemed uneconomic. The claim states that where owners were occupying their own lands, they would be told by the Māori Trustee that they would have to start paying rent to stay on it, and then only if the Māori Trustee approved them as the lessee. Allegedly, the leases were ultimately awarded to Pākehā farmers, who typically had greater access to capital and the backing of local councils. Moreover, the claimants assert that even after deductions from the rent, owners often had to pay part of the cost of the lessee’s improvements, and the Māori Trustee often lacked the resources to ensure conditions of the lease were adhered to.

395. Final SOC 1.2.44, p 98.
398. Final SOC 1.2.44, pp 119–121. Moerangi blocks are discussed in sections 16.4.5.1, 17.3.4.1.2, 17.3.4.1.3.1, 17.3.4.2.3.1, 17.3.4.2.3.1, 19.5.3, and 20.5.1 of Te Mana Whatu Ahuru.
399. Final SOC 1.2.44, p 123.
400. Final SOC 1.2.44, pp 128–130.
401. Final SOC 1.2.44, pp 138–141.
402. Final SOC 1.2.44, pp 131–133.
their land (including wāhi tapu) were practically restricted or severed against their wishes.\textsuperscript{404}

The combined statement of claim addresses issues related to Crown purchasing and the Native Land Court raised by the Wai 1592, Wai 2126, Wai 2135, and Wai 2208 claimants.\textsuperscript{405} The claim describes how survey costs and interest arising from these costs burdened the land and compelled owners to alienate land to clear related debts when the Crown applied for survey costs.\textsuperscript{406} The claimants point to the case of the Wharauroa block (which the Crown began purchasing in the 1850s), where it is alleged that the purchase was incomplete. In addition, the claimants say the purchase went ahead without a proper survey, and with almost no reserves having been made.\textsuperscript{407} The claim also addresses the determination of land title by the Native Land Court, and the claimants allege the Court process did not allow for Māori to agree relative interests among themselves, but rather forced them to compete for inclusion among the lists of individual owners.\textsuperscript{408} The claimants go on to say that the court process failed Ngāti Te Wehi by not allocating them any interests in the Pakarikari block.\textsuperscript{409} Turning to the powers given to county councils and the Māori Trustee, they assert that the councils exploited unpaid rates demands to have Māori lands alienated with minimal consultation, citing alienations of the Pakarikari block.\textsuperscript{410} Similarly, they claim that there were insufficient protections against alienations by the Māori land board, especially in regard to owner consent, and that the board failed to consider whether owners would be made landless. Again, the claimants cite the Pakarikari block, as well as Aotea South.\textsuperscript{411} Lastly, they allege that some of the remaining Māori landholdings have been Europeanised, thereby removing all their protections.\textsuperscript{412}

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.\textsuperscript{413} The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road),\textsuperscript{414} and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).\textsuperscript{415} Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.\textsuperscript{416} It is also noted

\textsuperscript{404} Final SOC 1.2.44, pp 136–137.
\textsuperscript{405} Final SOC 1.2.44, p 155.
\textsuperscript{406} Final SOC 1.2.44, pp 160–169.
\textsuperscript{407} Final SOC 1.2.44, pp 170–173.
\textsuperscript{408} Final SOC 1.2.44, pp 174–178.
\textsuperscript{409} Final SOC 1.2.44, pp 178–182.
\textsuperscript{410} Final SOC 1.2.44, pp 183–188.
\textsuperscript{411} Final SOC 1.2.44, pp 189–197.
\textsuperscript{412} Final SOC 1.2.44, pp 197–198.
\textsuperscript{413} Submission 3.4.237, p 46.
\textsuperscript{414} Submission 3.4.237, pp 58–59.
\textsuperscript{415} Submission 3.4.237, pp 58–59.
\textsuperscript{416} Submission 3.4.237, pp 16, 19–23.
where the cluster’s submissions differed from the generic closing submissions on land development schemes.417

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

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417. Submission 3.4.237, pp 30–33.
The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding relative to harbours that 'the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime' (see section 22.6.1).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Forbes Whānau Claim (Wai 1596)

Named claimant
Allan Shane Forbes (2008)\(^{418}\)

Lodged on behalf of
The Forbes whānau, who are descendants of Mahuta\(^{419}\)

Takiwā
Kāwhia–Aotea. The claim relates to the Taharoa and Harihari blocks, together with Kāwhia Harbour.

Other claims in the same claim group
Not applicable.

Summary of claim
The Forbes Whānau claim (Wai 1596) concerns the Taharoa and Harihari blocks, together with Kāwhia Harbour (all lying within the boundaries of Ngāti Mahuta lands delineated on the plan accompanying the claim).\(^{420}\) The claim has two parts; the first being that the Crown forced the sale of Ngāti Mahuta lands without the owners’ consent, and the second that the Crown assumed authority over Kāwhia Harbour without any recognition for Ngāti Mahuta rangatiratanga.\(^{421}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our finding on general issues (set out in chapters 4–24 of this report) that applies to this claim is set out below. We then consider local allegations not covered by our general findings.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships

\(^{418}\) Claim 1.1.144.

\(^{419}\) Claim 1.1.144.

\(^{420}\) Claim 1.1.144, pp 1, 3. The Taharoa block is discussed elsewhere in Te Mana Whātu Ahuru, including in sections 10.4.1.4, 10.5.2, 10.7.1.2, 11.3.2.6, 13.5.6, 14.3.1, 15.4.1.1–15.4.1.7, 15.4.2, 16.4.3.4, 16.5.1.2, 21.4.5, and 21.5.2.1.1–21.5.2.1.4 and tables 11.5, 13.2, 13.3, and 13.8. The Harihari block is discussed in sections 5.3.3.3, 5.4.1, 5.4.2, 5.4.4, 5.4.4.3, 5.4.4.3.1, 5.4.5, 5.4.6, 5.4.6.1, and 5.8 and table 5.1.

\(^{421}\) Claim 1.1.144, p 1.
with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

In section 22.6.1, we find in respect of harbours that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or manawhakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime.’

Any specific local allegations requiring additional Tribunal findings

The claimants allege that they have been prejudiced by the forced sale of their lands. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or

- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtāe iwi over their tangible and intangible resources discussed in the report; and

- our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.

We also note our finding in section 5.8 on the Crown purchase of the Harihari block, which states that ‘the Crown relied on rangatira involved in the land sales to distribute portions of the purchase price to other rights
holders’; this was ‘in breach of the Treaty principle of partnership, the guarantee of tino rangatiratanga, and the duty of active protection’ (see section 5.8).
Claim title
Ngāti Urunumia ki Hauauru Claim (Wai 1598)

Named claimant
Moepatu Borell (2008)\textsuperscript{422}

Lodged on behalf of
Herself and Ngāti Urunumia ki Hauauru\textsuperscript{423}

Takiwā
Kāwhia–Aotea. The claim relates to land at ‘Kinohaku, Harihari, Te Ahuahu, Hounuuku and Taharoa.’\textsuperscript{424}

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1598 claim addresses Native Land Court processes which the claimant alleges did not provide Ngāti Urunumia ki Hauauru and their tūpuna with the promised ‘economic opportunity.’\textsuperscript{425} The claim further alleges that the court ‘eroded the kotahitanga’ of Ngāti Urunumia, and systematically blocked Ngāti Urunumia’s economic advancement by allowing Māori land owners to be burdened with debt and enabling the Crown ‘to take the land on behalf of its settler population through ownership or long term leases.’\textsuperscript{426} The alleged dispossession of Ngāti Urunumia lands is described as associated with the loss of wāhi hāpaianga hapū, wāhi noho, wairua, and physical and spiritual stability.\textsuperscript{427}

The allegations about the Native Land Court are further particularised in a final statement of claim. It points to the court’s award of a significant portion of the Taharoa lands to Ngāti Mahuta, as opposed to Ngāti Urunumia.\textsuperscript{428} It introduces further specific allegations concerning their Harihari lands, which they allege the Crown claimed ownership of without completing the transaction process. Ngāti Urunumia say the Crown never paid the agreed sum for this land, despite continual protest by the owners between 1874 and 1891.\textsuperscript{429} They also claim that the

\textsuperscript{422} Final SOC 1.2.67.
\textsuperscript{423} Final SOC 1.2.67.
\textsuperscript{424} Claim 1.1.146, p [2]; see also final SOC 1.2.67. The Taharoa block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.1.4, 10.5.2, 10.7.1.2, 11.3.2.6, 13.5.6, 14.3.1, 15.4.1.1–15.4.1.7, 15.4.2, 16.4.3.4, 16.5.1.2, 21.4.5, and 21.5.2.1.1–21.5.2.1.4 and tables 11.5, 13.2, 13.3, and 13.8. The Harihari block is discussed in sections 5.3.3.3, 5.4, 5.4.1, 5.4.2, 5.4.4, 5.4.4.3, 5.4.4.3.1, 5.4.5, 5.4.6, 5.4.6.1, and 5.8 and table 5.1. There are references to the Te Ahuahu lands in sections 3.3.1.1–3.3.1.2, 4.1, 4.3.1, 4.4.1.2, and 4.4.1.2.2 and table 4.1 and to the Hounuku lands in sections 5.4.4.2.1, 5.4.6.1, and 10.4.1.4.
\textsuperscript{425} Claim 1.1.146, p [4].
\textsuperscript{426} Claim 1.1.146, p [4].
\textsuperscript{427} Claim 1.1.146, p [4].
\textsuperscript{428} Final SOC 1.2.67, pp 6–7.
\textsuperscript{429} Final SOC 1.2.67, pp 4–5.
Crown awarded lands at Kāwhia to the Wesleyan Church in breach of the Treaty. The Land Claims Commission allegedly failed to investigate the legitimacy of the church’s claims to have purchased land from rangatira with the authority to sell. Finally, the claim alleges that many diverse Crown actions and omissions have caused Māori ill health, including the imposition of pressure to forsake traditional healing practices. 430

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).
  
  We consider the operation of the Land Claims Commissions at section 4.4. We discuss the Wesleyan mission claims heard by the commission at section 4.4.1, while the specific claims related to the land where the mission station at Kāwhia was established are discussed at section 4.4.1.2.2.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  For our specific findings on the claimants’ allegations concerning the Crown’s purchase of their Harihari lands see section 5.4.4.3. For our Treaty findings and analysis on these purchases see section 5.4.6.1.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

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430. Final soc 1.2.67, pp 7–8.
The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Iwitahi Hapū Native Council Claim (Wai 1603)

Named claimants
Ratahi Marshall, Lai Toy, Te Wairangi Tangataiti, Albert McQueen, and Te Amohia McQueen (2008) 431

Lodged on behalf of
‘Our whanau, who are all descendants from the Whaingaroa, Aotea, Kawhia areas’ 432

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
This claim relates to areas including Te Toto Gorge, Manu Bay, Wainui Reserve, Whaingaroa Harbour, Raglan/Whaingaroa, and the Karioi and Tauranga Manuaitu blocks. 433 The claimants allege a range of Crown policies and practices have prejudiced them, specifically citing the following legislation: the Constitution Act 1852, Native Lands Act 1862, Suppression of Rebellion Act 1863, New Zealand Settlement Act 1863, Native Reserves Act 1864, Native Land Court Act 1865, Native Schools Act 1867, West Coast Settlements Act 1880, Native Land Purchase and Acquisitions Act 1893, Suppression of Tohunga Act 1908, and Maori Affairs Act 1953.

The claimants assert they have lost ownership of their land and, as a result, also lost spiritual enrichment, economic development opportunities, and ‘passive income’. Claimants allege they have suffered the loss of mana as a hapū, and lost revenue from their native natural resources that the Crown and others have commodified. They describe the Crown’s actions and omissions in these areas as contrary to the principles of the Treaty. 434

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

431. Claim 1.1.149.
432. Claim 1.1.149.
433. Claim 1.1.149, p [1]. The Karioi block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4, 5.4.4, 5.4.4.2.1, 5.4.4.4, 5.4.5.2, 5.4.6, 5.4.6.1–5.4.6.3, and 5.8 and tables 5.1 and 5.3. Various Manuaitu blocks are discussed in sections 5.4.4.2.1, 5.4.4.3.2, and 16.6.2.
434. Claim 1.1.149, p [1].
the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or

it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtāe iwi over their tangible and intangible resources discussed in the report; and

Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Moke Whānau Claim (Wai 1611)

Named claimant
James Allen Marcum (2008)

Lodged on behalf of
Himself and the Moke Whānau. The claimant affiliates to Ngāti Te Wehi of Aotea/ Kāwhia.

Takiwā
Kāwhia–Aotea. The claim relates to land around Aotea Moana collectively owned and occupied by the Moke Whānau and known as Te Papa o Whatihua, including the Moke Whānau Farm.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1611 statement of claim addresses the alleged alienation of the whānau’s land as a result of the operation of the Native Land Court and the Māori Land Court. The claimant contend that they continue to suffer from the effects of Native Land Court processes and the processes of its successor, the Māori Land Court.

In an amended statement of claim, the claimant develops these pleadings and identifies a specific local issue concerning the Okapu F block, which he says included land known as Te Papa o Whatihua and the Moke Whānau Farm. According to the claimant, the whānau have occupied this land for generations, and these blocks contained important wāhi tapu and urupā. It is alleged that the Moke whānau farm was sold to the Crown around 1977 by an owner as part of the Ōkapu development scheme. The claim alleges that individualisation of title and the alienation of whānau lands breached the principles of the Treaty of Waitangi and emphasise the Crown’s failure to ensure they retained a sufficient land base for their current and future needs. It says that, in the absence of a sufficient land base, the whānau are prejudiced culturally as well as financially, and have been separated from wāhi tapu and important natural resources.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

On the evidence before us, we consider that our findings on the following general issues (set out in chapters 4–24 of this report) apply to this claim except where otherwise noted:

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  We also discuss the Crown’s purchase of interests as part of the Okapu Development Scheme specifically in section 17.3.4.2.3.2 and section 17.3.4.2.3.3.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
Claim title
Te Hiwi Whānau Claim (Wai 1764)

Named claimants
John Winara Natana Te Hiwi Junior and Te Hiwi Whānau (2008) 442

Lodged on behalf of
The Te Hiwi whānau; ‘Ngāti Kapu, Te Mate Awa, Ngāti Tukorehe’ 443

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the Te Hiwi whānau and the Crown’s alleged failure to protect and support their rangatiratanga over their land and resources. The claimants argue that Crown acts and omissions eroded their natural resources, resulting in the claimants being ‘virtually landless’ and unable to provide social, religious, and educational support to their hapū.

Furthermore, claimants allege that between 1854 and 1864, the Crown’s purchase of blocks of land from their tūpuna led to those blocks becoming permanently alienated. Claimants also allege that Crown legislation failed to protect other lands and resources of Mate Awa and Ngāti Tukorehe from alienation, citing the Public Works Act 1928, Native Land Act 1887, Crown and Native Lands Act 1882, Native Land Administration Act 1886, Native Lands Frauds Prevention Act 1870, Native Land Purchase and Acquisition Act 1893, Native and Maori Land Laws Amendment Act 1902, Native Land Rating Act 1904, Maori Land Settlement Act 1905, Maori Land Survey Act 1905, Native Land Settlement Act 1906, Native Land Settlement Act 1907, Native Lands Act 1909, Native Land Amendment Act 1932, and Native Trustee Act 1920.

As a result of these Crown actions, the claimants contend they have been ‘disposed of’ and displaced from their lands and resources; deprived of their mana, heritage, autonomy, and spiritual beliefs; and have suffered the loss of rangatiratanga. Claimants also say they have been unable to access full and sufficient health, welfare, and education services.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

442. Claim 1.1.165.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Descendants of Tokotahi Moke Claim (Wai 1804)

Named claimant
Ian Shadrock (2008)

Lodged on behalf of
His grandfather, Tokotahi Moke, and Tokotahi’s descendants

Takiwā
Kāwhia–Aotea. This claim concerns ‘land in and around Okapu’

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.

Summary of claim
The original Wai 1804 claim is primarily concerned with ownership rights to the Okapu block, of which Tokotahi Moke had been an owner. The claim alleged that the Native Land Court, on hearing a succession application to Tokotahi Moke, had awarded his interests to the applicant (one of his seven children), and his sole successor had then sold these interests, thereby denying his other descendants ownership rights in the block. The claim argues that the Native Land Court process failed to protect the interests of these other descendants.

The Wai 1804 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. (The claim also noted that grievances concerning wāhi tapu would be raised later on in the inquiry process after evidence had been collated).

The Wai 1804 claimants advance allegations concerning Ngāti Te Wehi’s customary fisheries additional to those included in the original Wai 1448 claim.

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444. Claim 1.1.175.
445. Claim 1.1.175.
446. Claim 1.1.175, p [2].
447. Final SOC 1.2.44, pp 9–11.
448. Claim 1.1.175, pp [2]–[3].
450. Final SOC 1.2.44, pp 222–224.
451. Final SOC 1.2.44, pp 27–28; claim 1.1.175, p [2].
1804 claim reiterates the complaint about the Crown’s presumption to own the seabed (from the foreshore and seabed part of the combined claim).\(^{452}\) The claimants allege that legislation such as the Fish Protection Act 1877 and the Fisheries Conservation Act 1884 prevented Ngāti Te Wehi from exercising tino rangatiratanga or kaitiakitanga over their customary fisheries.\(^{453}\) Further, they claim that the Crown, having imposed its management upon these fisheries, had a duty to protect them.\(^{454}\) The claim states that by allowing commercial fishing in Aotea Harbour prior to 2008, and introducing pacific oysters in the 1970s, the Crown had instead caused them to undergo a serious decline.\(^{455}\) The claim also states that Henare Poata had petitioned for these fisheries to be reserved for tangata whenua, but to no avail.\(^{456}\)

The combined claim also addresses issues with land title reforms associated with the Okapu land development scheme arising from the Wai 1502, Wai 1804, Wai 1899, and Wai 1900 claims.\(^{457}\) In these pleadings, the claimants allege that the Crown did not ensure that Ngāti Te Wehi landowners understood the scheme when convincing them to go ahead with it, and brought some blocks into the scheme against the wishes of their owners.\(^{458}\) They claim that the resulting rearrangement of the scheme’s lands was to be accompanied by the compulsory acquisition of some shares by the Māori Trustee.\(^{459}\) The claimants say that the Crown policy of placing non-owners on the land as occupiers effectively alienated the land from the owners (at least for the direction of the scheme).\(^{460}\)

Closely associated with the title reform issues affecting the Okapu development scheme are the alleged issues which had been arising from the Wai 1502, Wai 1899, and Wai 1900 claims concerning the operation of the scheme.\(^{461}\) The claimants point to the lack of consultation with the owners about the running of the scheme, and the leasing out of the lands on terms that favoured the occupiers rather than the owners (including compensation for improvements).\(^{462}\) The claim states that the Crown had not allowed for Ngāti Te Wehi’s participation in the management of the development scheme, and had loaded up the land with debt, while not delivering any meaningful financial return to the owners (the total payments to owners having only amounted to $20 over the life of the scheme).\(^{463}\)

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.\(^{464}\) The combined

\(^{452}\) Final soc 1.2.44, pp 19–26. For a summary of this claim, see Wai 1448.
\(^{453}\) Final soc 1.2.44, pp 30–33.
\(^{454}\) Final soc 1.2.44, pp 29–30.
\(^{455}\) Final soc 1.2.44, pp 34–36.
\(^{456}\) Final soc 1.2.44, p 35.
\(^{457}\) Final soc 1.2.44, p 143.
\(^{458}\) Final soc 1.2.44, pp 148–150.
\(^{459}\) Final soc 1.2.44, pp 150–152.
\(^{460}\) Final soc 1.2.44, pp 201, 212.
\(^{461}\) Final soc 1.2.44, p 199.
\(^{462}\) Final soc 1.2.44, pp 211–219.
\(^{463}\) Final soc 1.2.44, pp 152–153.
\(^{464}\) Submission 3.4.237, p 46.
closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road),\(^{465}\) and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).\(^{466}\) Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.\(^{467}\) It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.\(^{468}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).


\(^{466}\) Submission 3.4.237, pp 58–59.

\(^{467}\) Submission 3.4.237, pp 16, 19–23.

\(^{468}\) Submission 3.4.237, pp 30–33.
The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV). We note the finding relative to harbours that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Tekikiri Meroiti Haungurunguru Toangina Toto Whānau Trust Claim (Wai 1826)

Named claimant
Daniel Toto (2008)

Lodged on behalf of
Himself, his whānau, and the descendants of his tūpuna

Takiwā
Kāwhia–Aotea. The claim relates to land in the Mangaora A block, which is on the northern shore of Kāwhia Harbour.

Other claims in the same claim group
Not applicable.

Summary of claim
The initial statement of claim (2008) largely concerns the imposition of bureaucratic systems that have negatively impacted on the Toto whānau lands. The claim alleges that the Crown breached the promise of tino rangatiratanga by imposing infrastructure, legislation, and processes that did not protect collective ownership of land, encouraged individual title, and made it increasingly difficult for whānau, hapū, and iwi to retain and control their land. The claim argues that the imposed infrastructure is complex, confusing, costly, and has placed the ‘burden of proof’ of land ownership onto Māori, thus ‘indebting us, disenfranchising us, [and] destroying our way of life’. The claimant describes a ‘breakdown of communication’ among whānau, hapū, and iwi; individuals are disconnected from their lands as bureaucratic processes deny them the right to participate. The claim also alleges the Crown has failed to provide its employees and agents with adequate knowledge of the Māori language, leading to errors and omissions in land titles and records, while the history of Māori has been ‘misrecorded’.

The second element of the claim concerns allegations that the Crown has abused the whenua through its action, policy, and practice. In particular, the claim argues that the whānau have lost access to resources and wāhi tapu due to the Crown taking lands and turning wāhi tapu (such as Waitomo Caves) into tourist attractions. Other examples of the loss or degradation of resources include the pollution of the Waikato River and environmental damage to the kai moana, wai wera, and harbours of Kāwhia and Aotea.

469. Claim 1.2.135; claim 1.1.184.
470. Claim 1.2.135, p 2.
471. The Mangaora block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 6.10.8.3, 6.10.9, 10.5.1.4, 11.3.4.4, 16.5.1.2, 16.6.3, 17.3.4.1.2, 17.6, and 20.4.4.3 and table 11.5.
472. Claim 1.1.184, p 1.
473. Claim 1.1.184, p 2.
The amended statement of claim particularises the pleadings to Te Rohe Pōtae and develops the whānau’s allegations about Crown administration of their lands and environmental degradation – particularly as it has affected the Kāwhia Harbour and awa within the Kāwhia region. It alleges the Crown alienated hapū lands through the introduction of the Native Land Court, and through specific legislation related to share transfers of Māori land. It says whānau lands in and around Taharoa were alienated by way of share transfer by the Māori Trustee. Further, it is argued that certain blocks continue to be administered as Māori Freehold Land in the hands of a Māori corporation, causing dissent and division amongst whānau and owners.475

The claim also allege the whānau have had to endure ‘culturally inappropriate and socially damaging treatment,’ particularly by the health and education system. They say they have been subjected to education that has undermined Māori identity and denigrated their language and practices.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claimants make specific local allegations requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the

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475. Claim 1.2.135.
areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Mahanga Hourua, Ngāti Wairere, Ngāti Tai, Ngāti Paoa, Ngāti Patupō (Dixon) Claim (Wai 1897)

Named claimant
Boyd Turongo Dixon (2008)\(^{476}\)

Lodged on behalf of
Ngāti Mahanga Hourua, Ngāti Wairere, Ngāti Tai, Ngāti Paoa, Ngāti Patupō\(^{477}\)

Takiwā
Kāwhia–Aotea. This claim concerns land in the Oioroa block.\(^{478}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1897 claim concerns Crown actions which allegedly forcibly removed the claimant’s hapū from their lands. It states that the hapū have ‘lost utilisation of our inheritance, to the benefit of tauiwi.’\(^{479}\) Closing submissions confirm that the claim concerns land on Aotea Harbour, particularly the Oioroa block, which was allegedly purchased by the Crown in 1855.\(^{480}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1). For our discussion of the Oioroa purchase, see section 5.4.4.3.2.

\(^{476}\) Submission 3.4.148; claim 1.1.189.
\(^{477}\) Submission 3.4.148.
\(^{478}\) Submission 3.4.148, p 2.
\(^{479}\) Claim 1.1.189.
\(^{480}\) Submission 3.4.148, pp 4–5. The Oioroa block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4.4.3, 5.4.4.4, and 5.4.6.
Claim title
Ngāti Ngutu Hapū (Helen Green) Claim (Wai 1898)

Named claimant
Helen Tawhairoa Green (2008)\textsuperscript{481}

Lodged on behalf of
Herself, her whānau, and the hapū of Ngāti Ngutu\textsuperscript{482}

Takiwā
Kāwhia–Aotea. This claim relates to the Te Awaroa block.\textsuperscript{483}

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1898 claim addresses Crown action relating to land takings under scenery preservation legislation, the Native Land Court process, laws of succession, and ‘the desecration of waahi tapu and urupa sites.’\textsuperscript{484} In an amendment to the claim, the claimant broadly asserts her whānau and hapū have suffered prejudice arising from the imposition of survey liens, Crown purchasing, public works, Māori land development schemes, the operation of the Māori Trustee, Crown policy towards the environment, rating legislation, Crown policy towards Māori education, inadequate health services, the operation of the Māori land board, the failure to facilitate Māori economic growth, ‘raupatu’ of the foreshore and seabed, the generation of landlocked land, and ‘the constitutional illegitimacy’ of successive governments.\textsuperscript{485}

A final statement of claim introduces a specific allegation about the alienation of whānau/hapū land in the Te Awaroa block.\textsuperscript{486} The claim says that the Crown acquired 29.5 per cent of their land between 1901 and 1912.\textsuperscript{487} During this period, the Crown also allegedly acquired land to establish a native school at Hauturu. However, the claim alleges that the Crown declined to establish a native school, denying the claimant’s whānau and iwi an education ‘in spite of the existence of land set aside specifically for that purpose.’\textsuperscript{488} Instead, the claim submits that a native school was established at Rākaunui, while a general school was subsequently

\textsuperscript{481} Submission 3.4.200; claim 1.1.190.
\textsuperscript{482} Final SOC 1.2.104, p.2.
\textsuperscript{483} Submission 3.4.200, pp 3–5.
\textsuperscript{484} Claim 1.1.190.
\textsuperscript{485} Claim 1.1.190(a).
\textsuperscript{486} The Te Awaroa block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 4.4.1.2.3, 10.4.1.4, 10.5.1.5, 10.7.1.2, 11.3.2.6, 20.4.4.3, and 24.3.3.1 and tables 4.1 and 11.5.
\textsuperscript{487} Final SOC 1.2.104, pp 4–5.
\textsuperscript{488} Final SOC 1.2.104, p.7.
established at Hauturu. It also claims that the Crown acquired more land in Te Awaroa following the First World War for the settlement of returning Pākehā service members.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

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489. Submission 3.4.200, p. 5.
490. Final SOC 1.2.104, p. 6.
The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Section 24.7.1 refers to the hoped-for native school at Hauturu and, in section 24.7.2, we discuss the contrasting experiences of those who attended the Rakaunui Native School and Hauturu primary school.

**Any additional Tribunal findings on local allegations or claims**

The claimants raise a specific allegation concerning the Crown’s acquisition of land in the Te Awaroa block in order to settle returned soldiers after the First World War. However, no evidence was brought in our inquiry about which lands were allegedly acquired for this purpose, or what their ultimate fate was. We note that, in closing submissions, counsel submitted:
It proved difficult for the claimant to point out precisely which lands were taken but what the claimant can discern from korero of other whanau was that much of the lands taken for soldier settlement was sold and is now in ownership by the Pakeha settlers.  

Further, we note the analysis of the Crown’s efforts to rehabilitate and support returned soldiers in chapter 17, and the consequences for Te Rohe Pōtae Maōri, is confined to the post-Second World War period. Therefore, having considered all the evidence presented to us, we find this aspect of the claim is not well founded because:

- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

491. Submissions 3.4.200, p 4.
Claim title
Ngāti Te Wehi (Elizabeth Mahara) Claim (Wai 1899)

Named claimant
Elizabeth Mahara (2006)\(^{492}\)

Lodged on behalf of
Herself and Ngāti Te Wehi\(^{493}\)

Takiwā
Kāwhia–Aotea. The claim relates to ‘that area known as Moerangi 3G5A3’.\(^{494}\)

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.\(^{495}\)

Summary of claim
The original Wai 1899 claim primarily concerns the taking of land for Aotea Road under public works legislation. It states that a taking from Moerangi block land was made without consultation, and without compensation being paid, and that rates charges for the block land were later increased.\(^{496}\)

The Wai 1899 claimant subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme).\(^{497}\) The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu will be raised later in the inquiry process after evidence had been collated on them.\(^{498}\)

The combined claim also addresses issues relating to public works takings arising from the Wai 1501, Wai 1592, Wai 1899, and Wai 2126 claims.\(^{499}\) The claimants say the Crown generally failed to consult adequately with Māori owners. They claim that compulsory taking powers were used, often without compensation or recognition of the need to preserve Māori ownership of ancestral lands. They say

\(^{492}\) Claim 1.1.191.
\(^{493}\) Claim 1.1.191.
\(^{494}\) Claim 1.1.191, p [1].
\(^{495}\) Final soc 1.2.44, pp 9–11.
\(^{496}\) Claim 1.1.191, p [2].
\(^{498}\) Final soc 1.2.44, pp 222–224.
\(^{499}\) Final soc 1.2.44, p 98.
the Crown failed to ensure the claimants retained sufficient lands for their needs, and failed to avoid damaging or destroying wāhi tapu.\textsuperscript{500} The claim observes that Māori land had been more greatly affected by public works taking in Te Rohe Pōtæ than in any other region.\textsuperscript{501} The claimants point specifically to the takings made in connection with Morrison Road, and Aotea Road.

In relation to the taking for Morrison Road, which occurred in the mid-1960s, the claimants allege that the Crown did not consult with the owners, and failed to address concerns over the road being put through an area containing multiple urupā (this decision ultimately led to kōiwi being unearthed and reinterred elsewhere during the construction process).\textsuperscript{502} It is noted that no compensation was paid for the land taken, and that while the road had provided access to a local camp ground, it had not provided the claimants with access to their marae, their papakāinga, or the local foreshore.\textsuperscript{503} In relation to Aotea Road, the combined claim asserts that the owners of the Moerangi G and H blocks had paid for a road-line survey across their lands in the 1940s, which the Crown subsequently took without consultation by declaring it a public road, and without meeting the costs of its survey.\textsuperscript{504}

The combined claim also addresses issues with land title reforms associated with the Okapu land development scheme arising from the Wai 1502, Wai 1804, Wai 1899, and Wai 1900 claims.\textsuperscript{505} In these pleadings, the claimants allege that the Crown did not ensure that Ngāti Te Wehi landowners understood the scheme when convincing them to go ahead with it, and brought some blocks into the scheme against the wishes of their owners.\textsuperscript{506} They claim that the resulting rearrangement of the scheme’s lands was to be accompanied by the compulsory acquisition of some shares by the Māori Trustee.\textsuperscript{507} The claimants say that the Crown policy of placing non-owners on the land as occupiers effectively alienated the land from the owners (at least for the direction of the scheme).\textsuperscript{508}

Closely associated with the title reform issues affecting the Okapu development scheme are allegations concerning the operation of the scheme arising from the Wai 1502, Wai 1899, and Wai 1900 claims.\textsuperscript{509} The claimants point to the lack of consultation with the owners about the running of the scheme, and the leasing out of the lands on terms that favoured the occupiers rather than the owners (including compensation for improvements).\textsuperscript{510} The claim states that the Crown had not allowed for Ngāti Te Wehi’s participation in the management of the development

\textsuperscript{500} Final SOC 1.2.44, pp 101–102, 107, 109–110.
\textsuperscript{501} Final SOC 1.2.44, p 98.
\textsuperscript{502} Final SOC 1.2.44, pp 112–114.
\textsuperscript{503} Final SOC 1.2.44, pp 113–114.
\textsuperscript{504} Final SOC 1.2.44, pp 119–121. The Moerangi blocks are discussed in sections 16.4.5.1, 17.3.4.1.2, 17.3.4.1.3.1, 17.3.4.2.3.1, 17.3.4.2.3.1, 19.5.3, and 20.5.1 of Te Mana Whatu Ahuru.
\textsuperscript{505} Final SOC 1.2.44, p 143.
\textsuperscript{506} Final SOC 1.2.44, pp 148–150.
\textsuperscript{507} Final SOC 1.2.44, pp 150–152.
\textsuperscript{508} Final SOC 1.2.44, pp 201, 212.
\textsuperscript{509} Final SOC 1.2.44, p 199.
\textsuperscript{510} Final SOC 1.2.44, pp 211–219.
scheme, and had loaded up the land with debt, while not delivering any meaningful financial return to the owners (the total payments to owners having only amounted to $20 over the life of the scheme).  

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended. It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, the Tribunal found that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs,’ and thereby ‘failed in its duty of active protection’ (see section 5.4.6.3).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

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512. Submission 3.4.237, p 46.
516. Submission 3.4.237, pp 30–33.
The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that 'the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of 'uneconomic interests' and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae' (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori.
from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part iv).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part iv).

  Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtē: see chapter 21 and the findings summarised in section 21.8 (part iv).

- The extent to which the Crown enabled Te Rohe Pōtē Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part v).

  We note the finding in section 22.6.1 about to harbours; we say that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

- The Crown’s support for the health and well-being of Te Rohe Pōtē Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).
Claim title
Okapu F2 Land Block (Kerapa) Claim (Wai 1900)

Named claimant
Isabel Kerapa (2006) \(^{517}\)

Lodged on behalf of
Herself and all those affected by laws concerning amalgamation, partition, and consolidation within the Rohe Pōtae Inquiry \(^{518}\)

Takiwā
Kāwhia–Aotea. The claim relates to ‘that area known as Okapu F2’ \(^{519}\)

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour \(^{520}\)

Summary of claim
The original Wai 1900 claim primarily concerns the amalgamation of eight blocks into Okapu F, one of the land title rearrangements accompanying the Okapu development scheme \(^{521}\).

The Wai 1448 claimant subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme) \(^{522}\). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu would be raised later on in the inquiry process after evidence had been collated on them \(^{523}\).

The combined claim also addresses issues with land title reforms associated with the Okapu land development scheme arising from the Wai 1502, Wai 1804, Wai 1899, and Wai 1900 claims \(^{524}\). In these pleadings, the claimants allege the Crown did not ensure that Ngāti Te Wehi landowners understood the scheme when

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\(^{517}\) Claim 1.1.192.

\(^{518}\) Claim 1.1.192, p [1].

\(^{519}\) Claim 1.1.192, p [1].

\(^{520}\) Final SOC 1.2.44, pp 9–11.

\(^{521}\) Claim 1.1.192, p [2].

\(^{522}\) Final SOC 1.2.44, pp 18–19, 29, 40–41, 56, 86, 100–101, 125, 144–145, 157–159, 200–201. The Okapu lands are discussed in sections 17.3.4.2.3 and 19.11.3 of Te Mana Whatu Ahuru.

\(^{523}\) Final SOC 1.2.44, pp 222–224.

\(^{524}\) Final SOC 1.2.44, p 143.
convincing them to go ahead with it, and brought some blocks into the scheme against the wishes of their owners. They claim that the resulting rearrangement of the scheme’s lands was to be accompanied by the compulsory acquisition of some shares by the Māori Trustee. The claimants say that the Crown policy of placing non-owners on the land as occupiers effectively alienated the land from the owners (at least for the direction of the scheme).

Closely associated with the title reform issues affecting the Okapu development scheme are the alleged issues which had been arising from the Wai 1502, Wai 1899, and Wai 1900 claims concerning the operation of the scheme. The claimants point to the lack of consultation with the owners about the running of the scheme, and the leasing out of the lands on terms that favoured the occupiers rather than the owners (including compensation for improvements). The claim states that the Crown had not allowed for Ngāti Te Wehi’s participation in the management of the development scheme, and had loaded up the land with debt, while not delivering any meaningful financial return to the owners (the total payments to owners having only amounted to $20 over the life of the scheme).

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended. It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtai Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtai Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtai Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtai under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtai Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtai between 1930 and 1962, and the Crown’s operation of settlement
schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tū rangawae wae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

➲ The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

➲ The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

➲ The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

➲ The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

➲ The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

- The Crown’s support for the health and well-being of Te Rohe Pōtai Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).
Claim title
Wallis Whānau Claim (Wai 1908)

Named claimant
Christine Wallis (2009)\textsuperscript{536}

Lodged on behalf of
Herself and her descendants. This is a whānau claim. The claimants whakapapa to Ngāti Te Wehi, Ngāti Hurumaangi, Ngāti Mirirangi, Ngāti Te Uru, and Ngāti Te Ata.\textsuperscript{537}

Takiwā
Kāwhia–Aotea. This claim ‘extends the length of the Rohe Potae coastline including all harbours and waterways.’\textsuperscript{538}

Other claims in the same claim group
Not applicable.

Summary of claim
The first Wai 1908 statement of claim includes general allegations concerning Crown actions that impacted the claimants’ interests in their ‘lands, waterways, and airways.’\textsuperscript{539} The claim refers specifically to the ‘military invasions’ of the 1860s, the Māori Land Court, the ‘Maori Land Acts, the Conservation Act, the Resource Management Act, and the Treaty of Waitangi Fisheries Settlement Act of more recent times.’\textsuperscript{540}

In a subsequent amendment to their statement of claim, the claimant adopts the generic pleadings concerning the Te Ōhāki Tapu agreements, local government and rating, the environment, takutai moana and harbours, war and raupatu, economic development, protection of land base, the North Island Main Trunk Railway, the Native Land Court, private purchasing, Crown purchasing, Māori land administration, health, and tikanga.\textsuperscript{541} Further to these generic claims, the claim also pursue additional causes of action that focus on the whānau’s loss of rangatiratanga over their water, waterways, and water bodies.\textsuperscript{542}

The claim asserts that the Crown failed to recognise and protect the customary rights of whānau and their tūpuna to ‘seas, harbours, estuaries, rivers, streams, lakes, puna, swamps, geothermal waters, groundwater, and the watercycle generally as an integrated whole (“water areas”) and all associated resources.’\textsuperscript{543} It says

\textsuperscript{536} Submission 3.4.236; claim 1.1.193.
\textsuperscript{537} Final SOC 1.2.119; submission 3.4.236, p 1.
\textsuperscript{538} Final SOC 1.2.119, p 2.
\textsuperscript{539} Claim 1.1.193, p [1].
\textsuperscript{540} Claim 1.1.193, p [1].
\textsuperscript{541} Final SOC 1.2.119, p 27.
\textsuperscript{542} Final SOC 1.2.119, p 2.
\textsuperscript{543} Final SOC 1.2.119, p 4.
that the Crown took away these rights without consultation, and often without compensation. The claim point to Crown legislation including the Coal Mines Amendment Act 1903, the Water and Soil Conservation Act 1967, the Timber-Floating Act 1884, and the Public Health Act 1876, and other legislation that vested title and powers in the Crown relevant to the management and ownership of waterways, and waterbodies. It also states that the Crown delegated powers and duties in respect of environmental management and control to local government authorities and agencies. The claim further alleges that ‘there is little evidence to support the Department of Conservation having given meaningful effect to section 4 of the Conservation Act 1987’.

As a further cause of action, the claim alleges that the Crown facilitated a massive environmental transformation which caused the ‘loss of environmental sustainability generally, and consequential negative health and socio-economic impacts upon hapu/iwi’. In particular, the claimant points to the impacts of industrial agriculture and deforestation, which she says ‘has had a very significant impact on the biodiversity and environmental sustainability of the region’. The claim notes that the wetland areas of Te Rohe Pōtae were valued as a mahinga kai, and alleges that widespread drainage for agricultural purposes depleted tuna populations, as well as other important species.

The claim also addresses the Crown’s failure to adequately protect the Maui’s dolphin, by failing to ban set nets in the harbour areas of Te Rohe Pōtae.

The claim raises many areas where they claim the Crown has excluded Māori from management of, and failed to protect, estuaries, and waterways. It further asserts that there is insufficient information publicly available on land contaminated by pesticide use. It points to the allegedly limited environmental monitoring of pesticide use by regional or district councils and claim that ‘in general there is an abdication of a duty by the Crown /kawanatanga to actively, and sustainably protect the environment’. Finally, the claimant alleges that by failing to enact legislation and policy that actively responds to the effects of climate change ‘the Crown is failing to meet its obligations to hapu/iwi and the forests, fisheries and environment generally’.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Mokoroa, Waipuna, and Awaroa Blocks (Hepi) Claim (Wai 1974)

Named claimant
Koha Margaret Hepi (2008) 552

Lodged on behalf of
Ngāti Mahuta, Ngāti Ngutu, and Ngāti Kiriwai hapū 553

Takiwā
Kāwhia–Aotea. The claim relates to the Te Awaroa A2H and Hauturu Waipuna C blocks. 554

Other claims in the same claim group
Not applicable.

Summary of claim
This claim focuses on the extent of land alienation in Te Rohe Pōtae, and the burden placed on Te Rohe Pōtae Māori by public works takings. 555 It argues that the Crown adopted confiscatory powers for these takings, since they could go ahead without consultation or compensation. Even where compensation was paid, the claim asserts that the amounts paid have only recognised the economic production potential of the land, rather than taking account of other values important to Māori. 556 In addition, the claimant argues that where land was taken for scenic reserves, the owners were not included in the management of those reserves. 557 Two scenery preservation takings are cited – from Awaroa A2H1 (three acres) and A2H2 (almost 14 acres) – which went ahead in 1919 despite owner objections. 558 The claimant also points to two public works takings from the same blocks in 1918, totalling around six acres, for which no compensation was given; these takings turned out to be unnecessary as the intended road was never constructed. 559

Further, the claimant alleges that Crown actions led to the alienation of land in and around Waipuna and Hauturu, and that Ngāti Mahuta, Ngāti Ngutu, and Ngāti Kiriwai hapū no longer have sufficient lands to support themselves. 560 This allegation is developed in closing submissions, where the claimant asserts title...
amalgamation has severed her ownership ties with the Hauturu–Waipuna C block, where her great grandfather and great uncle are buried.\footnote{Submission 3.4.192, pp 7–8. The Hauturu–Waipuna C block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 16.5.1.2 and 16.5.3.}

The claim adopts the generic pleadings for Native Land Court, Crown purchasing, retention of land base, economic development, public works, environment, and tikanga.\footnote{Final SOC 1.2.105, p [4].}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

In our discussion of the effect of various title simplification methods on Maōri landowners (section 16.5.3), we comment that consolidated orders ‘could be combined with conversion and cut significant numbers of owners from titles’. We give the example of a consolidated order for Hauturu–Waipuna C, a block which is the subject of allegations in this claim; when the order was made in 1966, ‘the interests of 545 out of 582 owners were eliminated at the same time’.

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The Crown’s taking of lands from the Awaroa block (including Awaroa A2H) for a scenic reserve is discussed in section 20.4.4.3.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Awaroa and Mokoroa Blocks (Clark) Claim (Wai 1975)

Named claimant
Susan Rangiaroha Clark (2008)

Lodged on behalf of
Herself, and ‘the grandchildren and further descendants of her father who have been dispossessed of their ancestral connections to their Ngātihaupoto 107 land block and other land blocks, by the operation of New Zealand succession law’

Takiwā
Kāwhia–Aotea

Other claims in the same claim group

Summary of claim
The original statement of claim alleges the claimant and her whānau have been prejudiced by the Crown’s use of the Native Land Court, the laws of succession, and other legislation (such as the Scenery Preservation and Public Works Acts) to alienate Te Rohe Pōtae land. These allegations relate particularly to parts of the Awaroa block (Awaroa A2E3 and Awaroa A2B2C3), the Mokoroa block, and other land in the Kāwhia and Hauturu area.

However, the amended statement of claim focuses exclusively on the effects of succession laws. The claimant alleges the Crown’s use of these laws ‘enabled the disconnection of Maori from their Tupuna Lands and turangawaewae, by means of an individual’s will’ – namely, the will of the named claimant’s father, Rangiangamai Waiwiri II, whose land interests were vested in a single successor following his death in 1979. All other descendants have been ‘permanently disconnected’ from the land blocks disposed of by the will, the claimant says; the land

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563. Amended statement of claim 1.1.200(a), para 2 (2010). The original statement of claim lodged in 2008 (claim 1.1.200) was made on behalf of Susan Rangiaroa Clark, Ngāti Ngutu, Ngāti Tamainu, and Ngāti Kiriwai hapū; see also memorandum 2.2.117.

564. Claim 1.2.78, p 5.

565. Claim 1.1.200, p [1]. The Awaroa block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 4.4.1.2.3, 10.4.1.4, 10.5.1.5, 10.7.1.2, 11.3.2.6, 20.4.4.3, and 24.3.3.1 and tables 4.1 and 11.5.

566. Claim 1.1.200(a), p [3].
is in the Aotea District and the Ngātihaupoto 107 block. They seek a Tribunal recommendation that the Crown provide 'an equivalent area and quality of land to the Ngātihaupoto 107 block, and to the other land in the Taranaki inquiry district conveyed by the will . . . within the Tuhekerangi rohe, to each of the children of Rangihamamai Waiwiri 2nd, or their descendants.' In submissions, counsel for the claimant argue that 'the mixture of land policies, succession laws and other means by which the Claimants land base was fragmented and alienated began in the Native Land Court, and continued in the Maori Land Court.' They submit that succession was 'a particularly effective form of alienation of the claimant’s whānau from their land,' as evidence about the loss of Ngātihaupoto 107 demonstrates.

Other allegations are set out in the amended statement of claim filed by the wider claimant collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the land claims commission held hearings in Te Rohe Pōtae concerned lands near the Whāingaroa, Aotea, and Kāwhia Harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the Native Land Court 1884–1910 and surveys; Crown purchasing policy; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

  Particularly relevant are our findings set out in section 6.9.8.2:

  the Crown breached the plain meaning of the article 2 guarantee of tino rangatiratanga when it confiscated lands north of the Pūniu River where Ngāti

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567. Claim 1.1.200(a), p [17].
568. Claim 1.1.200(a), pp [4]–[5].
569. Submission 3.4.201, p 3.
Maniapoto and Ngāti Maniapoto-affiliated hapū had interests. Our finding encompasses but is not limited to: the lands between the Pūniu, Waipā, and Mangapiko Rivers, claimed by Ngāti Paretekawa and Ngāti Ngutu.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  Section 10.5.2 is particularly relevant to the claimant group's assertion that 'the Crown has failed, and continues to fail, by not providing legal access to landlocked lands that remain in the claimants’ ownership'. There, we state that '[a] particularly damaging outcome of the court's ad hoc approach to partitioning was that land could end up with restricted access or, in the worst-case scenario, no access at all ("landlocked land")'.

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

  In section 16.3, we comment that one of the main drivers of twentieth century Māori land title reform was ‘fragmentation of titles and fractionation of interests due to excessive partitioning and the court’s succession rules’. Succession rules, especially as they applied to various kinds of trusts, were among the matters addressed by the introduction of Te Ture Whenua Māori Act 1993. While some problems have been addressed to some extent, we comment in our findings that ‘more work remains to be carried out regarding successions and other relevant sections of the 1993 legislation.’

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Marokopa, Mangamahoe, and Hauturu West Blocks (King) Claim (Wai 1976)

Named claimant
Avalon King

Lodged on behalf of
Ngāti Te Kanawa and Ngāti Urunumia

Takiwā
Kāwhia–Aotea. The claim relates to the Marokopa, Mangamahoe, and Hauturu West blocks.

Other claims in the same claim group
74, 1450, 1498, 1975, 1976, 1978, 1996, 2070. All claimants represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Hounuku, Ngāti Kiriwai, Ngāti Korokino, Ngāti Ngutu, Ngāti Taimanu, Ngāti Te Kanawa, Ngāti Te Wehi, Ngāti Hikiaro, Ngāti Urunumia, Ngāti Te Mawe, Ngāti Ruanui, Ngāti Paretewa, Ngāti Rungaterangi, Ngāti Te Paemate, Ngāti Waiora, and Ngāti Hua. They claim interests across the inquiry district but particularly in the Kāwhia, Kinohaku, Otorohanga, Pirongia, and Waitomo areas.

Summary of claim
The claim alleges Ngāti Te Kanawa and Ngāti Urunumia have been prejudicially affected by

the policies, practices, actions and omissions of the Crown in the alienation of land in the Rohe Potae Inquiry District through the Native Land Court, through the laws of succession and in particular relating to the Marokopa, Mangamahoe, and Hauturu West blocks.

The specific sources of prejudice cited range from the operation of the Native Land Court and public works takings to rating legislation, landlocked land, the foreshore and seabed, the delivery of health services, and the ‘constitutional illegitimacy’ of successive governments.

570. Final soc 1.2.78, p.4. The Wai 1976 claim was brought by Mariata Marie King in 2008: claim 1.1.201, p[1].
571. Final soc 1.2.78, p.4.
572. Claim 1.1.201, p[1].
573. Claim 1.2.78, p[5].
574. Claim 1.1.201, p[1]. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4, 5.4.4.2, 10.4.3.8, 10.6.2.1.1, 11.4.6, and 16.4.3.2.3 and tables 11.4 and 11.5 (Marokopa); sections 4.3.2, 8.9.3.2, 8.9.3.4, and 10.4.3.2 and tables 11.4 and 11.5 (Mangamahoe); and sections 6.10.8.1, 10.4.3.3, 11.3.3.2, 11.4.3, 13.3.7.3, 13.5.9, 14.3.3, 16.4.3.2.3, 16.4.4.3, and 20.4.4.3 and tables 11.5, 13.3, and 13.10 (Hauturu West).
These allegations are developed in the amended statement of claim filed by the wider claimant collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the Old Land Claims Commission held hearings in Te Rohe Pōtae concerned lands near the Whāingaroa, Aotea, and Kāwhia harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the Native Land Court 1884–1910 and surveys; Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).
  
  Also, in section 6.9.8.2 we find ‘that the Crown breached the plain meaning of the article 2 guarantee of tino rangatiratanga when it confiscated lands north of the Pūniu River where Ngāti Maniapoto and Ngāti Maniapoto-affiliated hapū had interests. Our finding encompasses but is not limited to: the lands between the Pūniu, Waipā, and Mangapiko Rivers, claimed by Ngāti Paretewa and Ngāti Ngutu.’

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  In regard to the alleged prejudice arising from the generation of landlocked lands, in Section 10.5.2 we note that ‘[a] particularly damaging outcome of the court’s ad hoc approach to partitioning was that land could end up with restricted access or, in the worst-case scenario, no access at all (“landlocked land”).’

575. Claim 1.2.78.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
**Claim title**
Hauturu Waipuna c Block (Herbert) Claim (Wai 1978)

**Named claimant**
Fred Herbert (2008) \(^{576}\)

**Lodged on behalf of**
Himself and Ngāti Paretekawa, Ngāti Ngutu, Ngāti Te Mawe, and Ngāti Ruanui hapū \(^{577}\)

**Takiwā**
Kāwhia–Aotea. The claim relates to land taken for a school at Rākaunui. \(^{578}\)

**Other claims in the same claim group**
74, 1450, 1498, 1975, 1976, 1978, 1996, 2070. All claimants represent hapū affiliated to Ngāti Maniapoto, including (but not only): Ngāti Hounuku, Ngāti Kiriwai, Ngāti Korokino, Ngāti Ngutu, Ngāti Taimanu, Ngāti Te Kanawa, Ngāti Te Wehi, Ngāti Hikairo, Ngāti Urunumia, Ngāti Te Mawe, Ngāti Ruanui, Ngāti Paretekawa, Ngāti Rungaterangi, Ngāti Te Paemate, Ngāti Waiora, and Ngāti Hua. Collectively, they claim interests across the inquiry district but particularly in the Kāwhia, Kinohaku, Ōtorohanga, Pirongia, and Waitomo areas. \(^{579}\)

**Summary of claim**
The claim allege hapū have been prejudicially affected by actions of the Crown in Te Rohe Pōtae, especially by the alienation of land in the Hauturu–Waipuna c block. \(^{580}\) Alleged sources of prejudice include the operations of the Native Land Court, excessive takings of land for survey liens, and Crown purchasing activities.

Other allegations are set out in the amended statement of claim filed by the wider claimant collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the Old Land Claims commission held hearings in Te Rohe Pōtae concerned lands near the Whāingaroa, Aotea, and Kāwhia Harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the Native Land Court 1884–1910 and surveys; Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu). \(^{581}\)

The closing submissions for Wai 1978 discuss the claimant’s evidence about the taking of land for the Rākaunui Native School. The land was acquired in 1909 under the Public Works Act from Awaroa A3 block, which had 42 owners when

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576. Submission 3.4.232; claim i.1.203.
577. Claim i.1.203; final soc 1.2.78, p 4.
578. Submission 3.4.232, p 2.
579. Final soc 1.2.78, p 5.
580. Hauturu–Waipuna c is discussed in Te Mana Whatu Ahuru in sections 16.5.1.2 and 16.5.3.
581. Claim 1.2.78.
it was created in 1901. The claimant states his grandmother was the sole owner of the land taken for the school.\textsuperscript{582} According to counsel, when the school closed in 1967, the land was revested in a party not of Ngāti Hua descent: Rohe Takiari, who, as sole owner of Awaroa A\textsubscript{3}B\textsubscript{2}A\textsubscript{2} was probably a descendant of one of the original owners.\textsuperscript{583} Mr Takiari was a neighbouring farmer, and the Māori Land Court revested the land in him to assist his farming operations. He was supposed to pay $750 to be distributed to the local marae but there is no record of this being carried out. The land taken for the school contained a wāhi tapu site known as Pukeinoi, but there is no record of a requirement for the site to be fenced. The closing submissions allege the Crown failed in its duty of partnership by not sufficiently recording ownership interests and by not ensuring the return of the land to its rightful owners.\textsuperscript{584}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

  Also, in section 6.9.8.2, we find ‘that the Crown breached the plain meaning of the article 2 guarantee of tino rangātiratanga when it confiscated lands north of the Pūniu River where Ngāti Maniapoto and Ngāti Maniapoto affiliated hapū had interests. Our finding encompasses but is not limited to the lands between the Pūniu, Waipā, and Mangapiko Rivers, claimed by Ngāti Paretekawa and Ngāti Ngutu.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

\textsuperscript{582} Document Q20 (Herbert), p [5].
\textsuperscript{583} Document A63 (Alexander), p 314.
\textsuperscript{584} Submission 3.4.232, p 5.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Rakaunui Native School, which is the subject of claimant allegations, is discussed in section 24.3.3.1 where we describe the establishment of native schools across Te Rohe Pōtae. We note there that as the site gifted for the school was on the Awaroa A3 block and had 42 owners, Lands Department officials ‘advised that the land be taken under the Public Works Act as “a deed of transfer [requiring the signature of all owners] is almost an impossibility’.

In section 24.10, we find that many of the Crown’s actions and omissions in respect of education to be inconsistent with the principle of partnership, the duty of active protection inherent in that partnership, and the principle of equity. Of particular relevance to this claim, we found the Crown did not uphold its Treaty obligations in requiring Māori communities to ‘gift’ land for native schools, when the same standards were not applied to Pākehā communities and without considering alternatives, and in using permanent alienation to gain title over such sites (as opposed to alternative arrangements such as leaseholds) and failing to prevent undue delays in returning surplus school sites to their former Māori owners.
Claim title
Ngāti Ngutu, Ngāti Te Kanawa and Ngāti Urunumia (Hepi) Lands Claim (Wai 1993)

Named claimant
Sonny Hepi (2008)585

Lodged on behalf of
Himself, his whānau, Ngāti Ngutu, Ngāti Te Kanawa and Ngāti Urunumia586

Takiwā
Kāwhia–Aotea. The claim relates largely to land interests in the Taumatatotara and Hauturu West g2 section 2b2 blocks.587

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1993 claim concerns land alienation, public works takings, and the environmental impacts of development schemes. The claimant argues that the introduction of Crown purchasing policies during the late nineteenth and early twentieth centuries led to land loss in the Taumatatotara, Hauturu West, Te Kauri, Hauturu–Waipuna, and Awaroa blocks,588 and that the Crown failed to ensure that Ngāti Ngutu, Ngāti Te Kanawa, and Ngāti Urunumia retained sufficient lands over the course of these alienations.589 The claim also lists various public works takings across all of these blocks, arguing that the Crown failed to protect Māori interests by carrying out takings without prior consultation and compensation, and failed to return land that was no longer required.590 Lastly, the claim asserts that Māori land development schemes degraded the waters of Te Awa Titi and the Waiharakeke Streams, with adverse effects for the local fisheries and the drinking water supply.591

The closing submissions introduce three additional grievances: the Māori Trustee’s labelling of the named claimant’s tupuna, Pohi Hepi, as a squatter, even though he was on ancestral land; the delayed return of land to the owners

585. Submission 3.4.235; claim 1.1.205.
588. Many of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.7.2.1.2, 11.5.3 (fn 662), and 13.5.5–13.5.6 and table 13.3 (Taumatatotara); sections 6.10.7, 10.4.4 (fn 321), 10.6.2.2.2., 11.3.3.2 (fn 150), 11.4.3, and 20.4.4.3 and tables 11.5 and 13.3 (Hauturu West); sections 16.5.1.2 and 16.5.3 (Hauturu–Waipuna); and sections 4.4.1.2.3, 10.4.1.4, 10.5.1.5, 10.7.1.2, 11.3.2.6, 20.4.4.3, and 24.3.3.1 and tables 4.1 and 11.5 (Awaroa).
589. Final soc 1.2.111, p 3.
590. Final soc 1.2.111, p 4.
591. Final soc 1.2.111, p 5.
of Taumatotara block due to differences in recording of the boundary; and the
21-year delay in the return of Hauturu West G2B2, during which time the owners
missed out on the full benefit of a milling licence which the Māori Trustee had
negotiated.  

The claim also adopts the generic pleadings on alienation and land loss, Crown
purchasing, the Native Land Court, public works, Māori land administration and
land development, tikanga, and the environment.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the
evidence presented to us, we find the claim to be well founded. We reach this con-
clusion having considered (a) the extent to which our findings on general issues
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises
specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that
apply to this claim are listed below. Where necessary, these general findings are
followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from
  1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the
  findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to
  1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the
  findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to man-
  age the administration and alienation of Māori land through Māori land
councils and boards: see chapter 12 and the findings summarised in section
  12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily
  vested in the Waikato-Maniapoto District Māori Land Board between 1909
  and 1910, and the board’s subsequent administration of that land: see chapter
  13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in
  the first half of the twentieth century: see chapter 14 and the findings sum-
  marised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori
  land title in the twentieth century, and the effects of these title reconstruction

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593. Final SOC 1.2.111, pp 2–3; see also submission 3.4.235, p 2.
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Hikairo, Ngāti Tamainu, Ngāti Taiharuru, and Ngāti Kiriwai (Jerry) Lands Claim (Wai 1995)

Named claimant
Howard Jerry (2008) 594

Lodged on behalf of
Himself, his whānau, and Ngāti Hikairo, Ngāti Tamainu, Ngāti Taiharuru, and Ngāti Kiriwai 595

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the alienation of lands including the Awaroa, Waipuna, Hauturu, Waipapa, Oparau, and Hukaparia blocks, the Tainui and Kaimango forest blocks, and the Te Rauamoa and Te Kauri scenic reserves. 596 It also raises allegations about the alienation of traditional wāhi tapu and kōiwi.

The claimant alleges that his whānau and hapū have been prejudicially affected by Crown acts and omissions, including the operation of the Native Land Court; the excessive taking of lands for survey liens; Crown land purchasing; public works; Māori land development schemes; the activities of the Māori Trustee; Crown environmental policy and practice; the failure to protect wāhi tapu; ratting legislation; the ‘maladministration’ of Māori education; inadequate health services; the failure to facilitate Māori economic growth; the ‘raupatu’ of the foreshore and seabed; the generation of landlocked land; the operation of ‘the Māori Land Board’; and ‘the constitutional illegitimacy of successive New Zealand governments’. 597

These allegations are expanded on in submissions. They focus on public works takings; the Native Land Court; local government and quarrying; and Māori land administration, specifically the role of the Māori Trustee. The claimant allege that Awaroa blocks were taken for scenic reserves and roadways without the owners being informed, consulted, and compensated; and that the owners were required

594. Submission 3.4.144; claim 1.1.207.
595. Submission 3.4.144.
596. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 4.4.1.2.3, 10.4.1.4, 10.5.1.5, 10.7.1.2, 11.3.2.6, 20.4.4.3, and 24.3.3.1 and tables 4.1 and 11.5 (Awaroa); sections 5.3.3.3, 5.3.4.2.1, 16.5.1.2, and 16.5.3 and table 5.2 (Waipuna); sections 9.4.7, 9.8.8, 10.4.3.1, 10.4.4, 10.6.2.2.2, 11.3.4.3, 11.4.9, 11.7.5, 13.3.4, and 16.4.3.2.3 and tables 9.1, 9.3, 11.5, 13.3, and 13.10 (Hauturu); and section 17.3.4.2.2 (Oparau).
597. Claim 1.1.207, p [2].

608
to pay ‘excessive and financially oppressive’ survey costs. The claim also alleges the Crown breached its Treaty duty to protect customary law, which required notification processes for land dealings to have been conducted kanohi ki te kanohi; they were not.\textsuperscript{598}

The claim further asserts the Crown failed to ensure local government bodies, specifically the Otorohanga District Council, observed or gave effect to the Treaty. It alleges that the council acquired quarrying rights on an Awaroa land block without informing the owners, took limestone from the area before an agreement was reached, and left the land in a damaged state.\textsuperscript{599}

Moreover, the claimant argues that his whānau and hapū experienced prejudice as a result of the Māori Trustee’s actions in respect of land blocks Awaroa B4 4B1 and Awaroa A2J1.\textsuperscript{600} For Awaroa B4 4B1, it is alleged that the owners were unable to manage their land, the lease scheme adopted by the Māori Trustee acquired debt, the Māori Trustee failed to consult with the owners about leasing the land, and the owners had to undergo a long and expensive process to regain management. For Awaroa A2J1, the claimant alleges the Māori Trustee was appointed without consultation and against the will of the owners, and the owners were not consulted about the use of the land and the ‘state of the lease’. The claimant says the land was sold out of Māori ownership, despite objections.\textsuperscript{601}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
\item The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
\item The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
\end{itemize}

\textsuperscript{598} Submission 3.4.144, pp 4–5.
\textsuperscript{599} Submission 3.4.144, p 15.
\textsuperscript{600} Awaroa A2 is referred to in section 20.4.4.3 of \textit{Te Mana Whatu Ahuru}.
\textsuperscript{601} Final SOC 1.2.9, pp 8–11; submission 3.4.144, pp 35–36.
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Claim title
Ngāti Ngutu and Ngāti Hua (Toia) Lands Claim (Wai 1996)

Named claimant
Raewyn Maria Toia (2008)

Lodged on behalf of
Herself and the Ngāti Ngutu and Ngāti Hua hapū

Takiwā
Kāwhia–Aotea. The claim relates to the Kāwhia, Hauturu, Waipuna, and Oparau areas.

Other claims in the same claim group

Summary of claim
The claim alleges Ngāti Ngutu and Ngāti Hua have been prejudicially affected by the actions and omissions of the Crown in relation to poor and often substandard housing in Kāwhia, Hauturu, Waipuna, Oparau, and other areas in Te Rohe Pōtae. It states that the houses provided for Māori were often two-bedroomed and inadequate for families with a minimum of five children. The claim also alleges numerous other breaches of the Treaty by the Crown. These include the maladministration of Māori education and the inadequate delivery of health services to Māori.

Other allegations are set out in the amended statement of claim filed by the wider claimant collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the Old Land Claims commission held hearings in Te Rohe Pōtae concerned lands near the Whāingaroa, Aotea, and Kāwhia Harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the Native Land Court 1884–1910 and surveys; Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation;

602. Final soc 1.2.78; claim 1.1.208, p [1].
603. Claim 1.1.208, p [1].
604. Claim 1.1.208, p [1].
605. Final soc 1.2.78, p 5.
606. Claim 1.1.208.
education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).  

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

  Also, in section 6.9.8.2, we find that the Crown breached the plain meaning of the article 2 guarantee of tino rangatiratanga when it confiscated lands north of the Pūniu River where Ngāti Maniapoto and Ngāti Maniapoto affiliated hapū had interests. Our finding encompasses but is not limited to the lands between the Pūniu, Waipā, and Mangapiko rivers, claimed by Ngāti Paretekawa and Ngāti Ngutu.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

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607. Claim 1.2.78.
The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

In section 23.10.1, we find that the Crown acted in a manner inconsistent with the principle of equity through failing to provide effective partnership arrangements with Te Rohe Pōtae Māori, in terms of their health needs, from 1930 to the 1980s. It also failed to improve Māori housing. As a result, Māori standards of health and housing were, and remain, lower than those of Te Rohe Pōtae Pākehā.

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Te Kanawa, Ngāti Kinohaku, and Ngāti Raukawa (Reihana-Hikuroa) Lands Claim (Wai 2070)

Named claimant
Reg Te Ratu Reihana-Hikuroa (2008)

Lodged on behalf of
Himself and the Te Kanawa, Ngāti Kinohaku, and Ngāti Raukawa hapū

Takiwā
Kāwhia–Aotea. The claim relates to land in the Waipuna block.

Other claims in the same claim group

Summary of claim
The claim alleges hapū have been prejudicially affected by the policies, practices, actions, and omissions of the Crown as a result of the operation of the Native Land Court; the excessive taking of lands for survey liens; the Crown's land purchasing activities; the compulsory acquisition of their land by the Crown for public works, scenic reserves, and for gravel extraction; Māori land development schemes; the operation of the Māori Trustee; Crown environmental policy and practice; the failure to protect wāhi tapu; rating legislation; the maladministration of Māori education; the inadequate delivery of health services to Māori; the failure to facilitate Māori economic growth; the raupatu of the foreshore and seabed; the generation of landlocked land; the operation of Māori land boards; and the ‘constitutional illegitimacy’ of successive New Zealand governments.

Other allegations are set out in the amended statement of claim filed by the wider claimant collective. It sets out 15 causes of action: old land claims (four of the five old claims for which the Old Land Claims commission held hearings in Te Rohe Pōtæe concerned lands near the Whāingaroa, Aotea, and Kāwhia Harbours); military engagement; raupatu and the confiscation of Ngāti Ngutu lands; the
Native Land Court 1884–1910 and surveys; Crown purchasing policy; local government; public works legislation; minerals; twentieth century land alienation; education, housing, and health; water quality; waterways; the foreshore and seabed; customary fisheries; and the environment (including wāhi tapu).  

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  
  Also, in section 6.9.8.2 we find ‘that the Crown breached the plain meaning of the article 2 guarantee of tino rangatiratanga when it confiscated lands north of the Pūniu River where Ngāti Maniapoto and Ngāti Maniapoto-affiliated hapū had interests. Our finding encompasses but is not limited to: the lands between the Pūniu, Waipā, and Mangapiko Rivers, claimed by Ngāti Paretekawa and Ngāti Ngutu.’

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  
  Section 10.5.2 is particularly relevant to the claim group’s assertion that ‘the Crown has failed, and continues to fail, by not providing legal access to landlocked lands remaining in their ownership.’ There, we state that ‘[a] particularly damaging outcome of the court’s ad hoc approach to partitioning was that land could end up with restricted access or, in the worst case scenario, no access at all (landlocked land).’

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

613. Claim 1.2.78.

614. Submission 3.4.196, p 15.
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Railway Lines and Assets (Whanga) Claim (Wai 2075)

Named claimant
Robin Tukaha Whanga (2003)\textsuperscript{615}

Lodged on behalf of
Himself and the descendants of Te Wherowhero of Waikato Maniapoto.\textsuperscript{616}

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
This claim relates to lands subject to claims submitted to the Waitangi Tribunal that are also subject to the New Zealand Railways Corporation Restructuring Act 1990 and the Treaty of Waitangi (State Enterprises) Act 1988. The claimant says the claim is intended to help protect existing Māori claims, and any further claims, to the New Zealand Railway lines and assets. The claim alleges that Māori are likely to be further prejudicially affected by the Crown's actions concerning railway lines and assets.\textsuperscript{617}

The amended statement of claim alleges that the Crown did not comply with the tuku by which Te Rohe Pōtē Māori agreed to the passage of the railway through their land. It states the Crown took more land for the railway than the one chain agreed to; Māori did not benefit from the increased value of the surrounding land, and Māori were not involved in the management of the railway. Under tikanga, the claimant states, a tuku reverts to the grantor if the terms are not complied with.\textsuperscript{618}

The amended statement also addresses constitutional issues. It states that He Whakaputanga (the 1835 Declaration of Independence of the United Tribes of New Zealand), is the founding document of this country. The Treaty, it says, appointed the Crown to carry out kāwanatanga under He Whakaputanga. Subsequently, the Crown seized what the claimant calls ‘Dicean Sovereignty’. This assertion, it is alleged, was contrary to all principles governing the relationship between sovereign peoples. The claim alleges the Crown has not protected the power, authority, rights, privileges, customs, and uses of Maōri, causing widespread losses – not only of mana, life, identity, and well-being but also the ability to control property and taonga. Moreover, the Crown has itself asserted powers and authority

\textsuperscript{615. Final SOC 1.2.53; claim 1.1.219.}
\textsuperscript{616. Final SOC 1.2.53.}
\textsuperscript{617. Claim 1.1.219, p.2.}
\textsuperscript{618. Final SOC 1.2.53, p.5.}
it was not entitled to, which has caused Māori to lose land, authority, and tino rangatiratanga.659

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtāe district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtāe Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtāe (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtāe Māori: see chapter 9 and the findings summarised in section 9.7 (part 11).

  In section 9.2.3, we note that the Crown has made one concession in relation to the North Island Main Trunk Railway. The Crown concedes that some owners of the Rangitoto–Tuhua block were not compensated for land taken for the railway’s construction, and that this failure to pay compensation ‘was a breach of the Treaty of Waitangi and its principles.’ The Crown does not specify which subdivisions of the Rangitoto–Tuhua block it failed to pay compensation for land taken.

  In our findings on the taking of Māori land for the North Island Main Trunk Railway in section 9.7, we say that the gifting of the railway land can be regarded as a tuku in its broadest sense; as such, it was a confirmation by Te Rohe Pōtāe Māori of their determination to create an ongoing relationship from which both parties would receive mutual benefits. Other findings especially relevant to this claim include that the Crown failed to gain Te Rohe Pōtāe Māori consent to the application of public works legislation to transfer lands for the railway into its ownership. This was a breach of the principle of partnership, the guarantee of tino rangatiratanga, and a failure of the Crown’s duty of active protection. We also find that the April 1885 proclamation provided for more land to be taken than rangatira had agreed to, and the Crown did not consult them about this. This amounted to a breach of the principle of partnership, the guarantee of tino rangatiratanga, and a failure of the Crown’s

619. Final soc 1.2.53, pp 7, 11–12.
duty of active protection. Finally, we agree with the Central North Island Tribunal’s finding that the 5 per cent rule was discriminatory against Māori and the principle of equity. We also find that in failing to pay compensation to Māori owners whose lands were taken for the railway, the Crown breached the principle of equity and failed to perform its duty of active protection.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

Any additional Tribunal findings on local allegations or claims
The claim raises issues which related to He Whakaputanga (the 1835 Declaration of Independence of the United Tribes of New Zealand), which the claimant says is the ‘constitutional foundation document of this country’.620 However, this aspect of the claim sits outside of the Tribunal’s jurisdiction to inquire into claims of Crown breaches of the Treaty of Waitangi. Consequently, we are unable to comment on the substance of this allegation.

Claim title
Ngāti Tamainu and Ngāti Kiriwai (Pu) Claim (Wai 2084)

Named claimant
Shirley Pu (2008)

Lodged on behalf of
Herself and Ngāti Tamainu and Ngāti Kiriwai hapū

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The initial claim (2008) concerns alienation of land through the Native Land Court, particularly the Paruroa, Waipuna, Turitea, Pirongia, Rakaunui, Hauturu, Ngutunui, Awaroa, Turoto, Pirongia South Forest, Owhiro, and Oarinihi blocks; Oparau Station; Te Kauri Reserve; and traditional wāhi tapu and kōiwi sites at Waipuna and Owhiro.

The claim alleges hapu have been prejudicially affected by the following Crown acts and omissions: the operation of the Native Land Court; the excessive taking of lands for survey liens; Crown land purchasing activities; the compulsory acquisition of lands for public works, scenic reserves, and gravel extraction; Māori land development schemes; the operation of the Māori Trustee; Crown environmental policy and practice; the failure to protect wāhi tapu; rating legislation; the ‘maladministration’ of Māori education; inadequate delivery of health services to Māori; the failure to facilitate Māori economic growth; the raupatu of the foreshore and seabed; the generation of landlocked land; the operation of Māori land boards; and the ‘constitutional illegitimacy’ of successive governments.

The amended claim and subsequent submissions expand on these allegations, focusing on the Crown’s failure to protect hapū’s land base, Crown purchasing

621. Submission 3.4.174; claim 1.1.220.
622. Submission 3.4.174.
623. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.3.3.3, 5.3.4.2.1, 16.5.1.2, and 16.5.3 and table 5.2 (Waipuna); sections 16.5, 17.3.4, 17.3.4.2.1–17.3.4.2.2.2, and 20.4.4.3 (Pirongia); sections 9.4.7, 9.8.8, 10.4.3.1, 10.4.4, 10.6.2.2.2, 11.3.4.3, 11.4.9, 11.7.5, 13.3.4, and 16.4.3.2.3 and tables 9.1, 9.3, 11.5, 13.3, and 13.10 (Hauturu); sections 4.4.1.2.3, 10.4.1.4, 10.5.1.5, 10.7.1.2, 11.3.2.6, 20.4.4.3, and 24.3.3.1 and tables 4.1 and 11.5 (Awaroa); and sections 10.7.2.1.1 and 11.5.4 and tables 11.5, 13.1, and 13.3 (Turoto).
624. Claim 1.1.220, p [1].
policies and practices, public works takings, and the loss or desecration of wāhi tapu. 626

The claim alleges that partition orders issued against the Awaroa block fragmented the land into ‘mostly uneconomic interests’, and that as a consequence, a substantial portion was alienated from the former Māori owners. It says the imposition of excessive survey costs and liens further contributed to the alienation of the Awaroa lands, and the Crown actively targeted Māori land for settlement by the Crown and private purchasers. 627 The claim say that by failing to ensure Māori had sufficient land for their present and future needs, the Crown has breached the Treaty. 628

The public work allegations concern two areas of lands taken for scenery preservation – Te Umuroa (Hauturu West blocks) and Oteke (Hauturu West 284c and Kinohaku West blocks). 629 The claim says the extent of the land taken was ‘grossly excessive’, compensation was inadequate, and the blocks were taken without adequate consultation and notice. 630 Furthermore, it describes the Crown’s notification processes during land dealings as ‘afoul’ of the hapū’s customary law/tikanga and should have been conducted instead kanohi ki te kanohi (face to face). 631 The claim therefore alleges that the Crown has also breached its duty to protect customary law.

In regard to the loss or destruction of wāhi tapu, the claim alleges that graverobbers removed taonga, the hapū’s urupā were subject to rates, and the Crown took land containing urupā or wāhi tapu for public works.

Overall, the claim contends that the Crown’s actions and omissions have prejudiced the hapū in multiple ways. It says their economic base, social patterns, and traditional leadership have been destroyed; they have been left with fragmented interests and resources which have little economic or practical value and are insufficient for their present and future needs; they suffer poverty, sickness, high mortality, and economic marginalisation; and their mana has been diminished.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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626. Claim 1.2.32; submission 3.4.174.
627. Final SOC 1.2.32, pp 4–6.
628. Submission 3.4.174, pp 16, 27.
629. The taking of land for the Te Umuroa and Oteke scenic reserve is discussed in sections 20.4.4.3 and 21.3.3.6 of *Te Mana Whatu Ahuru*.
630. Claim 1.2.32, p 8.
631. Submission 3.4.174, p 32.
Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and findings summarised at section 5.8 (part I).

In section 5.3.4.2.1, we note that the Te Kauri (also known as Hingarangi) and Te Waipuna lands were excluded from the Mokau block sale as areas which Māori had not agreed to sell; they were included in a schedule of reserves in 1896 ‘in response to concerns raised by Mōkau Māori over the Crown’s administration of reserved lands’. However, the Crown treated these lands as ordinary Māori land rather than native reserves. Title was issued by the Native Land Court in the 1890s. The Crown then showed interest in purchasing some of the land, despite being aware of what the surveyor-general called ‘the larger question’ of whether Māori should be encouraged to part with land set aside for their long-term benefit. At that time Māori were opposed to selling, but much land was later alienated from Māori ownership through processes that often targeted those lands closest to the river. Most of the Te Kauri block, for example, was alienated by a mixture of private purchases, public works takings, and Europeanisation (the process by which collective Māori title was converted to individual European title).

The alienation of most of the Rakaunui block is referred to in section 5.4.5.2.2.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource
sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Hua and Ngāti Mahuta Lands (Houpapa) Claim (Wai 2086)

Named claimant
Shirley Houpapa (2008)\textsuperscript{632}

Lodged on behalf of
Herself, her whānau, Ngāti Hua, and Ngāti Mahuta\textsuperscript{633}

Takiwā
Kāwhia–Aotea. The claim relates to Kāwhia Harbour and ‘awa within the Kawhia region, and within the traditional rohe of Ngāti Hua and Ngāti Mahuta.’\textsuperscript{634}

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that whānau and hapū have been prejudicially affected by the Crown’s takings in ‘all land blocks’ within the boundaries of Te Rohe Pōtae as given in the 1883 petition. It identifies various sources of prejudice, including land loss, the maladministration of Māori education, inadequate provision of health services to Māori, failure to facilitate Māori economic growth, the confiscation of the foreshore and seabed, and the desecration of wāhi tapu in the Kāwhia area.\textsuperscript{635}

The amended statement of claim adopts the generic statements on overall land alienation, Crown purchasing, the Native Land Court, tikanga, the environment, and harbours. Specifically, it alleges the Crown breached the Treaty by systematically alienating the land of Ngāti Hua and Ngāti Mahuta. The claim also alleges breaches of the Treaty by the Crown regarding the alleged desecration of wāhi tapu, urupā, and other taonga sites, as well as the degradation of Kāwhia Harbour and the awa of the rohe of Ngāti Hua and Ngāti Mahuta.\textsuperscript{636}

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown's process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part 11).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part 11).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part 11).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part 11).
The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

In section 21.8, we find that rather than acknowledge Māori tino rangatiratanga and mana whakahaere, as promised in the Treaty and negotiated as part of Te Ōhākī Tapu and associated agreements, the Crown introduced discriminatory legislation to manage the environment. This allowed it to, amongst other things, take administrative control of the region. Te Rohe Pōtae Māori were subject to the authority of central, local, and regional authorities who did not have to consider Treaty principles, provide for Māori co-management, engage and consult Māori, enable their participation in management, or have regard to their customary values outside of possible granting of authorisations or permits for gathering, taking, or catching species or for the protection of their archaeological sites. As a result, they were further separated from many of their important taonga sites and species and there was a corresponding loss of mātauranga Māori.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
In section 22.8, we conclude that the historical management of waterways/bodies has been tantamount to treating them as sewers or drains into which pollutants such as sewage could be discharged. This has led to the significant decline in water quality in many waterways/bodies in the district and has significantly impacted on Māori spiritual and customary values and use. Although the Crown has worked to address the pollution of rivers and streams in Te Rohe Pōtae, we received no evidence that this had been successful in any significant way, and some evidence indicating that the Waikato Regional Council’s water management regulations were insufficient and in need of review.

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Kiriwai and Ngāti Mahuta (Uerata) Claim (Wai 2087)

Named claimant
Homai (Hopu David) Uerata (2008)

Lodged on behalf of
Ngāti Kiriwai and Ngāti Mahuta ki Mokoroa. These hapū affiliate to Ngāti Maniapoto.

Takiwā
Kāwhia–Aotea. The Ngāti Kiriwai and Ngāti Mahuta rohe lie in the eastern and south-eastern parts of Kāwhia Harbour.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 2087 statement of claim alleges a series of Crown actions and omissions that were Treaty non-compliant and prejudicial. They relate to land alienation, the desecration of traditional wāhi tapu and kōiwi sites, and the laws of succession effected by the Native Land Court.

The final statement of claim expands on these issues and introduces further allegations. It alleges common law and legislation have diminished Ngāti Kiriwai and Ngāti Mahuta ki Mokoroa authority and rights over waterways and marine areas. It identifies particular prejudice in these areas stemming from the common law interpretation of ownership of the adjacent river by reference to the waterway midpoint (which has created legal uncertainty) and the severing of ownership of water and resources from the ownership of the bed. The claim also alleges prejudice has arisen through legislation that, from 1840, vested the beds of navigable rivers in the Crown and delegated authority for waterways and marine areas to local bodies and central government, denying hapū consultation and representation.

The claim alleges the Crown has failed to protect important freshwater species considered taonga in Tai Hauauru coastal areas, Kāwhia Harbour, Te Kauri Stream, the Awaroa River, and other localities. This has occurred through the Crown’s diminishing the kaitiaki and kāwanatanga of Ngāti Kiriwai and Ngāti Mahuta ki Mokoroa through legislation and policy, commercial fishing, environmental change and degradation, farming activity, and decline in diversity and population.
of other native aquatic species. It is also alleged that the Crown has failed to protect important kaimoana species in the Kāwhia Harbour and estuaries. These species have been subject to the same issues as freshwater species, particularly environmental pollution. The claim alleges the Crown has failed to collaborate with Ngāti Kiriwai and Ngāti Mahuta ki Mokoroa over the protection of waterways and marine areas, up to the present day.\(^6\)

The claim also asserts the Crown has failed to provide ‘an efficient, timely, accessible and affordable process for successions, with accurate and current records of owners’ property interest.’\(^6\) It says generations of whānau have experienced significant delays or incomplete determinations of succession. In addition, it alleges the Crown’s urbanisation policies have contributed to the disconnection of owners from their customary land, and that there is no statutory obligation on the Māori Land Court to address incomplete successions.\(^6\) In closing submissions, the claimant’s counsel refer to alleged situations under previous succession legislation in which whānau land was able to pass to non-hapū members, such as a surviving spouse, and thereby be sold or passed down to non-descendants.\(^6\)

Among the allegations is that a possible application to the Māori Land Court under the Te Ture Whenua Māori Act 1993 from a neighbour seeking access to landlocked land may result in alienation of their ancestral land. In closing submissions, counsel advise that the application has not proceeded. However, they say that they continue to advance this claim in respect of the legislation itself; they say that section 236B of the legislation continues to breach the Treaty as it provides the court discretion to vest claimants’ ancestral land into the freehold ownership of another for the purposes of accessing landlocked Māori land.\(^6\)

It is further alleged that the Crown failed to protect wāhi tapu, kōiwi, and taonga from damage, removal, and modification. Moreover, the Historic Places Act 1993 and previous legislation has failed to provide hapū with sufficient management and control of wāhi tapu. The claim alleges the Crown delayed or failed to remedy deficiencies in the legislation, despite these being identified by reports from the Waitangi Tribunal and other bodies. It also alleges the Crown has not identified and protected culturally significant places for hapū such as Uenuku Kokako and a hiwi tohutohu in the Awaroa river valley.\(^6\) Specifically, it is alleged the Crown destroyed a taonga rock at Marokopa with dynamite.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

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\(^6\) Claim 1.2.71, pp 5–9.
\(^6\) Claim 1.2.71, p 13.
\(^6\) Claim 1.2.71, pp 13–14.
\(^6\) Submission 3.4.218, p 22.
\(^6\) Submission 3.4.218, p 21.
\(^6\) Claim 1.2.71, pp 9–11.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).
- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).
- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any specific local allegations requiring additional Tribunal findings
This claim raises several issues about succession, covering the period from the establishment of the Native Land Court in the district through to the introduction of the Te Ture Whenua Māori Act 1993. In section 16.3 (part III) of the report, we found that the ‘fragmentation of titles and fractionation of interests due to excessive partitioning and the court’s succession rules posed serious challenges for Māori who wished to utilise their land’. We also found that, in the early twentieth century, a large number of succession cases before the Native Land Court were resolved several years, or even decades, after the death of the owner. We note that the Crown attempted to solve the problem of multiply owned land by focusing on succession; for example, by applying conversion provisions at the point of successions in the Maori Affairs Act 1953 (see section 16.5.1).

In closing submissions, claimant counsel raise the issue of previous succession laws allowing Māori land to pass to non-hapū members. We note this contention is consistent with the findings of the Hauraki Report. There, the Tribunal found the changes to the law of succession under the Maori Affairs Amendment Act 1967 – which provided for Māori wills to come under the same law as European wills, and intestate succession to be determined as if the deceased were a European – prejudicially affected Māori. As the Tribunal commented:
The new regime created a significant ‘window’ during which various people, but particularly wives and de facto partners of deceased Māori, received interests previously debarred to them. This included absolute interest, not merely life interest, in Māori estates. The window lasted in respect of devolution by will until 1993, and by claim under the Family Protection Act for the same period. It lasted in respect of intestacy until 1975. Professor Sutton noted that ‘As a result, we have been told, many Pakeha now have an indelible share in Māori freehold land, inconsistent with Māori custom.\footnote{Waitangi Tribunal, \textit{The Hauraki Report}, 3 vols (Wellington: Waitangi Tribunal, 2006), vol 2, p 886.}

On the implications of the Te Ture Whenua Māori Act 1993 for succession and the operation of trust models of collective land management, we make the following finding in section 16.6.4:

While incorporations and trusts have had some successes in addressing the individualisation or overcrowding of titles, these successes have been limited. That is because lands vested in incorporations and ahu whenua trusts are still subject to successions, leading to further fractionation of ownership interests. Maintaining contact with these owners can be a difficult – if not impossible – task for committees of management and trustees . . .

On balance, and even though there remain issues to be addressed through legislative review of the relevant succession provisions, we do not find that the Crown has acted in a manner inconsistent with the principles of the Treaty of Waitangi with respect to governance of Māori land by incorporations or trusts.\footnote{Waitangi Tribunal, \textit{The Hauraki Report}, 3 vols (Wellington: Waitangi Tribunal, 2006), vol 2, pp 461–462.}
Claim title
Descendants of Io Matua Kore (McQueen) Claim (Wai 2118)

Named claimants
Albert McQueen and Te Amohia McQueen

Lodged on behalf of
On behalf of themselves and ‘the descendants of Te Wherowhero of Waikato Maniapoto’

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by the acts, policies, and omissions of the Crown that have denied them their sovereign authority. They allege the prejudice includes spiritual, mental, physical, and emotional suffering.

The amended statement of claim states that Waikato rangatira Pōtatau Te Wherowhero did not sign the Treaty of Waitangi as six months earlier he had given his support to the 1835 He Whakaputanga (the 1835 Declaration of Independence of the United Tribes of New Zealand). The claimants allege that although the Treaty had no effect on his rangatiratanga, the Crown did not recognise his sovereign authority. Subsequently, they allege, the Crown waged an unjustified war and unlawfully seized land based on its incorrect interpretation of the Treaty. They submit that the Crown failed to recognise that rangatira who had not signed the Treaty were not bound by it. In failing to do so, they allege, the Crown failed to carry out its obligations under the Law of Nations.

Is the claim well founded?
This claim is part of the Te Rohe Pōtai district inquiry. The claimants raise allegations concerning the Crown’s failure to sufficiently recognise He Whakaputanga (the 1835 Declaration of Independence of the United Tribes of New Zealand) as the foundational constitutional document. This allegedly prejudiced Waikato

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651. The claim was brought by Albert McQueen in 2008 and Te Amohia McQueen was added as a named claimant in 2011: claim 1.1.230; amended claim 1.1.230(a); final SOC 1.2.52.

652. Amended claim 1.1.230(a), p [1]. The original statement of claim was brought on behalf of ‘Myself, Providers Of Natural Order Charitable (Trust) and Others of Ngāti Ngutu, Ngāti Hua, Ngāti Te Waha, Ngāti Pourahui, Ngāti Taimainu, Ngāti Mahuta, Ngāti Te Kanawa, Ngāti Mahanga, Ngāti Te Wehi, Ngāti Patupo, Ngāti Whakamarurangi, Ngāti Te Ata me Nga Whakapapa Nga Hapu katoa and those descendants of/and Io MATUA KORE, who support this claim’: claim 1.1.230, p [1].

654. Final SOC 1.2.52, p 4.
rangatira such as Pōtatau Te Wherowhero, who signed He Whakaputanga but not the Treaty of Waitangi. However, this claim sits outside of the Tribunal’s jurisdiction to inquire into claims of Crown breaches of the Treaty of Waitangi. As a consequence, we are unable to comment on the substance of the claim.

The claimants also raise allegations concerning the Waikato War and the raupatu. Ngāti Mahuta’s raupatu claims were settled in 1995 by the Waikato Raupatu Claims Settlement Act 1995, and the Tribunal has no jurisdiction to inquire into Waikato raupatu claims. The claimants did not address this jurisdictional issue in evidence or submissions. We do not consider that this claim meets the jurisdictional test set out in section 1.4.2.2.

Claim title
Mana Wāhine (Nelson) Claim (Wai 2125)

Named claimant
Peggy Nelson (2008)

Lodged on behalf of
Herself, her kuia Karena Pitman and the mana wāhine o Te Rohe Pōtae

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.

Summary of claim
The original Wai 2125 claim primarily concerns the impacts of government policies on mana wāhine. It is argued that Crown laws and policies, such as the Tohunga Suppression Act 1908, Native Land Act 1909, and Marriage Act 1955, had displaced families as a result of land loss, deprived women of property rights and traditional roles carrying mana, deprived women of educational opportunities, exposed women to family violence, and made women vulnerable to physical and mental ill-health.

The Wai 1448 claimant subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu will be raised later in the inquiry process after evidence had been collated on them.

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues
(the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended. It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909...

666. Submission 3.4.237, pp 30–33.
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any specific local allegations requiring additional Tribunal findings

This claim raises issues related to the Crown’s alleged failure to protect the mana whenua rights of wāhine within Te Rohe Pōtae. Claims specific to the status and recognition of mana wāhine are not encompassed by the general findings presented in chapters 4–24 of the report. The issues they embody are to be addressed in the Waitangi Tribunal’s ongoing mana wāhine kaupapa inquiry. However, the special contribution of mana wāhine to the inquiry district is discussed at section 18.5.4 and throughout parts I–IV of the report.
Claim title
Puketarata Block and Other Lands (Mahara) Claim (Wai 2126)

Named claimant

Lodged on behalf of
Not stated

Takiwā
Kāwhia–Aotea. This claim relates to the Puketarata and Waiuku land blocks. 668

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour. 669

Summary of claim
The original Wai 2126 claim primarily concerns the authorisation given by the Crown to the Māori Trustee to administer the claimant’s lands. The claim alleges that the Māori Trustee amalgamated blocks and transferred shares against the wishes of the claimant’s tūpuna, mismanaged the relevant lands so that the claimant and his whānau gained no economic benefit, and caused the claimant to lose his ancestral connection and rights of kaitiakitanga to these lands. 670

The Wai 2126 claimant subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). 671 The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. (The claim also noted that grievances concerning wāhi tapu would be raised later on in the inquiry process after evidence had been collated). 672

The combined claim also addresses issues relating to public works takings raised by the Wai 1501, Wai 1592, Wai 1899, and Wai 2126 claimants. 673 The claimants say the Crown generally failed to consult adequately with Māori owners. They claim that compulsory taking powers were used, often without compensation or...
recognition of the need to preserve Māori ownership of ancestral lands. They say the Crown failed to ensure the claimants retained sufficient lands for their needs, and failed to avoid damaging or destroying wāhi tapu. The claim observes that Māori land had been more greatly affected by public works taking in Te Rohe Pōtae than in any other region. The claimants point specifically to the takings made in connection with Morrison Road, and Aotea Road.

In relation to the taking for Morrison Road, which had occurred in the mid-1960s, the claimants allege that the Crown did not consult with the owners, and failed to address concerns over the road being put through an area containing multiple urupā (this decision ultimately led to kōiwi being unearthed and reinterred elsewhere during the construction process. It is noted that no compensation was paid for the land taken, and that while the road had provided access to a local camp ground, it had not provided the claimants with access to their marae, their papakāinga, or the local foreshore. In relation to Aotea Road, the combined claim asserts that the owners of the Moerangi 3G and 3H blocks had paid for a road-line survey across their lands in the 1940s, which the Crown subsequently took without consultation by declaring it a public road, and without meeting the costs of its survey.

The combined claim raises issues pertaining to the Māori Trustee highlighted by Wai 1592 and Wai 2126 claimants. The claimants say that the Crown failed Te Rohe Pōtae Māori landowners by empowering the Māori Trustee to take over the administration and alienation of their lands without their consent. They claim that the same grievance applied where the Māori Trustee compulsorily acquired and sold off shares of those owners whose interests in the land were deemed uneconomic. The claim states that where owners were occupying their own lands, they would be told by the Māori Trustee that they would have to start paying rent to stay on it, and then only if the Māori Trustee approved them as the lessee. Allegedly, the leases were ultimately awarded to Pākehā farmers, who typically had greater access to capital and the backing of local councils. Moreover they claim, even after deductions from the rent, owners often had to pay part of the cost of the lessee's improvements, and the Māori Trustee often lacked the resources to ensure that the conditions of the lease were being adhered to. The claim also raises the distress suffered by the Wai 1592 claimants whose connections with their

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675. Final soc 1.2.44, p 98.
676. Final soc 1.2.44, pp 112–114.
678. Final soc 1.2.44, pp 119–121. The Moerangi blocks are discussed in sections 16.4.5.1, 17.3.4.1.2, 17.3.4.1.3.1, 17.3.4.2.3.1, 17.3.4.2.3.1, 19.5.3, and 20.5.1 of Te Mana Whatu Ahuru.
679. Final soc 1.2.44, p 123.
681. Final soc 1.2.44, pp 138–141.
682. Final soc 1.2.44, pp 131–133.
land (including wāhi tapu) has been practically restricted or severed against their wishes.  

The combined statement of claim addresses issues related to Crown purchasing and the Native Land Court raised by the Wai 1592, Wai 2126, Wai 2135, and Wai 2208 claimants.  

The claim describes how survey costs and interest arising from these costs burdened the land and compelled owners to alienate land to clear these debts when the Crown applied for survey costs.  

The claimants point to the case of the Wharauroa block (which the Crown began purchasing in the 1850s), where it is alleged that the purchase was incomplete. In addition they say that the purchase went ahead without a proper survey, and with almost no reserves having been made.  

The claim also addresses the determination of land title by the Native Land Court, and the claimants allege the Court process did not allow for Māori to agree relative interests among themselves, but rather forced them to compete for inclusion among the lists of individual owners.  

The claimants go on to say that the court process failed Ngāti Te Wehi in not allocating them any interests in the Pakarikari block.  

Turning to the powers given to county councils and the Māori Trustee, they assert that the councils exploited unpaid rates demands to have Māori lands alienated with minimal consultation, citing as examples alienations of the Pakarikari block.  

Similarly, they claim that there were insufficient protections against alienations by Māori Land Board, especially in regard to owner consent, and whether owners would be made landless.  

Again, the claimants cite examples from the Pakarikari block, as well as examples from Aotea South.  

Lastly, they allege that some of the remaining Māori landholdings have been Europeanised, thereby removing all their protections.  

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.  

The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).  

Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.  

It is also noted.

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689. Final SOC I.2.44, pp 178–182. The Pakarikari block is discussed in section 10.7.2.1.1 of Te Mana Whatu Ahuru.  
690. Final SOC I.2.44, pp 183–188.  
693. Submission 3.4.237, p 46.  
where the cluster’s submissions differed from the generic closing submissions on land development schemes.\textsuperscript{697}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

\textsuperscript{697} Submission 3.4.237, pp 30–33.
The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  We note the finding relative to harbours that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Ngāti Patupō Lands and Resources (Paul) Claim (Wai 2134)

Named claimant
Marie Paul

Lodged on behalf of
Herself and Ngāti Patupō–Aotea. Ngāti Patupō–Aotea ‘are descended from both the Aotea and Tainui waka and have a close relationship with Ngāti Mahuta.’

Takiwā
Kāwhia–Aotea. The Ngāti Patupō rohe ‘lies to the South and West of Aotea harbour and incorporates some of Aotea South on the south head and Oioroa on the north head.’

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 2134 claim relates to lands around the Aotea Harbour, including the Te Mania, Aotea South, Maukutea, and Horoure blocks. It raises allegations relating to land loss, wāhi tapu, and the environment.

The original statement of claim alleges that ancestral land at Aotea Harbour was alienated in 1911 through the transfer of title to the Waikato-Maniapoto District Maori Land Board, under the Native Land Act 1909. The final statement of claim alleges that native land legislation and the operation of the Native Land Court resulted in massive land loss for the claimants and surrounding community. It claims 380 acres of Aotea South was granted ‘to Roka and others,’ after the Native Land Court had initially awarded 1,502 acres of land during the 1887 hearings for the Manuaitu block. It alleges that, despite restrictions on the sale of land under the Native Court Act 1894, DL Morrison then acquired Aotea South 1 at a ‘substantially low price.’ The claimant says Ngāti Patupō was left with insufficient lands to maintain themselves.

Leases and purchasing were subsequently used to achieve further alienations, the claim alleges. From 1939, 103 acres of Aotea South block 3B2 were allegedly...
leased at a rate of £20 per year for 42 years; from 1950, 63 acres of Aotea South 3c2 were allegedly leased at £18 per year for 21 years; and in 1955, 580 acres of Aotea South block 2 were allegedly purchased for £250 – far below market price. The claimant also alleges that the Aotea South block went through 19 partitions between 1896 and 1967, further fragmenting the owners’ ability to utilise the land productively and consistently with their values and customs. The claim states that only Aotea South 3c1a – 2.5 per cent of the original Aotea South block – remains in Māori ownership.704

The claimant raises additional allegations about a water permit over the subdivision on the Aotea Harbour peninsula in the Aotea South block, which was applied for in 1998. It is alleged that Environment Waikato granted the permit without adequately consulting local iwi. Then, in 2003, the claimant says the developers failed to adequately consult local Māori over further consents for subdivisions, despite assurances of meaningful consultation. The claimant alleges the process of consultation was unfair; local iwi members were banned from attending meetings about the development project or prevented from engaging with developers.705 In closing submissions, claimant counsel argue that the Crown has failed to make provisions under Resource Management Act 1991 for local authorities and councils to consult with iwi and hapū.706

An amended statement of claim introduces further allegations about the subdivision development’s impact on sites of significance to Māori. It alleges the New Zealand Historic Places Trust was not informed of significant sites within the development; this breached the Resource Management Act and exemplifies the Crown’s alleged failure to protect sacred sites for Māori. The claimant says that certain pā sites in Patupō’s rohe have been desecrated: ‘Horaure Pah, Puuraho Pah, and Owhakarito Pah, at Maukatea, Aotea.’707 Moreover, it is alleged that development has destroyed sites where ‘taroo and kuumura’ brought on the Tainui waka from Hawaikii were grown, as well as ‘the site of the sacred bird Korotangi, along with three sacred springs, Korotaa, Korotangi and Korotau.’708

In submissions, claimant counsel argues that, beginning in 1955, Ngāti Patupō land was acquired under public works legislation for construction of Morrison’s Road. The process was marked by a lack of consultation and inadequate compensation, they submit.709 Counsel also highlight the significant loss of Patupō identity, saying that for Patupō, this loss of identity and lack of acknowledgement by the Crown has meant that they have had to continually justify their existence in place where their tūpuna once walked proudly.710

705. Claim 1.2.109, pp 7–8.
706. Submission 3.4.214, p 12.
710. Submission 3.4.214, p 5.
Is the claim well founded?
This claim is part of the Te Rohe Pōtea district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtea Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtea Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtea Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtea Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtea Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Section 20.5.1 discusses the construction of Morrison Road in some detail. We say the ‘evidence indicates that Māori owners of the land affected by the road were still not properly identified or directly consulted about the road, whatever they may have heard about it. Nor is it clear that they were included in more detailed discussions over changes to a possible road route as a result of more detailed preparation. They had no opportunity, therefore, to consult properly over protections for taonga or wāhi tapu that could be damaged in building the road, even if they supported it in principle.’ We also find that the evidence clearly indicates that there were urupā and papakāinga in the vicinity, as officials acknowledged at the time.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

We discuss the Aotea development at section 21.5.1.2.2.2. We note a failure ‘to require consultation with Te Rohe Pōtae Māori (other than as affected landowners and in some cases not even then) over developments that would affect their waterways and other taonga even under the RMA’. We also identify a failure ‘to provide for Te Rohe Pōtae iwi mana whakahaere and full participation as partners in environmental decision-making and taonga site protection under the Environment Act 1986, the Conservation Act 1987, the RMA and the Historic Places Trust Act 1993 other than for the Waipā River and through other Treaty settlement arrangements’ (see section 21.6).

Extensive evidence about the korotangi and significant sites in the Maukutea area is reviewed in section 21.5.1.2.2.2.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Maniapoto and Ngāti Te Wehi Lands (Moke) Claim (Wai 2135)

Named claimants
Karohe Moke (2008)\textsuperscript{711} and Tom Herbert (2011)\textsuperscript{712}

Lodged on behalf of
Themselves

Takiwā
Kāwhia–Aotea. The claim relates to the Te Kakawa land block and Bridal Veil Falls.\textsuperscript{713}

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.\textsuperscript{714}

Summary of claim
The original Wai 2135 claim primarily concerns land loss. The claimants allege that survey costs and rates were imposed on their lands of Te Kakawa (which included Pakarikari and Aotea South)\textsuperscript{715} and the Wharauroa block (site of the Bridal-Dale Falls),\textsuperscript{716} and that the resulting alienations reduced the claimants’ lands to around 10 acres.\textsuperscript{717}

The Wai 1448 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme).\textsuperscript{718} The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu will be raised later in the inquiry process after evidence had been collated on them.\textsuperscript{719}

\textsuperscript{711} Claim 1.1.244.
\textsuperscript{712} Submission 3.4.358, p 2; final soc 1.2.44, p 10.
\textsuperscript{713} Claim 1.1.244.
\textsuperscript{714} Final soc 1.2.44, pp 9–11.
\textsuperscript{715} Final soc 1.2.44, pp 156, 178.
\textsuperscript{716} Final soc 1.2.44, pp 154–155.
\textsuperscript{717} Claim 1.1.244, p [2]. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in section 10.7.2.1.1 (Pakarikari); sections 16.5.1.1, 20.5.1, and 20.6 (Aotea South); and sections 5.4.1, 5.4.4.2.3, 5.4.5.3.1, and 11.3.1 and table 5.1 (Wharauroa).
\textsuperscript{718} Final soc 1.2.44, pp 18–19, 29, 40–41, 56, 86, 100–101, 125, 144–145, 157–159, 200–201.
\textsuperscript{719} Final soc 1.2.44, pp 222–224.
The combined statement of claim addresses issues related to Crown purchasing and the Native Land Court raised by the Wai 1592, Wai 2126, Wai 2135, and Wai 2208 claimants. The claim describes how survey costs and interest arising from these costs burdened the land and compelled owners to alienate land to clear these debts when the Crown applied for survey costs. The claimants point to the case of the Wharauroa block (which the Crown began purchasing in the 1850s), where it is alleged that the purchase was incomplete. It addition they say that the purchase went ahead without a proper survey, and with almost no reserves having been made. The claim also addresses the determination of land title by the Native Land Court, and the claimants allege the court process did not allow for Māori to agree relative interests among themselves, but rather forced them to compete for inclusion among the lists of individual owners. The claimants go on to say that the court process failed Ngāti Te Wehi in not allocating them any interests in the Pakarikari block. Turning to the powers given to county councils and the Māori Trustee, they assert that the councils exploited unpaid rates demands to have Māori lands alienated with minimal consultation, citing as examples alienations of the Pakarikari block. Similarly, they claim that there were insufficient protections against alienations by the Māori Land Board, especially in regard to owner consent, and whether owners would be made landless. Again, the claimants cite examples from the Pakarikari block, as well as examples from Aotea South. Lastly, they allege that some of the remaining Māori landholdings have been Europeanised, thereby removing all their protections.

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended. It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.

720. Final soc 1.2.44, p 155.
725. Final soc 1.2.44, pp 183–188.
726. Final soc 1.2.44, pp 189–197.
728. Submission 3.4.237, p 46.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that 'the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of 'uneconomic interests' and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae' (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Ngāti Ngutu and Ngāti Kiriwai Lands (Jenkins) Claim (Wai 2136)

Named claimant
Maureen Jenkins (2008)

Lodged on behalf of
Herself and Ngāti Ngutu and Ngāti Kiriwai hapū

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges Ngāti Ngutu and Ngāti Kiriwai have been prejudicially affected by the Crown's alienation of land in their traditional rohe. The land affected includes the Mokoroa, Waipuna, Waitere, Awaroa, Turoto, Hauturu, Paruroa, Tokopiko, Rakaunui, Owhiro, Ngutunui, Tokaanui, and Tawarau blocks, as well as the Te Kauri Reserve and wāhi tapu and kōiwi sites at Waipuna and Owhiro. The claim also alleges Ngāti Ngutu and Ngāti Kiriwai have suffered prejudice arising from the operations of the Native Land Court, Crown purchasing activities, public works takings, and the ‘constitutional illegitimacy’ of successive New Zealand governments.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations of issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and findings summarised at section 5.8 (part 1).

733. Claim 1.1.245.
734. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.3-3.3, 5.3-4.2.1, 16.5.1.2, and 16.5.3 and table 5.2 (Waipuna); sections 4.4.1.2.3, 10.4.1.4, 10.5.1.5, 10.7.1.2, 11.3.2.6, and 20.4.4.3 and tables 4.1 and 11.5 (Awaroa); sections 10.7.2.1.1 and 11.5.4 and tables 11.5, 13.1, and 13.3 (Turoto); and sections 9.4.7, 9.8.8, 10.4.3.1, 10.4.4, 10.6.2.2.2, 11.3.4.3, 11.4.9, 11.7.5, 13.3.4, and 16.4.3.2.3 and tables 9.1, 9.3, 11.5, 13.3, and 13.10 (Hauturu).
735. Claim 1.1.245, p.2.
In section 5.3.4.2.1, we note that the Te Kauri (also known as Hingarangi), Te Waipuna, and Tokowhaiti (or Purapura) lands were excluded from the Mokau block sale as areas which Māori had not agreed to sell; they were included in a schedule of reserves in 1896 ‘in response to concerns raised by Mōkau Māori over the Crown’s administration of reserved lands’. However, the Crown treated these lands as ordinary Māori land rather than native reserves. Title was issued by the Native Land Court in the 1890s. The Crown then showed interest in purchasing some of the land, despite being aware of what the surveyor-general called ‘the larger question’ of whether Māori should be encouraged to part with land set aside for their long-term benefit. At that time Māori were opposed to selling, but much land was later alienated from Māori ownership through processes that often targeted those lands closest to the river. Most of the Te Kauri block, for example, was alienated by a mixture of private purchases, public works takings, and Europeanisation (the process by which collective Māori title was converted to individual European title).

The alienation of most of the Rakaunui block is referred to in section 5.4.5.2.2.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The taking of land in the Hauturu block is referred to in sections 9.4.7 and 9.8.8.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  Court proceedings concerning the Awaroa and Turoto blocks are referred to in sections 10.7.1.2 and 10.7.2.1 respectively, while the subdivision of the Hauturu blocks is referred to in sections 10.4.3.1, 10.4.3.3, and 10.4.4.
- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

The Crown acquisition of shares in the Turoto block is referred to in section 11.5.4.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III). The Turoto block is referred to in our discussion of the outcomes of consolidation in section 16.4.4.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

With specific reference to the Tokanui Mental Hospital taking, section 20.4.3 states that the Crown conceded [a] Treaty breach with the taking in that a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the mental hospital. In agreeing that the taking involved an ‘excessive amount’ of land, the Crown also acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and therefore the taking of land for the Tokanui hospital breached the Treaty and its principles.

In section 20.9, we find the general public works regime applied in this inquiry district is in breach of article 2 and the Treaty principles of partnership, active protection and protection of tino rangatiratanga, in particular by failing to require compulsory takings of Māori land for public works to be a last resort in the national interest.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Hapū Rangatiratanga (Brennan) Claim (Wai 2137)

Named claimants
Lorna Brennan (2008)\textsuperscript{736} and Bob Pairama (2011)\textsuperscript{737}

Lodged on behalf of
The hapū of Te Rohe Pōtae\textsuperscript{738}

Takiwā
Kāwhia–Aotea

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.\textsuperscript{739}

Summary of claim
The original Wai 2137 concerns the standing of hapū. The claimants allege that hapū had been the traditional governing body in Māori society, but that Crown actions undermined the rangatiratanga and mana motuhake of hapū. It asserts that hapū have been unable to exercise rangatiratanga and kaitiakitanga over their lands, resources, and wāhi tapu, that they have been unable to develop economically, and that their health and education has suffered.\textsuperscript{740}

The Wai 1448 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme).\textsuperscript{741} The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu would be raised later on in the inquiry process after evidence had been collated on them.\textsuperscript{742}

With respect to economic development, the combined claim addresses issues raised by the Wai 1592 and Wai 2137 claimants.\textsuperscript{743} First, the claimants raise issues concerning commercial fisheries, and claim that legislation such as the Harbour

\textsuperscript{736} Claim 1.1.246.
\textsuperscript{737} Final soc 1.2.44, p 10; submission 3.4.358, p 2.
\textsuperscript{738} Claim 1.1.246, p [1].
\textsuperscript{739} Final soc 1.2.44, pp 9–11.
\textsuperscript{740} Claim 1.1.246, pp [5]–[7].
\textsuperscript{742} Final soc 1.2.44, pp 222–224.
\textsuperscript{743} Final soc 1.2.44, p 39.
Boards Act 1870 and the Fisheries Conservation Act 1884 prevented them from exercising tino rangatiratanga over fisheries, and benefiting from associated commercial rights. Second, the claimants allege that various Crown actions undermined Māori engagement in the timber industry, such as invalidating contracts with private millers, not making funds available to owners to construct mills, making Māori landowners pay for timber appraisals, and unilaterally changing contract terms to favour timber companies during the 1930s.

The claimants say that agricultural industry at Aotea had been flourishing until the Waikato War. The combined claim raises rating issues raised by the Wai 1495, Wai 1592, and Wai 2137 claimants. The claimants allege the Crown used rating as another means for alienating Māori land. The claim describes how the rating exemptions for Māori land were progressively removed between the 1870s and 1920s, and how rates debt came to be attached to the land via the imposition of charging orders.

The claim points to Āpirana Ngata’s observation that the rates demands were often based on inaccurate valuation rolls, and asserts that the payment of rates by Māori owners, complicated by the multiple ownership of the land, was made more difficult by the practice of Māori land boards using income from vested lands for other purposes. The claimants point to 1950s legislation which empowered the court to appoint the Māori Trustee to lease or sell land encumbered by rates debt. A second broad allegation made by the claim is that the Crown enabled the non-payment of rates to be used to deny Māori a voice in local government, which ignored their interests.

Expanding on these allegations about local government, the claim states broadly that Te Rohe Pōtae Māori have rarely been consulted about important decisions made in their rohe (with council advocacy for lifting the liquor ban being cited as an example) and that local government has actively helped drive the alienation of Māori land, by pushing for land regarded as unproductive to be turned over to the Māori Trustee and then leased to Pākehā farmers. The claimants say that the ongoing lack of services for the Māori community, especially roading, has had wide-ranging adverse impacts, such as impaired access to schooling, and reduced farm productivity. The combined claim states that local government (including

744. Final soc 1.2.44, pp 41–43.
746. Final soc 1.2.44, pp 51–52.
747. Final soc 1.2.44, p 54.
748. Final soc 1.2.44, p 55.
750. Final soc 1.2.44, pp 68–70.
751. Final soc 1.2.44, p 67.
752. Final soc 1.2.44, pp 71, 81.
753. Final soc 1.2.44, pp 72–73.
754. Final soc 1.2.44, pp 74–75.
755. Final soc 1.2.44, p 89.
756. Final soc 1.2.44, pp 90, 92–93.
rating) was established to serve the interests of the Pākehā community, and to be accountable to Pākehā ratepayers, and so has largely ignored Māori interests.758

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.759 The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road),760 and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).761 Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.762 It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.763

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).
  
  With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

758. Final soc 1.2.44, pp 86–87, 95.
759. Submission 3.4.237, p 46.
761. Submission 3.4.237, pp 58–59. The Oioroa block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4.4.3, 5.4.4.3.2, 5.4.4.4, and 5.4.6.
763. Submission 3.4.237, pp 30–33.
The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not
support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).
The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Hikairo, Ngāti Patupō, and Ngāti Te Wehi Lands (Mahara) Claim (Wai 2183)

Named claimant
Jack Mahara (2008)

Lodged on behalf of
Ngāti Hikairo, Ngāti Patupō, and Ngāti Te Wehi

Takiwā
Kāwhia–Aotea. This claim relates to the Te Pirau block, located ‘west of Raglan, between Raglan and Kāwhia.’

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.

Summary of claim
The original Wai 2183 claim concerns the taking of land from the Pirau block for a road. The claimant alleges that the road was not wanted and that its construction destroyed wāhi tapu on the block, that the rates charges on the block have gone up since it built, while the condition of the road itself is substandard.

The Wai 2183 claimant subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme). The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu will be raised later on in the inquiry process after evidence had been collated on them.

765. Claim 1.1.248, p [3].
766. Claim 1.1.248, p [1].
767. Final SOC 1.2.44, pp 9–11.
768. Several blocks cited in this claim (and others in the claim group) are discussed elsewhere in Te Mana Whatu Ahuru, including: section 16.5.3 (Te Pirau); sections 16.4.5.1, 17.3.4.1.2, 17.3.4.1.3.1, 17.3.4.2.3.1, 19.5.3, and 20.5.1 (Moerangi); and sections 5.4.4.3, 5.4.4.3.2, 5.4.4.4, and 5.4.6 Oioroa).
769. Claim 1.1.248, pp [1]–[2].
The combined claim also addresses issues relating to public works takings arising from the Wai 1501, Wai 1592, Wai 1899, and Wai 2126 claims.\textsuperscript{772} The claimants say that the Crown generally failed to consult adequately with Māori owners. They claim that compulsory taking powers were used, often without compensation or recognition of the need to preserve Māori ownership of ancestral lands. They say that the Crown failed to ensure the claimants retained sufficient lands for their needs, and failed to avoid damaging or destroying wāhi tapu.\textsuperscript{773} The claim observes that Māori land was more greatly affected by public works taking in Te Rohe Pōtae than in any other region.\textsuperscript{774} The claimants point specifically to the takings made in connection with Morrison Road, and Aotea Road.

In relation to the taking for Morrison Road, which occurred in the mid-1960s, the claimants allege that the Crown did not consult with the owners, and failed to address concerns over the road being put through an area containing multiple urupā (this decision ultimately led to kōiwi being unearthed and reinterred elsewhere during the construction process).\textsuperscript{775} It is noted that no compensation was paid for the land taken, and that while the road had provided access to a local camp ground, it had not provided the claimants with access to their marae, their papakāinga, or the local foreshore.\textsuperscript{776} In relation to Aotea Road, the combined claim asserts that the owners of the Moerangi 3G and 3H blocks had paid for a road-line survey across their lands in the 1940s, which the Crown subsequently took without consultation by declaring it a public road, and without meeting the costs of its survey.\textsuperscript{777}

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court.\textsuperscript{778} The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road),\textsuperscript{779} and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa).\textsuperscript{780} Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended.\textsuperscript{781} It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.\textsuperscript{782}

\textsuperscript{772} Final soc 1.2.44, p 98.
\textsuperscript{773} Final soc 1.2.44, pp 101–102, 107, 109–110.
\textsuperscript{774} Final soc 1.2.44, p 98.
\textsuperscript{775} Final soc 1.2.44, pp 112–114.
\textsuperscript{776} Final soc 1.2.44, pp 113–114.
\textsuperscript{777} Final soc 1.2.44, pp 119–121.
\textsuperscript{778} Submission 3.4.237, p 46.
\textsuperscript{779} Submission 3.4.237, pp 58–59.
\textsuperscript{780} Submission 3.4.237, pp 58–59.
\textsuperscript{781} Submission 3.4.237, pp 16, 19–23.
\textsuperscript{782} Submission 3.4.237, pp 30–33.
Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

With respect to the Wharauroa purchase, amongst others, the Tribunal found in section 5.4.6.3 that the Crown failed to 'set aside adequate reserves from its purchases' and to 'ensure that Māori retained sufficient land for their present and future needs,' and thereby 'failed in its duty of active protection.'

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909
and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that ‘the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of ‘uneconomic interests’ and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae’ (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part 1v).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part 1v).

  We note the finding relative to harbours that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or mana whakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).
Claim title
Ngāti Hikairo Lands (Reti) Claim (Wai 2208)

Named claimants

Lodged on behalf of
Ngāti Hikairo and others785

Takiwā
Kāwhia–Aotea. This claim relates to the Kinohaku West 11A2A2 and Patahi block.786

Other claims in the same claim group
1448, 1495, 1501, 1502, 1592, 1804, 1899, 1900, 2125, 2126, 2135, 2137, 2183, 2208. The claimants in this group are ‘all members of the Ngāti Te Wehi Cluster’, although they also have links to other iwi; this claim group relates to Aotea Harbour.787

Summary of claim
The original Wai 2208 claim concerns the claimants’ alleged land loss. They claim that survey costs and rates were imposed on lands of Kinohaku West 11A2A2 and Patahi, and that the resulting alienations reduced their lands to around quarter of an acre.788 The claimants further allege that the imposition of the Native Land Court was designed to facilitate the alienation of land.789

The Wai 2208 claimants subsequently joined with other claims to form the Ngāti Te Wehi cluster. The combined statement of claim, which represents 14 separate claimants, alleges Treaty breaches relating to the foreshore and seabed, customary fisheries, economic development, rating, local government, public works, the Māori Trustee, Māori land administration, pre-1865 Crown purchasing, the Native Land Court and land loss, and Māori land development schemes (in particular, the Okapu scheme).790 The loss of Te Kakawa and Wharauroa lands are cited as examples of the claimants’ alienation from their ancestral lands and tribal estate. The claim also notes that grievances concerning wāhi tapu will be raised later on in the inquiry process after evidence had been collated on them.791

783. Claim 1.1.249.
784. Claim 1.1.249, p [6].
785. Claim 1.1.249, p [6]. The original claim was made on behalf of ‘Nga Puhi’: claim 1.1.249, p [1].
786. Claim 1.1.249, p [6].
787. Final SOC 1.2.44, pp 9–11.
788. The Kinohaku West block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.5.1.1, 10.6.2.1.1, 11.4.3, 11.5.2.3, 13.3.4, 13.5.1, and 16.4.3.2.4 and tables 11.5, 11.6, 13.1, 13.3, 13.10, and 14.2. Other blocks cited in the claim group’s statement of claim are also discussed, including Pakarikari (section 10.7.2.1.1) and Aotea South (sections 16.5.1.1, 20.5.1, and 20.6).
789. Claim 1.1.249, p [7].
The combined statement of claim addresses issues related to Crown purchasing and the Native Land Court raised by the Wai 1592, Wai 2126, Wai 2135, and Wai 2208 claimants. The claim describes how survey costs and interest arising from these costs burdened the land and compelled owners to alienate land to clear these debts when the Crown applied for survey costs. The claimants point to the case of the Wharauroa block (which the Crown began purchasing in the 1850s), where it is alleged that the purchase was incomplete. It addition they say that the purchase went ahead without a proper survey, and with almost no reserves having been made. The claim also addresses the determination of land title by the Native Land Court, and the claimants allege the Court process did not allow for Māori to agree relative interests among themselves, but rather forced them compete for inclusion among the lists of individual owners. The claimants go on to say that the court process failed Ngāti Te Wehi in not allocating them any interests in the Pakarikari block. Turning to the powers given to county councils and the Māori Trustee, they assert that the councils exploited unpaid rates demands to have Māori lands alienated with minimal consultation, citing as examples alienations of the Pakarikari block. Similarly, they claim that there were insufficient protections against alienations by Māori Land Board, especially in regard to owner consent, and whether owners would be made landless. Again, the claimants cite example from the Pakarikari block, as well as examples from Aotea South. Lastly, they allege that some of the remaining Māori landholdings have been Europeanised, thereby removing all their protections.

The combined closing submissions of the Ngāti Te Wehi cluster collectively adopt the generic closing submissions for the Native Land Court. The combined closing submissions include an additional case to add to the public works issues (the unearthing of kōiwi from Kawaroa Road), and an additional case to add to the Crown purchasing (pre-1865) issues (the purchase of Oioroa). Two fresh grievances are also expressed; the destruction of wāhi tapu by the Okapu development scheme, and the vesting of the development scheme land in a trust (instead of its return to the original owners) when the scheme ended. It is also noted where the cluster’s submissions differed from the generic closing submissions on land development schemes.

792. Final soc 1.2.44, p 155.
796. Final soc 1.2.44, pp 178–182.
797. Final soc 1.2.44, pp 183–188.
800. Submission 3.4.237, p 46.
804. Submission 3.4.237, pp 30–33.
**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  With respect to the Wharauroa purchase, amongst others, in section 5.4.6.3 the Tribunal found that the Crown failed to ‘set aside adequate reserves from its purchases’ and to ‘ensure that Māori retained sufficient land for their present and future needs’, and thereby ‘failed in its duty of active protection’.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The Okapu Development Scheme was reported on in detail in section 17.3.4.2.3. On the basis of the evidence presented, the Tribunal made the Okapu-specific findings that 'the Crown implemented the scheme without the consent of the majority of landowners; Crown mismanagement undermined the results achieved; and the acquisition of 'uneconomic interests' and the amalgamation of land blocks undermined the relationship of landowners with their tūrangawaewae' (see section 17.6). However, the evidence did not support the assertion, made in the submissions, that the land should have been returned and not vested in a trust (see section 17.3.4.2.3.3).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtæ Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  Morrison Road is the subject of a case study in section 20.5.1. This details how the road was taken without compensation, and that the consultation on the road was inadequate, even though there may have been some support from local Māori for the road, possibly on the basis that it was going to contribute to a land development scheme. The Tribunal found that this failure to consult contributed to the resulting destruction of significant wāhi tapu (see section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding in section 22.6.1 about harbours: we say there that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or manawhakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
Claim title
Ngāti Whakamarurangi and Ngāti Tūirirangi Lands and Waterways (Thompson) Claim (Wai 2273)

Named claimant
Heather Thomson (2008)

Lodged on behalf of
Ngāti Whakamarurangi and Ngāti Tūirirangi

Takiwā
Kāwhia–Aotea. The claim relates to land interests in the ‘block known as Manuaitu-Aotea, which includes Oioroa, Te Rauiri, Ruapuke and Karioi’, as well as in Te Akau D.

Other claims in the same claim group
Not applicable.

Summary of claim
This claim addresses the loss of land within the Manuaitu, Ruapuke, and Te Akau D blocks as a consequence of various Crown Treaty breaches. It also raises allegations relating to the system of land tenure in the twentieth century, education, and the protection of wāhi tapu and significant sites.

The claim alleges that the Crown applied undue pressure on Ruapuke Māori to accept an offer of purchase for the Ruapuke block. It says that Ruapuke Māori saw the purchase offer not as a commercial transaction or permanent alienation, but as the basis for an ongoing ‘mutually beneficial relationship between Māori and the Crown’. The claim also alleges the Crown failed to ensure Ruapuke Māori lands reserved in the Ruapuke Deed remained in Māori ownership. In particular, it is alleged that out of the original Horokawau reserve, 310 acres (95.7 per cent) has been alienated.

Further allegations include that the Crown confiscated immense areas of the Te Akau block. The claim contends the Native Land Court was heavily involved in the subdivision and allocation of land. It alleges that Te Akau D, the southern-most sub-division was awarded to members of Ngāti Tūirirangi (Tainui) and Honana Maioha of Ngāti Mahuta, but at a substantially reduced amount in comparison to...
Tainui. The transfer of Te Akau C significantly affected the owners of Akau D, they claim, as it fixed the northern boundary of Te Akau D.\footnote{812}

It is alleged that as a result of the Native Land Court and the tenure system, Ngāti Whakamarurangi and Ngāti Tūirirangi have been left with fragmented and insufficient lands and have suffered of loss of mana and rangatiratanga.\footnote{813} The claim contends that the Native Land Court process was adversarial, placing whānau, hapū, and iwi against each other. Those to whom the Native Land Court awarded titles allegedly had few ways for making profitable use of their land, apart from selling individual interests in the land to the government. As a consequence of the lack of profitable avenues for land use, it is alleged that Manuaitu B7 and B9 were alienated through the Māori Trustee.\footnote{814} The claim says that through the Crown’s adoption of mechanisms that alienated their lands, hapū have been left without sufficient land and resources to sustain themselves and were rendered virtually landless. In particular, the claim says the Manuaitu block, from the time of its title investigation in 1887 by the Native Land Court, has been partitioned on several occasions. The original block was allegedly 8,342 acres, but today only 773.1 acres of the block remain as Māori land.

It is alleged that the Crown failed to protect the remaining land and resources of Ngāti Whakamarurangi and Ngāti Tūirirangi into the twentieth century. From 1900 to 2010, it is alleged that Māori land was alienated by Crown purchases (488,735.53 acres); public works takings (2,234.92 acres), and private purchase (441,194.4 acres).\footnote{815} Of the lands remaining to the hapū, the claim says a lack of resources, combined with fragmentation and individualisation, has left them underdeveloped and underutilised – particularly in the Manuaitu block, where some blocks were alienated for farming and others placed under the Waikato-Maniapoto District Maori Land Board’s control. The claim alleges that this failure of the Crown has resulted in the denial of land development and economic opportunities.\footnote{816} In addition, it argues that legislation such as the Maori Affairs Act 1953 and the Maori Affairs Amendment Act 1967 – which it says allowed Māori land to be vested in the hands of the Māori Trustee without the landowners’ consent – has resulted in hapū losing control over a number of Manuaitu subdivisions. They say this has caused their relationship with their land and each other to be weakened.\footnote{817}

The claimant also contends that the Crown has failed to protect wāhi tapu and other sites of significance. Two tūāhu have allegedly been desecrated: the first, known as Manuaitu Tūāhu and located on Manuaitu pā site, was allegedly dug up by vandals 100 years ago. Claimants also say the Crown hammered ‘a large Lands and Survey tag right into its centre’.\footnote{818} The second, located on the pā site Toroanui, was moved to pākehā land. According to counsel, Ngāti Whakamarurangi and

\footnotesize{\textsuperscript{812} Claim 1.2.21, p.9.  
\textsuperscript{813} Claim 1.2.21, p.22.  
\textsuperscript{814} Claim 1.2.21, pp.19–21.  
\textsuperscript{815} Claim 1.2.21, pp.38–39.  
\textsuperscript{816} Claim 1.2.21, pp.39–42.  
\textsuperscript{817} Claim 1.2.21, pp.42–45.  
\textsuperscript{818} Claim 1.2.21, pp.47.}
Ngāti Tūirirangi have lost access to their wāhi tapu and can no longer act as kaitia-ki. More broadly, the claim alleges a lack of recognition for wāhi tapu by central and local government, and an absence of legislative provisions requiring district councils to consult with iwi and hapū.

The claim alleges the inferior education Aotea Māori received compared to non-Māori has had detrimental socio-economic effects. It says Māori were denied adequate schooling through the Crown’s failure to assist and resource native schools, including Raorao Native School. It also alleges that the Crown failed to allow native school committees adequate involvement in running native schools, and to provide for Māori language and culture within the school system.

Finally, the claim alleges that the introduction of alcohol has resulted in long-lasting, detrimental socio-economic effects for Māori. It argues that the Crown failed to protect Māori from the sale of alcohol and did not provide them with the ability to control the growing sale and abuse of alcohol. It is alleged that alcohol abuse has had debilitating consequences on ‘prosperity, health and education of Aotea Māori in general.’

Is the claim well founded?

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

  We discuss the Ruapuke purchase of February 1856 in section 5.4.4.2.2. In section 5.4.6, we comment that for the Ruapuke block, ‘McLean appears to have applied pressure on Māori sellers to induce them to accept a price they had previously rejected.’ We consider this an instance of a pattern of Crown behaviour where the ‘Crown’s exclusive right to purchase Māori land operated less as a mechanism to protect Māori interests, and more as a tool to

821. Claim 1.2.21, pp 22–32.
822. Claim 1.2.21, pp 33–37.
823. Claim 1.2.21, p 37.
promote the Crown’s purchasing agenda’ (section 5.4.6.3). We also conclude that the Crown failed to ensure sufficient lands were retained by Māori from its transactions in the Whāingaroa, Aotea, and Kāwhia districts. In particular, for Ruapuke, Karioi, and the Wharauroa blocks, we find ‘while lands were set aside or reserved from the sale block, these areas were not protected from subsequent alienation and, across later decades, significant portions of the blocks were alienated’ (section 5.4.6.3). We also find that with respect to the Ruapuke block reserves (Toroanui and Horokawau), they were alienated in full. In the case of the 310-acre Horokawau block, it was alienated resulting from a road taking in 1912 and a private purchase in 1920 (section 5.4.5.3).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtæ iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtæ Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land...
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

In section 21.8, we commented on the Crown's long-standing failure to adequately protect wāhi tapu, important sites, and material taonga. Historically, heritage protection legislation has been ‘unable to prevent destruction or modification of many sites of importance to Te Rohe Pōtae Māori’, and it is too early to say if the Heritage New Zealand Pouhere Taonga Act 2014 is improving the situation. We found both the Resource Management Act and the New Zealand Historic Places Trust Act 1993 to be ‘inconsistent with the principles of the Treaty with respect to the Crown's duty to actively protect taonga’. Likewise, we concluded that the Protected Objects Act 1975 and its predecessors provided inadequate protection against the export of sacred taonga, and had also been unable to ‘aid in [their] retrieval’. Despite the 2006 Amendment Act aligning New Zealand with international agreements intended to counter such illegal trade, we said that these measures had ‘come too late to retrieve many historic relics’.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Māui's Dolphin Claim (Wai 2331)

Named claimant
Davis Apiti (2008)\(^{824}\)

Lodged on behalf of
Ngāti Te Wehi\(^{825}\)

Takiwā
Kāwhia–Aotea. The Māui's dolphin is a species ‘only found in New Zealand and, more specifically, only on the West Coast of the North Island where Ngāti Te Wehi claim mana whenua and exercise kaitiakitanga.’\(^{826}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the protection of Māui’s dolphin, which is described as a taonga of Ngāti Te Wehi. It alleges the Crown has failed to protect the claimants’ tino rangatiratanga and kaitiakitanga over this taonga. As a result of Crown Treaty breaches, it says the Māui’s dolphin population is less than 150.\(^{827}\)

These allegations are expanded on in closing submissions, which focus on Crown policies and actions to prevent extinction of the species, specifically the 2013 Threat Management Regime. Counsel argue that the Crown has the ability, through legislation, to prevent the main cause of Māui’s dolphin deaths. However, they say it has not gone far enough to avoid the extinction of the Māui’s dolphin. The Crown had available to it ‘reasonable alternatives’ that experts agreed might adequately protect the species from extinction, but it chose not to follow those recommendations.\(^{828}\)

Counsel contend that as a result of the Crown’s historical and contemporary failings to actively protect the Māui’s dolphin, the species now faces the real threat of extinction. If this happens, there will allegedly be an ‘irreversible impact on [Ngāti Te Wehi] mana, identity and spiritual well-being.’ The submissions also argue there would be an adverse impact on the international reputations of both Ngāti Te Wehi as kaitiaki and New Zealand as leaders in environmental protection; they also allege potential economic implications.\(^{829}\)

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\(^{824}\) Submission 3.4.231; claim 1.1.286(a).
\(^{825}\) Submission 3.4.231.
\(^{826}\) Submission 3.4.231, p 7.
\(^{827}\) Claim 1.1.286.
\(^{828}\) Submission 3.4.231, p 22.
\(^{829}\) Submission 3.4.231, p 24.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry and was addressed in our Priority Report Concerning Māui’s Dolphin (2016). There, we made findings on the claims lodged by Davis Apiti (Wai 2331) and Angeline Greensill (Wai 2481).

While we acknowledged concerns about the adequacy of the Crown’s management plan in preventing Māui’s dolphin extinction, we did not believe the Crown could be said to have failed to actively protect the claimants’ interests in the taonga, or to have acted unreasonably or without good faith.830

We also said that we reserved the right to comment in our main report on the wider historical events and environmental regimes that have led us to where we are today, including what the claimants told us about the usurpation of their rangatiratanga as kaitiaki.831

As such, our findings on the statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae, are relevant to this claim. These findings are set out in chapter 21 and summarised in section 21.8 (part iv).

Claim title
Ngāti Hikairo Lands and War (Thorne) Claim (Wai 2351)

Named claimant
Frank Thorne (2008)\(^{832}\)

Lodged on behalf of
Himself and Ngāti Hikairo\(^{833}\)

Takiwā
Kāwhia–Aotea. Ngāti Hikairo are an iwi with customary interests in Kāwhia Harbour. Their rohe stretches inland to the Waipā River and sits between those of Ngāti Maniapoto and Waikato. They also have close affiliations with their larger neighbours.\(^{834}\)

Other claims in the same claim group
1112, 1113, 1439, 2351, 2352, 2353. The claimants in this grouping are all members of Ngāti Hikairo. Although separate pleadings were filed for each claim, they fall within the umbrella of the Ngāti Hikairo iwi claims.\(^{835}\) Wai 1113 includes Ngāti Hikairo's broader land alienation claims, and Wai 1112 their waterways claims. The Wai 1439, Wai 2351, Wai 2352, and Wai 2353 claims each address specific areas of Crown action within the claimants' rohe.

Summary of claim
The Wai 2351 claim concerns Ngāti Hikairo's participation in the wars of the 1860s, and the division of their customary territory as a result of subsequent confiscation. The original statement of claim broadly addresses Crown acts and omissions which led to Ngāti Hikairo's loss of land and ability to exercise their customary interests in their forests, fisheries, waterways, and other taonga.\(^{836}\) The claim was later amended to include specific allegations in respect of the Crown's invasion of Te Rōhe Pōtae, and raupatu.\(^{837}\)

The claim alleges that the Crown invaded the northern Te Rohe Pōtae without just cause and committed multiple injustices against Ngāti Hikairo. These included the Crown committing acts of atrocity, causing casualties and loss of life, labelling Ngāti Hikairo as 'rebels', and damaging Ngāti Hikairo property. It is further alleged that the Crown wrongfully and unjustly confiscated Ngāti Hikairo lands north of the Pūniu river and east of Pirongia maunga.\(^{838}\) The claim alleges Ngāti Hikairo have not been compensated for this confiscation, wahi tapu were not returned,

\(^{832}\) Claim 1.1.267.
\(^{833}\) Final soc 1.2.136, para 3.
\(^{834}\) Final soc 1.2.136, para 4.
\(^{835}\) Submission 3.4.226, para 13.
\(^{836}\) Claim 1.1.267.
\(^{837}\) Final soc 1.2.136, paras 8–12.
\(^{838}\) Final soc 1.2.136, paras 14–28.
and the lands that were returned were of poor quality and under individualised tenure.

However, in closing submissions, counsel for Ngāti Hikairo informed the Tribunal they had been ‘instructed not to seek findings or recommendations from this Tribunal in relation to the Wai 2351 claim during this inquiry’. This reflected the ‘desire of Ngāti Hikairo to keep good relations with its huānga in Waikato (and also with whanaunga within Ngāti Maniapoto).’

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. The claimant does not seek a finding from the Tribunal on any of the Crown acts or omissions identified in this claim. Accordingly, no further Tribunal comment is required. However, we note the relevance to this claim of our findings on raupatu (war and subsequent land confiscations) and their effects on Te Rohe Pōtae iwi and hapū in chapter 6, which are summarised at section 6.11.

839. Submission 3.4.226, para 46.
840. Submission 3.4.226, p 47.
Claim title
Ngāti Hikairo and Kāwhia Blocks (Barton) Claim (Wai 2352)

Named claimant
Phillipa Barton (2008)\textsuperscript{841}

Lodged on behalf of
Herself and her whānau, who are all of Ngāti Hikairo\textsuperscript{842}

Takiwā
Kāwhia–Aotea. Ngāti Hikairo are an iwi with customary interests in Kāwhia Harbour. Their rohe stretches inland to the Waipā River and sits between those of Ngāti Maniapoto and Waikato. They also have close affiliations with their larger neighbours.\textsuperscript{843} The claimants have particularly strong interests in the Kāwhia blocks.\textsuperscript{844}

Other claims in the same claim group
1112, 1113, 1439, 2351, 2352, 2353. The claimants in this grouping are all members of Ngāti Hikairo. Although separate pleadings were filed for each claim, they fall within the umbrella of the Ngāti Hikairo iwi claims.\textsuperscript{845} Wai 1113 includes Ngāti Hikairo’s broader land alienation claims, and Wai 1112 their waterways claims. The Wai 1439, Wai 2351, Wai 2352, and Wai 2353 claims each address specific areas of Crown action within the claimants’ rohe.

Summary of claim
The claim addresses Crown action affecting Ngāti Hikairo’s Kāwhia lands, and the Crown’s failure to ensure Ngāti Hikairo retained enough lands for their present and future needs.\textsuperscript{846} The Wai 2352 claimant also adopts and supports the pleadings produced for the Wai 1112 claim concerning Ngāti Hikairo’s waterways and the Wai 1113 claim concerning the wider alienation of Ngāti Hikairo lands.\textsuperscript{847}

Specific allegations concern the individualised titles created by the Native Land Court regime, which the claimant submits promoted alienation and were prone to fragmentation and fractionation. The claim also makes allegations about the imposition of survey costs relating to land interests partitioned out of the parent Kāwhia block;\textsuperscript{848} the conversion of Māori freehold land into general title under the Maori Affairs Amendment Act 1967; public works takings in the Kāwhia blocks;

\textsuperscript{841} Claim 1.1.268, para 1.
\textsuperscript{842} Claim 1.1.268, para 1.
\textsuperscript{843} Claim 1.1.268, para 10.
\textsuperscript{844} Claim 1.1.268, para 9.1(i).
\textsuperscript{845} Submission 3.4.226, para 13.
\textsuperscript{846} Claim 1.1.268, para 2.
\textsuperscript{847} Claim 1.1.268, para 6.
\textsuperscript{848} The Kāwhia parent block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 10.4.3.1, 10.4.3.4, 10.7.2.1.1, 10.8, 15.4.2.3, and 21.3.3.5.
and legislation empowering the Māori Trustee to manage some of the Kawhia blocks.

The claim makes a further specific allegation about the Pākanae School. Built within the Pouewe block, it opened as a ‘Native School’ in the Kawhia before being transferred to the Auckland Education Board. The claim adopts in full the Wai 1113 claimants’ submissions on pre-Treaty transactions in the Pouewe block, which they claim Ngāti Hikairo never intended to alienate to the Crown. They claim that the Crown compulsorily acquired one acre of the Kawhia P853 block for road access to the school in 1931. They further allege that the Crown failed to return this surplus land to the owners until 1979, even though the Pākanae School closed in 1956. Ms Barton gave evidence that Ngāti Hikairo wished to utilise the remaining school land and buildings for tribal development. However, instead of the Crown transferring the land back to them, they allege that it sold it on the open market.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).
  We discuss George Charleton’s land claim at Pouewe at section 4.4.2, and our findings on the claim are at section 4.6.2.2.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

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849. Claim 1.1.268, paras 9–18.
850. Submission 3.4.219, para 17.
851. Submission 3.4.219, para 22.
852. Claim 1.1.268, para 16; submission 3.4.219, para 20.
The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

We discuss the Crown’s purchase of interests in land in the Mangauika block, where the claimants have interests, at sections 11.3.3.4, 11.4.3, 11.4.5.2, and 11.4.9. The Crown’s purchase of interests in land in the Pirongia West block is discussed at sections 11.4.5.3, 11.4.6, 11.4.8, and 11.4.9.

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Te Puru and Kārewa native townships are discussed in section 15.4.2. We set out our Treaty analysis and findings at section 15.4.2.8.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

In specific relation to the Māori Affairs Amendment Act 1967, we found in section 16.5.4 that

the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity.

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement
schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

We discuss the Ōpārau land development scheme in section 17.3.4.2.2 and make findings on the operation of the scheme in section 17.3.5.

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  In section 21.3.4.2, we discuss the Conservation Act 1987 and issues associated with the Department of Conservation’s management of Pirongia maunga, where Ngāti Hikairo have interests. In section 21.4.6.1, we consider the Pirongia Forest Park specifically, and note evidence given by DOC witnesses that no partnership arrangement had been established with Ngāti Hikairo. The regulatory control of protected wildlife on Kārewa Island is discussed at section 21.3.3.7. In section 21.5.3, we discuss Crown acts and omissions relating to drainage for land utilisation. At section 21.5.3.2, we consider the impact of drainage on the swampy lakes at Paretaro and Ōweka, where the claimants have interests.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

  Ngāti Hikairo’s grievances concerning their tribal identity are discussed in section 23.6.1.

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Honerau Tai Hauaru Whānau Trust and Opu land (Whiu) Claim (Wai 2353)

Named claimant
Hinga Whiu 854

Lodged on behalf of
Herself and the Honerau Tai Hauaru Whānau Trust. They are members of Ngā Hineue and other hapū of Ngāti Hikairo. 855

Takiwā
Kāwhia–Aotea. Ngāti Hikairo are an iwi with customary interests in Kāwhia Harbour. Their rohe stretches inland to the Waipā River and sits between those of Ngāti Maniapoto and Waikato. They also have close affiliations with their larger neighbours. 856

Other claims in the same claim group
1112, 1113, 1439, 2351, 2352, 2353. The claimants in this grouping are all members of Ngāti Hikairo. Although separate pleadings were filed for each claim, they fall within the umbrella of the Ngāti Hikairo iwi claims. 857 Wai 1113 includes Ngāti Hikairo’s broader land alienation claims, and Wai 1112 their waterways claims. The Wai 1439, 2351, 2352, and 2353 claims each address specific areas of Crown action within the claimants’ rohe.

Summary of claim
The claim focuses on the loss of the customary lands of the descendants of Honerau Tai Hauaru in the Ōpārau region, in particular the Pirongia West, Motukotuku, Mangawhero, and Waihohonu blocks. 858 The Wai 2353 claimant also adopts and supports the pleadings produced for the Wai 1112 claim concerning Ngāti Hikairo’s waterways and the Wai 1113 claim concerning the wider alienation of Ngāti Hikairo lands. 859

The claim alleges the hapū have been left with only a small interest in an urupā reserve and have insufficient lands for their needs. 860 The allegations concern the individualisation of title in their lands; the management of the Ōpārau lands by the Crown or its agents; the Europeanisation of Māori land under the Maori

854. Claim 1.1.269, para 1.
855. Claim 1.1.269, para 1.
856. Final soc 1.2.98, para 10.
858. Submission 3.4.226, paras 1–2. Some of the blocks cited in this claim are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 11.4.8, 17.3.4.2.2.1–173.4.2.2.2, and 20.4.4.3 and table 11.5 (Pirongia West); table 11.5 (Motukotuku); and sections 10.5.1.1, 10.7.2.1.1, and 11.5.2.4 and table 11.5 (Mangawhero).
859. Claim 1.1.269, para 7.
860. Claim 1.1.269, para 10.
Affairs Amendment Act 1967; and the Crown’s takings under the public works legislation.

The claim also makes two specific allegations. The first concerns the lands taken at Ōpārau for the Ōpārau school. It alleges that, despite opposition from the Māori owners, the Crown compulsorily acquired land for this purpose on three occasions between 1918 and 1960. It also cites the taking of harbour-front land from Pirongia West for a scenic reserve, submitting that ‘such harbour frontage is important to support whānau fishing and sea access needs.’

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).
  We discuss George Charleton’s land claim at Pouewe at section 4.4.2, and our findings on the claim are at section 4.6.2.2.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

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862. Claim 1.1.269, para 16.
864. Claim 1.1.269, para 17; submission 3.4.226, para 288.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part III).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part III).

We discuss the Crown’s purchase of interests in land in the Mangauika block at sections 11.3.3.4, 11.4.3, 11.4.5.2, and 11.4.9.

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Te Puru and Kārewa native townships are discussed in section 15.4.2. We set out our Treaty analysis and findings at section 15.4.2.8.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

In specific relation to the Māori Affairs Amendment Act 1967, we found in section 16.5.4 that

the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that
rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtæe between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
  
  We discuss the Ōpārau land development scheme in section 17.3.4.2.2 and make findings on the operation of the scheme in section 17.3.5.

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
  
  We discuss the Crown’s compulsory taking of land for the Ōpārau school at section 20.4.2.1. In section 20.4.4.3, we discuss the lands acquired for scenic reserves around Kāwhia Harbour.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæe: see chapter 21 and the findings summarised in section 21.8 (part IV).
  
  In section 21.5.3, we discuss Crown acts and omissions relating to drainage for land utilisation. At section 21.5.3.2, we consider the impact of drainage on the swampy lakes at Paretao and Ōweka where the claimants have interests.

- The extent to which the Crown enabled Te Rohe Pōtæe Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
  
  In section 22.3.7.1, we discuss the Crown’s regulation over Lake Ngārōto and set out our findings and analysis in section 22.3.8. We discuss Crown regulation of tuna at section 22.6.8 and make findings on customary non-commercial fisheries at section 22.6.10.

- The Crown’s support for the health and well-being of Te Rohe Pōtæe Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
  
  Ngāti Hikairo’s grievances concerning their tribal identity are discussed in section 23.6.1.
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Maui Dolphin Claim (Wai 2481)

Named claimant
Angeline Greensill

Lodged on behalf of
Herself

Takīwā
Kāwhia–Aotea

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns allegations that the Crown failed to protect the Māui’s dolphin from extinction. The claimant says she is a member of Ngāti Tahinga, one of the ‘kaitiaki hapu’ of Māui’s dolphins, and that the species is a taonga of Tangaroa. Furthermore, Ms Greensill alleges that the Crown has a duty to actively protect Māui’s dolphin and facilitate the ability of Ngāti Tahinga to exercise kaitiakitanga over the species.

Ms Greensill’s claim sets out the Crown’s Threat Management Plan and alleges the Crown has breached the Treaty by failing to implement laws and policies that actively protect Māui’s dolphins. As a result of Crown acts and omissions, Ms Greensill says Māui’s dolphin faces a real threat of extinction, which would have an ‘irreversible impact on [Ngāti Tahinga] mana, identity and spiritual well-being’.

Ms Greensill also says there would be an adverse impact on the international reputations of both Ngāti Tahinga as kaitiaki and New Zealand as leaders in environmental protection; she also alleges potential economic implications and likely ecological impacts on the inshore ecosystems.865

Is the claim well founded?
This claim is part of the Te Rohe Pōtæe district inquiry and was addressed in our Priority Report Concerning Māui’s Dolphin (2016). There, we made findings on the claims lodged by Davis Apiti (Wai 2331) and Angeline Greensill (Wai 2481).

While we acknowledged concerns about the adequacy of the Crown’s management plan in preventing Māui’s dolphin extinction, we did not believe the Crown could be said to have failed to actively protect the claimants’ interests in the taonga, or to have acted unreasonably or without good faith.866

We also said that we reserved the right to comment in our main report on the wider historical events and environmental regimes that have led us to where we are

today, including what the claimants told us about the usurpation of their rangatiratanga as kaitiaki.⁸⁶⁷ As such, our findings on the statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae are relevant to this claim. The findings are set out in chapter 21 and summarised in section 21.8 (part IV).

WHĀINGAROA

[Map showing the area of WHĀINGAROA with various geographical features and locations marked.]
4.1 Ngā Whenua

Whāingaroa is the northern-most harbour on the inquiry district’s west coast. Like Aotea and Kāwhia, it is intimately connected to the traditions of the Tainui waka; indeed, the name Whāingaroa refers to the crew’s long search for their final destination. In light of this shared history, many hapū and iwi of the harbours are connected through whakapapa, territory, and traditions, as Sean Ellison acknowledged:

E tika āna kei tēnā hapū tōnā mana whenua, tōnā mana moana, kei tēnā hapū anō tōnā. Ėngari he mea nui te whanaungatanga kia kaua rā tatou e wareware he whanaunga katoa tatou a whakapapa nei, puta ai te moana o Whāingaroa otirā i ēnei moana e torū o te uru. Kī āna te korero ko Whāingaroa he moana, ko Aotea he whenua, ko Kāwhia he tangata.

It is true; each hapū has their own mana over land and seas. However, kin ties are very important. Lest we forget, we are all kin genealogically throughout Whāingaroa Harbour and these three harbours of the west, Whāingaroa is the sea, Aotea is the land, Kāwhia is a person.\(^1\)

Fed by the Waingaro River in the north-east and the Waitetuna to the south-east, Whāingaroa has long provided plentiful access to food resources within and around the harbour. We were told of traditions and practices developed across time to enable tangata whenua to flourish within the rhythms and limits of this abundant environment. Rāhui were common in the takiwā, providing kaimoana with time to replenish, and in their daily rhythms, local people were attuned to seasonal environmental changes. According to Glenda Dunn, the decline of ready access to many fish species in early autumn coincided with the arrival of dogfish in the harbour to breed. This was a sign for tūpuna to set about catching, drying,

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and cleaning the fish, which, Dunn added, ‘was our winter source of food for our tupuna and our mokopuna.’

In addition to the waterways, the land also sustained the people of Whāingaroa. ‘The reason why we talk about “Karioi Te Maunga”; explained James Rickard, ‘is because [the maunga] provided us with the essence of life, fresh water, and so we lived on those slopes all our lives.’ Alongside water, the slopes of Karioi maunga provided many other resources. Rakau was available for building materials, and kiekie for weaving. Plants provided rongoā for healing, while an abundance of birdlife provided food. Some of the maunga’s valleys were exposed to warm north-erly air currents, making them ideal sites to cultivate root crops.

Alongside providing physical sustenance, the whenua and moana of Whāingaroa also became embedded in and integral to the histories, traditions, and stories of tangata whenua. A prominent kaitiaiki of Tainui Awhiro (the confederation of 12 Tainui hapū occupying areas in and around Whāingaroa) is Te Ataiōrongo, a tupuna who remained there as guardian of the harbour. According to the evidence of Sean Ellison, Te Ataiōrongo’s lair lies at Te Kōpua, near Poihākena Marae, which hosted week three of the Ngā Kōrero Tuku Iho hearings, where Mr Ellison spoke (although the Tribunal recognises that his lair is also said to be at Rakaunui). South-west of the marae stands Karioi, the husband of Kārewa. Both once stood further inland, though; upon discovering Karioi lusting adulterously after Pirongia, Kārewa fled and Karioi gave chase. Another version of this tradition describes Karioi and Pirongia as sisters, and Kārewa as Karioi’s husband. In this telling, Karioi fled when Kārewa and Pirongia engaged in an adulterous affair, after which Kārewa gave chase to his heart-broken spouse.

Speaking to the significance of these and other traditions, Sean Ellison said they served to explain the state of the natural world, incorporating the landscape into the whakapapa of those who lived upon it:

Koinei tū korero he pakiwaitara noa iho pea kē ētahi ēngari ki oku pakeke ki te korero koe mō ngā maunga e korero ana koe mō te īwi. Kāore he rerekētanga. Ko te whakapapa tēnei o te maunga e tū nei o Karioi. Ko mātou te hunga e noho nei ki ōnā tahataha ki raro anō ki tōnā maru. Ko mātou āna tamariki.

These stories may be just myths to some people, but to my elders if you talk of the mountains, you are talking of the people. There is no difference. This is the genealogy of Karioi Mountain. We are the people living in its space and under its shelter. We are the children of the mountain.

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3. Transcript 4.1.16, p 303 (James Rickard, hearing week 10, Aramiro Marae, 10 September 2013).
6. Transcript 4.1.3, p 200 (Sean Ellison, Ngā Kōrero Tuku Iho hui, Poihākena Marae, 13 April 2010).
4.2 Ngā Iwi me ngā Hapū

In the decades immediately before the Treaty of Waitangi was signed, the tribal landscape of Whāingaroa was altered by conflict between Tainui-descended groups and their respective allies, which crystallised around 1807 at the battle subsequently known as Hingakākā.7 Afterwards, conflict continued to simmer between several tribal groups affiliated with Tainui, including those within the Whāingaroa takiwā.8 At the battle near Waitetuna that came to be known as Huripopo, a taua consisting primarily of Ngāti Māhanga ambushed Ngāti Koata forces returning to Whāingaroa and dealt them a resounding defeat.9 Ngāti Koata lost their principal chief as well as a tohunga and many fighting men, prompting the hapū to withdraw from Whāingaroa and consolidate their presence around Kāwhia and Aotea. Over time, further pressures prompted some Ngāti Koata to migrate even further south, joining their whanaunga, Ngāti Toa Rangatira, in Te Rauparaha’s heke.

4.2.1 Ngāti Māhanga

Based primarily around the northern reaches of the Waipā River and south to Pirongia, the iwi extended its presence westward into the Whāingaroa and Aotea regions.

Under the leadership of its rangatira, Te Awaitaia, Ngāti Māhanga developed a significant presence around Whāingaroa in the decades leading up to the signing of the Treaty. Te Awaitaia converted to Christianity in the early 1830s and served as patron for the Wesleyan Missionary Society, which established itself in Whāingaroa in the mid-1830s. Ngāti Māhanga’s Te Kaharoa Marae at Aramiro was the venue for week six of the Tribunal’s hearings. Alongside sustained interests in the Whāingaroa takiwā, the iwi are also affiliated to marae at Whatawhata and around Aotea.

4.2.2 Tainui Awhiro / Tainui o Tainui

In addition to his early engagement with missionaries, Te Awaitaia was an early proponent of land sales to the Crown. In response, Te Wherowhero coined the term ‘Tainui Awhiro’ to unite Whāingaroa-based Tainui hapū against such sales (for the purposes of Treaty claims, the group is now known as Tainui o Tainui).

It incorporates Ngāti Koata (ki Whāingaroa), Ngāti Kahu, Ngāti Tahau, Ngāti Te Kore, Ngāti Pūkoro, Ngāti Te Ikaunahi, Ngāti Tira, Ngāti Heke, Ngāti Rua Aruhe, Ngāti Houmuku, Te Paetoka, and Ngāti Te Karu. Their ingoa tūturu is Tainui; that is, the Tainui hapū of Tainui waka.10 Tainui Awhiro claim interests to the north, south, and within Whāingaroa through kaitiakitanga rights established long

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before the arrival of Pākehā; these rights have been handed down over the generations to those who sustain the home-fires to this day." Tainui activities are centred around Poihākena, on the banks of the Wainui; a disused marae also stands on the northern side of the harbour, at Te Akau.

### 4.2.3 Ngāti Tahinga

Ngāti Tahinga have close connections to Tainui. Speaking at a Native Land Court hearing in 1894, Wetini Mahikai explained that Ngāti Tahinga and Tainui 'are one people, older and younger brothers – both these two hapū had mana over their common land. There is no division among them.'

Today, Ngāti Tahinga are primarily based up the coast, around Port Waikato, though the hapū retain material and cultural interests around Whāingaroa, primarily in Te Akau D and Kārewa Island.

### 4.2.4 Ngāti Whakamarurangi and Ngāti Tūirirangi

The lands of these hapū lie in the south of the Whāingaroa takiwā. While each hapū descends from their own eponymous ancestor, the relationship between them has solidified across time as conflict, land-gifts, and intermarriages have woven together their whakapapa lines. Primarily associated with the area between Whāingaroa and Aotea, the hapū maintain ahi kaa in their traditional rohe and remain guardians of the coast through the whakapapa of their tūpuna and an unbroken relationship with the land. Mōtakotako, just north of Aotea, is associated with Ngāti Whakamarurangi.

### 4.2.5 Ngāti Tamainupō

The whenua of this hapū, east of Whāingaroa, is not covered by this inquiry. However, Ngāti Tamainupō claim interests in waterways that form or cross the northern boundary of the Te Rohe Pōtae inquiry district. Witness Hori George Barrett told the Tribunal that the tupuna Tamainupō was born 'sometime during the early 17th century' and 'his illustrious whakapapa can be traced back to Tainui, Aotea, Mātaatua and Te Arawa.' Ngāti Tamainupō have long enjoyed close familial allegiances to Ngāti Toakōtara and Ngāti Te Hūaki, with the three groups known collectively as Ngā Tokotoru.

The hapū claim interests to the Whāingaroa Harbour, as well as to the Waingaro, Waitetuna, and Ohautira waterways – all of which enter the harbour along its eastern shores.
**4.3 Whāingaroa: ngā Kerēme**

**Claim title**
Raglan Harbour Claim (Wai 125)

**Named claimant**
Vivian Te Uranga Morell Kawharu

**Lodged on behalf of**
Ngāti Koata (ki Whāingaroa), Ngāti Kahu, Ngāti Tahau, Ngāti Te Kore, Ngāti Pukoro, Ngāti Te Ikaunahi, Ngāti Tira, Ngāti Heke, Ngāti Rua Aruhe, Ngāti Hounuku, Paetoka, and Ngāti Te Karu.

Collectively known as Tainui Awhiro or Tainui, this confederation of 12 hapū occupy areas north, south, and within the Whāingaroa Harbour area on the district’s west coast.

**Takiwā**
Whāingaroa. The claim says the Tainui Awhiro rohe ‘exists outside the Rohe Potae area but is within the inquiry district [and] . . . includes parts of the Whaingaroa catchment north and west of the Opotoru River and recognises Whaingaroa moana and Karioi maunga in its pepeha’. The claim includes but is not limited to the following blocks and reserves: Te Akau, Karioi, Papahua and Te Kopua, Rakaunui, and Whaanga.

**Other claims in the same claim group**
Not applicable.

**Summary of claim**
The claim addresses the erosion of Tainui Awhiro rangatiratanga and the imposition of Crown authority, which are linked to the dislocation of their relationship with their lands, culture, and resources.

Specifically, it is alleged Tainui Awhiro’s prosperity has been affected by multiple Crown Treaty breaches in their rohe. The claim cites breaches including the Crown’s actions during the 1863–64 Waikato War, its subsequent raupatu (confiscation) of lands at Te Akau and the stigmatisation of Tainui as rebels, certain

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16. The original named claimant in 1990 was Haami Whakataari Kereopa: claim 1.1.6. Vivian Te Uranga Morell Kawharu was added in 2007.
17. Submission 3.4.31, p.1; submission 3.4.210, pp.5, 9. Pōtatau Te Wherowhero first used the name ‘Tainui a Whiro’ to describe the Tainui hapū of Whāingaroa. It was revived in the 1970s by Tuia Hautai (Eva) Rickard ‘to unify the people, and to defend and fight for the lands of Te Kopua’ during protests over the Raglan golf course: submission 3.4.210, p.9. However, as we note in our overview to the Whāingaroa takiwā, for the purposes of Treaty claims, the group is now known as Tainui o Tainui.
18. Submission 3.4.210, pp.9–10. Many of the blocks cited in this claim are discussed elsewhere in *Te Mana Whatu Ahuru*, including sections 5.4.3.1, 5.4.4.4, 10.7.2.1.2, and 22.5.5.2 (Te Akau); sections 5.4.4.2.1, 5.4.4.4, 5.4.5.2, 5.4.6, and 21.4.6.1 (Karioi); sections 5.4.5.2.1 and 20.5.3.2 (Papahua); sections 5.4.5.2.1, 11.3.3.5, and 20.5.3.2 (Te Kopua); sections 5.4.5.2.2 and 20.5.3.2 (Rakaunui); and section 5.4.5.2.2 (Whaanga).
pre-Treaty land transactions, the Crown’s purchasing practices, the establishment and operation of the Native Land Court, the Crown’s failure to ensure adequate reserves and to protect wāhi tapu/sites of significance, its taking of lands for roading without compensation, its taking of land at Te Kōpua for an emergency aerodrome during the Second World War and subsequent failure to return all of it (part was later leased to a local golf club; see section 20.5.3.2), its failure to enable Tainui hapū to exercise kaitiakitanga over their lands and resources, and its failure to provide adequate education for Māori or protect te reo Māori.

The Wai 125 claim does not adopt the generic closing submissions on war and raupatu. The claimant says Tainui Awhiro does not accept the Crown’s position that its concessions on this topic ‘obviate the need for [it] to respond in detail to a number of issues.’

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

However, our chapter 4 findings do not apply to the specific allegation that three of the seven Old Land Claims for Whāingaroa involved Tainui land sold by individuals: at Horea in 1836, Nihinihi in 1839, and Rangitahi in 1839. First, research commissioned by the Tribunal in 2008 showed that the alienation at Horea was in fact an early Crown purchase, not a pre-Treaty transaction. For this reason, we discuss the Horea transaction in chapter 5 of our report rather than chapter 4. Secondly, the claim alleges the Rangitahi land was ‘effectively confiscated’ by the Crown. However, as we comment in chapter 4, we ‘have not seen evidence that the circumstances of these purported transactions were investigated or that a Crown grant was ever awarded. Rangitahi is no longer Māori land, but in the absence of further evidence relating to the alienation of Rangitahi, we are unable to take the matter further’ (see section 4.5.3). For this reason, our chapter 4 findings do not apply to this allegation and it thus cannot be considered well founded.

19. Submission 3.4.127.
Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

Again, however, we consider the evidence does not support certain claimant allegations – namely, the submission that the Crown took advantage of conflict between Ngāti Mahuta and Ngāti Tahinga/Tainui hapū to acquire lands at Horea. The claim alleges that missionaries exerted considerable pressure on Ngāti Mahuta to sell the land and, while the Crown ultimately negotiated a deed with Te Wherowhero and Ngāti Mahuta, ‘there was no deed signalling an extinguishment of Ngāti Tahinga-Tainui interests in the land.’ But we found in chapter 5 that – although the extent to which Te Wherowhero and Ngāti Mahuta understood the transaction as a permanent alienation is unclear, and the Crown showed no interest in negotiating with Ngāti Tahinga/Tainui hapū – native title to the block was not extinguished. Thus, we found no evidence of Treaty breach (see section 5.8).

The claim also makes allegations about the Karioi purchase, which led to the alienation of a highly significant maunga. It disputes that this land was ever actually sold and raises concerns about lands reserved or excluded from the transaction. The evidence before us did not support these particular contentions. It did, however, demonstrate multiple Treaty breaches in respect of the Karioi purchase, which we set out in chapter 5. There, we said that this purchase (and other western harbours transactions) revealed the Crown’s deliberate strategy to buy land from Māori at a low price and on-sell it to settlers for much higher amounts; we found that the Crown’s failure to act honourably and in good faith breached the Treaty principle of partnership (see section 5.8). We also found that the Crown’s failure to secure the consent of all right holders to the purchase (meanwhile securing the signatures of others with no authority to transact the land) breached the principle of partnership, the guarantee of tino rangatiratanga, and its duty of active protection (see sections 5.4.4.2.1 and 5.4.6.1). Finally, while lands were set aside or reserved from the sale block, the Crown’s failure to protect them from subsequent alienation breached its duty of active protection and the principle of partnership (see sections 5.4.6.3 and 5.8). Thus, while our findings on the Karioi purchase support this claim’s allegations of Treaty breach, the evidence shows the breaches were of a different nature than the claim alleges. This aspect of the claim can nonetheless be considered well founded, by virtue of the Treaty breach and prejudice established in chapter 5.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

In section 20.5.3, we address the Crown’s takings for the Te Kūiti and Raglan aerodrome. For our specific discussion about the allegations concerning the Raglan Aerodrome, see section 20.5.3.2. Further Treaty analysis and findings are at section 20.6.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Tahinga Iwi Claim (Wai 537)

Named claimants
Richard Tiki o Te Rangi Thompson

Lodged on behalf of
Tahinga hapū. The named claimant says he is ‘a direct descendant of Tamihana Tunui, teina of Kimura Whareroa who signed Te Tiriti in Putataka’.25

Takiwā
Whāingaroa. The claim states that the traditional lands of Tahinga hapū include:

   Te Akau bounded on the east by the Waikato River including its tributaries, to the confluence of the Waipa river and along the west coast out to and including the territorial sea and seabed, and including the land space in and around Whaingaroa harbour.26

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns fundamental issues of tino rangatiratanga, land alienation, war and raupatu, and the suppression of Tahinga tikanga.27 The claim alleges that, in 1863, the Crown began ‘erroneously punishing’ Tahinga hapū as rebels; claimant counsel submitted that the hapū had in fact sought to remain neutral throughout the recent war.28 Nonetheless, the Crown proceeded to confiscate more than 150,000 acres of their land and the hapū was forced to migrate to other parts of Te Rohe Pōtae and beyond, it is alleged.29

25. Claim 1.2.137(a), p 3.
27. Ngāti Tahinga is among the hapū listed in the Waikato Raupatu Claims Settlement Act 1995, which prevents the Tribunal from inquiring into their raupatu claims. However, in 2012, the Tribunal determined that it could inquire into the claims of such groups if they were brought on the basis of ‘some other non-Waikato affiliation’ (this jurisdictional test was set out in memorandum 2.5.132). In February 2014, the Tribunal extended the inquiry boundary to include the Waikato raupatu claims of Ngāti Tahinga and two other groups: however, the presiding officer noted that Ngāti Tahinga still needed to meet the jurisdictional test (memorandum 2.6.55, p 4). Counsel for the Wai 537 claimants submitted that they met the threshold of this test as their raupatu claims derive from a non-Waikato affiliation, namely ‘their tipuna Hotunui to Tahinga and descending from him’ (submission 3.3.260). Counsel also submitted that the claimants have ‘continuing registered legal land interest in Te Rohe Pōtae in Kinohaku West, Karewa Island and in Te Akau D’ (submission 3.4.395). The Tribunal accepts this evidence.
28. Claim 1.2.137(a), p 11; submission 3.4.179, p 5.
29. Claim 1.2.137(a), p 11.
According to the claimant, the prejudice that the hapū has experienced as a result includes the loss of economic independence and prosperity, dispossession from their spiritual and cultural base, increased mortality and morbidity, and adverse welfare and education outcomes.\(^{30}\) It is further alleged that the hapū have been excluded from ‘fulfilling their role as kaitiaki over their rohe, awa, and moana’– including the Waikato River and Whāingaroa Harbour.\(^{31}\) The claim describes the harbour as both a long-standing source of food and rongoā, and ‘an entity that adds rank, dignity and mana to the Tangata Whenua.’\(^{32}\) In 1840, Tahinga hapū had ‘possession of, and authority over’, Whāingaroa Harbour that was never ceded, the claimant says.\(^{33}\) He also alleges that the hapū’s tino rangatiratanga over their whenua has been undermined by the ‘loss of Forestry ownership and the Crown’s imposed Emissions Trading Scheme.’\(^{34}\)

The claim focuses particularly on the Tahinga hapū’s interests in the Te Akau D block (on the northern side of Whāingaroa Harbour), Kinohaku West, and Kārewa Island, and describes their ongoing efforts to have their confiscated lands returned.\(^{35}\) Like other groups who considered the Crown had unjustly confiscated their land, Ngāti Tahinga took their case to the Compensation Court in 1866. Subsequently, they received 60,000 acres, said to be ‘the very poorest’ land. Moreover, the claimant alleges, the land granted to the hapū was returned ‘under a tenure system fundamentally different to Tahinga tikanga under which [it] had been previously held’; in submissions, counsel referred to the hapū’s tikanga ‘relating to the identification of wāhine as land owners, decision makers.’ The claimant also alleges the land was returned ‘in a form that was conducive’ to it being onsold, which it largely was.\(^{36}\) Additionally, land in the Te Akau D block that was originally owned by Tahinga was not returned to the hapū, the claim alleges, but instead granted to Tainui.\(^{37}\)

The claimant says numerous Tahinga taonga remain on Te Akau D – including caves, the Hōrea pā site, and a landlocked urupā, Pātikirau, in which the bones of their tipuna still lie.\(^{38}\) The loss of their land, the claimant alleges, has since been compounded by the Crown’s decision to negotiate a settlement directly with Waikato Tainui in the 1990s, thereby failing to recognise the hapū’s tino rangatiratanga and undermining its political autonomy. The end result, the claim alleges, is
that ‘Tahinga have been displaced for a second time in history from their whenua, and have lost all of their traditional land within Whaingaroa.\(^{39}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae District Inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–1962, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV). Of relevance to this claim is our recommendation that a mataitai reserve be constituted with respect to Whāingaroa Harbour (section 22.7). In such reserves, commercial fishing is

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\(^{39}\) Claim 1.2.137(a), pp 14–15.
excluded and tangata kaitaki/tiaki make decisions about the reserve’s man-
agement (section 22.6.6).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

Any additional Tribunal findings on local allegations or claims
In respect of the claimant’s allegations about the effects of the Crown’s Emissions Trading Scheme, we note the decision of the presiding officer, dated 6 September 2012, that this issue would not be inquired into as part of this inquiry. It was his conclusion that ‘climate change/global warming and the Emissions Trading Scheme are kaupapa issues that are more suited to be heard as part of a separate kaupapa inquiry than this district inquiry’.40

This claim also raises issues related to the Crown’s alleged failure to protect the mana whenua rights of wāhine within Te Rohe Pōtae. Claims specific to the status and recognition of mana wāhine are not encompassed by the general findings presented in chapters 4–24 of the report. The issues they raise are to be addressed in the Waitangi Tribunal’s ongoing mana wāhine kaupapa inquiry. However, the special contribution of mana wāhine to the inquiry district is discussed at section 18.5.4 and throughout parts i–iv of the report.

40. Memorandum 2.5.132, p 10.
Claim title
Whāingaroa Harbour and Other Waikato Waters Claim (Wai 775)

Named claimant

Lodged on behalf of
Ngāti Tamainupō, which the claimant says ‘is a principal iwi of Waikato Tainui’

Takiwā
Whāingaroa. The claim relates to Whāingaroa Harbour, the Waitetuna, Ohautira, and Waingaro Rivers, and Waingaro Hot Springs.

Other claims in the same claim group
Not applicable.

Summary of claim
The original statement of claim (1998) concerns the Crown’s alleged confiscation, under the New Zealand Settlements Act 1863, of the Waikato River and its banks, foreshores, beds, waters, and natural resources.

The amended statement of claim centres on several waterways: Whāingaroa Harbour; the Waitetuna, Ohautira, and Waingaro Rivers; and Waingaro Hot Springs. It alleges the Crown undermined Ngāti Tamainupō’s ownership and mana over these waterways by imposing management regimes on them and controlling their resources. The claim further alleges prejudice arising from public works legislation, the Soil Conservation and Rivers Control Act 1941, the Water and Soil Conservation Act 1967, planning legislation, and the Resource Management Act 1991.

The claim also asserts the Crown has failed to protect Ngāti Tamainupō waterways and resources, alleging that farming, forestry activity, and overfishing have polluted and degraded waterways, and resulted in urbanisation and loss of land. As Ngāti Tamainupō have left the locality, cultural knowledge has been lost, the claimant says.

In respect of Waingaro Hot Springs, it is alleged the Crown has prejudiced Ngāti Tamainupō by regulating and assuming exclusive control over geothermal resources, which are taonga and wāhi tapu for Ngāti Tamainupō.

In closing submissions, counsel for the claimant elaborate that Crown actions have prejudiced Ngāti Tamainupō through the loss of customary rights and interests in the waterways; loss of tino rangatiratanga and the ability to exercise their duties as kaitiaki; spiritual and physical degradation of the waterways and its

41. Submission 3.4.2.44; claim 1.1.36.
42. Submission 3.4.2.44, p.2.
43. Submission 3.4.2.44, pp 8–10; final SOC 1.2.22, p.3.
44. Claim 1.1.36, p.3.
resources; and a loss of customs, tikanga, and contemporary practices associated with the waterways.\textsuperscript{47}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

\textsuperscript{47} Submission 3.4.244, p17.
Claim title
Ngāti Māhanga Claim (Wai 1327)

Named claimants
Maude Shaw, Tuahu Watene, Ken Te Houpikake Rautangata, Sunnah Thompson, and Henare Gray

Lodged on behalf of
Ngāti Mahanga me nga uri o Te Awaitaia. According to the claimants, ‘Ngāti Maahanga is a principal Iwi of Waikato Tainui and is founded on the Tupuna Maahanga the son of Tuheitia’.

Takiwā
Whaingaroa. This claim relates to the Whaingaroa, Karioi, Wharauroa, Moerangi, and Pirongia land blocks, and many others. The claimants assert interests in waterways including the Whaingaroa and Aotea Harbours, and the Waitetuna and Opotoru Rivers. The claimants say the territory of Ngāti Māhanga occupied a large portion of the Waipa Valley extending over the Takiohooho range to Waitetuna, and the southern shores of Raglan Harbour (Whaingaroa) taking in much of the Moerangi and Te Mata areas to a place called Poureiika just below the Motakotako marae.

However, the claimants also have shared interests derived through whakapapa in neighbouring areas. Ōmaero, Te Kaharoa, Te Papa-o-Rotu, Mōtakotako, and Te Papatapu are Ngāti Māhanga Marae.

Other claims in the same claim group
Not applicable.
Summary of claim

The claimants allege they have been prejudicially affected by the Crown’s actions and omissions in relation to rangatiratanga, the Native Land Court, land alienation, land administration, waterways, and the environment. They allege the prejudice has resulted in social, cultural, general, and economic loss. In evidence, claimant witnesses spoke of the considerable effect on Ngāti Mahanga of land confiscations after they were wrongly held to have been in rebellion during the wars of the 1860s. Even though the ‘vast amounts of Ngāti Mahanga lands’ confiscated were outside the inquiry area, the witnesses say their loss placed a huge burden on their remaining land at Whāingaroa and other places. Ngāti Mahanga were then impacted by the Native Land Court, land purchasing, public works takings, and other ‘detrimental Crown forces imposed on us.’

The amended statement of claim identifies 11 causes of action: kāwanatanga and autonomy, political engagement between the claimants and the Crown; pre-1840 purchases (specifically the Wallis Old Land Claim 946); Crown purchasing; the Native Land Court; public works takings; land development schemes (such as the Aramiro scheme, discussed in several supporting briefs of evidence); education; land based resources, waterways and environmental impacts; local government; the Māori economy in Te Rohe Pōtae; and social and economic impacts.

The claimants’ allegations about public works takings include the loss of Ngāti Mahanga lands at Pūtoetoe (now the site of the Raglan township, at the mouth of the Opotoru Stream) and Papahua (located on a sand spit opposite the township). The Crown purchased Pūtoetoe in 1851 as part of the Whāingaroa block. Later, Ngāti Mahanga rangatira Te Awaitaia built a whare at Pūtoetoe, which he fortified and agreed to use to help the Government defend Raglan against Kīngitanga forces in 1860. In return, Te Awaitaia was to be granted half an acre of Crown land and a lifetime annual pension of £100. However, the claimants allege that, ‘[d]espite Te Awaitaia upholding his end of the bargain, the land was never transferred to [him] or his hapu’. Even after Te Awaitaia’s death, Ngāti Mahanga continued to assert their mana over Pūtoetoe, ‘sternly disput[ing]’ they had ever agreed to its permanent alienation, notwithstanding the 1851 purchase. In 1870, a monument to another rangatira, Hetaraka, was erected in front of the whare; Hetaraka, in the account of claimants, ‘claimed the land’ in 1871. Then, in 1873, the Crown granted an area of the township to the Auckland Provincial Government as endowment for a wharf and harbour for Raglan.

Ngāti Mahanga’s ongoing occupation of Pūtoetoe throughout the period was, the claimants argue, ‘an assertion of their mana over this area and was a protest against Crown land dealings.’ However, in 1921, the Crown took the land under the Public Works Act for a post office and a road. The claimants allege that,

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56. See, for example, the evidence of Adelaide Collins (doc M1) and Henare Gray (doc M7).
57. Final SOC 1.2.25, p 3.
58. Submission 3.4.249(c), pp 60–61, 63.
59. Submission 3.4.249(c), p 61.
because the Crown held title to the land, it considered it had no duty to notify or consult with Ngāti Mahanga – despite the site’s history and the visible evidence of their interest in the land. They describe the Crown’s actions as:

the ultimate insult on the commitment that Te Awaitaia and Ngati Maahanga had made to uphold the partnership it entered into with the Crown. Ngati Maahanga committed land, people, mana and resources towards the partnership. The Crown took all this and more and offered little if anything in return.  

The claimants also raise grievances about the Crown’s actions in respect of the Papahua blocks, in which Ngāti Mahanga assert interests. A burial ground and, later, a monument were located on Papahua 2. The claimants allege the block was gifted to the Raglan Town Board for a public reserve in 1923, even though ‘over half the owners’ did not consent and those who did evidently considered the transaction a ‘tuku’ rather than a permanent alienation. In 1941, Papahua 1 and some of Papahua 2 were taken for the Raglan aerodrome, parts of which were controversially used for a golf course until 1987 when the Crown finally agreed to return it after prolonged Māori protest. The balance of Papahua 2 was transferred to the Crown for recreation purposes. In 1990, following a Māori Land Court recommendation, the burial ground on the site was finally set apart as a urupā. Part of the remaining land is now used as the Raglan Camping Ground.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

With specific reference to the Wallis Claim (OLC 946), section 4.7 finds that the commissioners recommended Crown grants be issued in all five old land claims for which the land claims commissions held hearings in Te Rohe Pōtae (OLC 946, OLC 947, OLC 948, OLC 1040, and OLC 1353). In each case, Crown grants were duly awarded, thereby transforming pre-Treaty arrangements for conditional use-rights into full and final alienations. The alienation

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60. Submission 3.4.249(c), p 62.
61. Submission 3.4.249(c), p 65.
62. Submission 3.4.249(c), p 66.
of these lands contradicted obligations placed on Crown officials to deal with Māori land in accordance with their laws and customs. It thus constituted a failure by the Crown to fulfil its duty under article 2 of the Treaty to actively protect the rangatiratanga of Te Rohe Pōtae Māori over their lands.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I). In our findings on the western harbours transactions (including the Crown's 1851 purchase of the Whaingaroa block, which included Pūtoetoe), we note that ‘the Crown appears to have failed to explain to Māori the nature and extent of the transaction, as evidenced by the re-occupation of a portion of the land by members of Ngāti Māhanga’ (section 5.4.6.3). We find that through this action and others, ‘the Crown failed to act honourably and in good faith, thereby breaching the Treaty principle of partnership’ (section 5.8).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown's response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Aramiro land development scheme, which operated from 1937 to 1981, is examined in some detail in chapter 17. We find in section 17.6 that the Crown’s operation of the land development programme was inconsistent with the principles of the Treaty of Waitangi in respect of the Aramiro scheme (and others). At Aramiro, the acquisition of so-called ‘uneconomic interests’ deprived some Māori of their tūrangawaewae.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

In section 20.5.3.2, we address the Crown’s takings for the Raglan aero-drome in 1941, which included Papahua lands in which the claimants have interests. Our Treaty analysis and findings relating to this and other twentieth century public works takings are in section 20.6, while section 20.7 addresses the prejudice thereby created.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships
with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Descendants of Te Wiwini aa Rongo, Te Weera, and Edna Coffey Claim (Wai 1766)

Named claimant
Lai Toy

Lodged on behalf of
Lai Toy and ‘my whanau, and descendants of Te Wiwini aa Rongo, from Whaingaroa, and TeWera from Waitara, and Edna Coffey our Taranaki Tupuna’

Takiwā
Whaingaroa

Other claims in the same claim group
Not applicable.

Summary of claim
This claim alleges all the policies and practices of the New Zealand Government since the Constitution Act 1852 have caused prejudice to the claimant and their whānau and tūpuna. The alleged prejudice includes the loss of land, income, natural resources, and intangible concepts including mana.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- It makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- The Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

63. Claim 1.1.167.
Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Descendants of Patara Te Tuhi Claim (Wai 1772)

Named claimant
Wiremu Puke (2008)^64

Lodged on behalf of
The descendants of Patara Te Tuhi of Ngāti Mahuta^65

Takiwā
Whāingaroa. The claim relates to 'lands of Ngāti Mahuta at Te Whaanga known as Te Tuahupapa in the Karioi Block 1D1D3B2 at Whale Bay Raglan.'^66

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges the claimant and other descendants of Patara Te Tuhi have been prejudicially affected by the omissions of the Crown in the Karioi 1D1D3B2 block. The block is also known as Te Tuahupapa Reserve. The claimant alleges that Crown agencies and the Historic Places Trust failed to declare the block a historic reserve, and this lack of action has resulted in a further loss of association with the birthplace of two ancestors of Tainui. The birthplaces of Turongo and Whatihua, which are on the reserve, were placed under the authority of Patara Te Tuhi. The area became a reserve in 1927. One whānau member consolidated the land under the Maori Affairs Act 1951 and transferred it to general land. He gave a verbal undertaking that the reserve would remain a mahinga kai site. The land was later sold by his widow. The claimant alleges that she had the right to occupy the land but not to alienate it.

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

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^64. Claim 1.1.171.
^65. Claim 1.1.171.
^66. Claim 1.1.171, p [1].
^67. The Karioi block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4.4.2.1 and 5.4.5.2.
^68. Claim 1.1.171.
^69. Claim 1.1.171.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part II).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

Any additional Tribunal findings on local allegations or claims

Based on an assessment of the available evidence, we find that the location of the tūāhupapa should have been declared a historic reserve. However, we also note that the exact location of this tūāhupapa – and to whom it is significant – is disputed. Nonetheless, we consider the Crown missed an opportunity to comply with its Treaty obligations to protect Māori land and taonga. We suggest that the Historic Places Trust, with tangata whenua, inquire into the issue of a reserve

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70. The Wai 125 claimants provided evidence that the tūāhupapa was erected on the slopes of Karioi maunga – see document A99, p 50, and submission 3.4.210. Conflicting evidence about the tūāhupapa’s location was also considered by the Environment Court in 2010 (J Hemi v Waikato District Council [2010] NZEnvC 216): however, we cannot take account of the court’s finding here as it was not raised in evidence in this inquiry and was issued after the Wai 1772 claim was lodged.
being established. However, we note that neither the Tribunal as a judicial body nor the Treaty settlement process has the ability to compel the return of privately held land.
Claim title
Ngāti Pane and Ngāti Mahanga Claim (Wai 1967)

Named claimant
Te Whau Barbara Te Hui Hui Pumipi (2008)\(^71\)

Lodged on behalf of
The Patutahi, Rawiri, Te Anau, Thompson, and Pumipi whānau, and Ngāti Pane and Ngāti Mahanga hapū\(^72\)

Takiwā
Whāingaroa. The claimant has interests in the Whaanga, Moerangi, and Te Akau D blocks.\(^73\)

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1967 claim is concerned with the fragmentation of lands as a result of Native Land Court processes, and the vesting of lands in the Māori Trustee. It argues that repeated partitioning has made blocks economically worthless, referring to the examples provided by the partition sequences for subdivisions of Te Akau D, Moerangi 1E, and Whaanga 1B and 1C.\(^74\) The vested lands allegation focuses on Whaanga 1C2B2 and 1B2C2B, which were vested in the Māori Trustee following applications from the Raglan County Council.\(^75\) The claimant argues that the first block has been allowed to deteriorate and erode; as for the latter, it is alleged that the lessee has been allowed to breach their covenant requirements.\(^76\)

In closing submissions, the claim clarifies the adverse impacts of the partitioning process. As well as fragmenting holdings into tiny blocks, these impacts allegedly included the burden of court and survey costs, increased pressure to pay rates, and disconnection from ancestral lands.\(^77\) In submissions, the introduction of legislative provisions for vesting lands in the Māori Trustee, and in particular part 3 of the Maori Purposes Act 1950, are reviewed.\(^78\) The claim refers to the fate

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\(^71\) Submission 3.4.162.
\(^72\) Submission 3.4.162. The statement of claim expressed this as being made on behalf of ‘myself, Moses Thompson, Barbara Thompson, Choyanne Thompson, Crossandra Thompson, Rosemary Thompson and Nassell Thompson of Ngati Pane and Ngati Mahanga hapu’: claim 1.1.281, p [1].
\(^73\) Final SOC 1.2.64, p 4.
\(^74\) Final SOC 1.2.64, pp 4–7.
\(^75\) These blocks are referred to elsewhere in Te Mana Whatu Ahuru, including sections 5.4.3.2.1, 5.4.4.4, and 10.7.2.1.2 (Te Akau); 14.3.2, 16.4.5.2, 17.3.4.1.1, 17.3.4.1.2, 19.5.3, and 19.11.2 (Moerangi); and 5.4.5.2.2 (Whaanga 1).
\(^76\) Final SOC 1.2.64, pp 7–9.
\(^77\) Submission 3.4.162, p 16.
\(^78\) Submission 3.4.162, pp 7–14.
of Whaanga 1b2c2b to argue that the Māori Trustee failed to manage vested lands in the interests of their owners.  

The claim adopts the generic pleadings on Māori land administration and development, and on vested lands.  

Is the claim well founded? 
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

79. Submission 3.4.162, pp 14–16.
80. Final SOC 1.2.64, pp 4, 7.
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Tē Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
Claim title
Tamatea Tuatahi Karaka Peraka Haru Whānau Trust Claim (Wai 2270)

Named claimant
Lamour Clark (2006) 81

Lodged on behalf of
Tamatea Tuatahi Pera Karaka Haru Whānau 82

Takiwā
Whāingaroa. The claim relates to land interests around the eastern shore of Whāingaroa Harbour. 83

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the imposition of Māori land laws and Native Land Court and Māori Land Court processes that supplanted traditional Māori collective landholding. The initial claim (2006) states the whānau has been, and continues to be, ‘subject to the unwarranted jurisdiction’ exercised by the Crown, which they allege is contrary to the principles of the Treaty. 84

Closing submissions (2014) focus on the impact of the courts – in particular the individualisation of title; the fragmentation and alienation of land holdings; and the loss of control over land and resources. In these respects, the claim adopts the generic submissions on the Native Land Court but also alleges that the fragmentation and individualisation of title, which began in the Native Land Court, continues in the Māori Land Court. 85

The claimant describes several factors that create ongoing ‘layer(s) of alienation’ from whānau land, including the imposition of trustees (particularly when those trustees may not whakapapa to the land), and the costly and difficult succession process. The claimant says that as a result of the Crown’s land regimes, the whānau’s connections to their land have been disrupted and fragmented, and their culture undermined. 86

81. Submission 3.4.133; claim 1.1.252.
82. Submission 3.4.133. The claimant, in her evidence to the Tribunal, said the claim was made on behalf of her father, ‘his descendants and his brother and sisters and their descendants’: doc M23 (Clark), p 2.
83. Submission 3.4.133, p 3; doc M23.
84. Claim 1.1.252, p [1].
85. Submission 3.4.133, p 4.
86. Submission 3.4.133, p 6; doc M23, p 7.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
Claim title
Descendants of Wetini Mahikai and Hera Parekawa (Tuteao) Claim (Wai 2345)

Named claimant
Verna Tuteao

Lodged on behalf of
Descendants of Wetini Mahikai

Takiwā
Whāingaroa. The claim relates to land involved in the Nihinihi and Horea transactions, and the Papahua, Te Kopua, Rakaunui, and Whaanga blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the descendants of Wetini Mahikai, and the Crown’s alleged failure to protect and affirm their ‘political and territorial sovereignty’ over their lands, resources, and socio-political organisations.

The claimant alleges the Crown has breached the Treaty through the operation of the Māori Land Court and the Native Land Court; the excessive and unauthorised taking of their lands and taonga; its land purchasing strategies and activities; the operation and impact of the Māori Trustee and the Māori Trust Office; failure to protect wāhi tapu; practices and policies that created landlocked lands; the fractionalisation and alienation of their lands; the actions and inactions of local government through district councils and regional councils; and allowing environmental degradation within their traditional rohe and to the Whāingaroa Harbour and awa.

In closing submissions, claimant counsel expands on these allegations, specifically discussing pre-Treaty transactions, public works, the Native Land Court, the Māori Trustee, and the Raglan County Council.

At the centre of the claim’s pre-Treaty transaction allegations are the contested Nihinihi transaction (see section 4.4.1.2.1 of our report) and Horea sale (see section 5.4.3), in which the claimant’s ancestor Wetini Mahikai was involved. The claim

87. Submission 3.4.139. The claim was brought in 2008 by Te Amohia McQueen who in 2011 assigned the claim to Verna Tuteao: claim 1.1.265, pp [4]–[7].
88. Submission 3.4.139. The original statement of claim was brought on behalf of ‘Ngati Mahuta and the descendants of Te Wherowhero’: claim 1.1.265, p [1].
89. Submission 3.4.139, pp 8–11, 13, 16; doc M17 (Tuteao). The Nihinihi and Horea transactions cited in this claim are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 5.4.3.1, and 5.4.6.2. References to the specific blocks cited include sections 5.4.5.2.1 and 20.5.3.2 (Papahua); sections 5.4.5.2.1, 11.3.3.5, 20.5.3, and 20.5.3.2 (Te Kopua); sections 5.4.5.2.2 and 20.5.3.2 (Rakaunui); and section 5.4.5.2.2 (Whaanga).
90. Claim 1.1.265; claim 1.2.132, p 4.
argues that the Nihinihi transaction was never intended by Māori signatories to result in permanent alienation. The Land Claims Commission failed to fully investigate this and other old land claims; according to the claimant, the Crown breached the Treaty by failing to ensure commissioners adequately inquired into the Nihinihi transaction or attempted to ensure that Wetini and other signatories understood the implications of signing the deed. As for the Horea sale, the claim alleges that it is ‘clouded in uncertainty’, as the ‘alleged seller quite clearly did not accept that the payment received was in exchange for extinguishment of their customary interests in the block.’ As such, the claimant says, the sale cannot be found to have resulted in permanent alienation.93

In relation to public works, the claim alleges the Crown failed in its duties to afford the same protection to Māori land as European lands and to minimise the Māori land taken for public works. It is alleged the Crown also failed to engage with Māori about the land they proposed taking and to properly compensate them. The Crown further failed in its duty to return lands no longer required for the purpose for which they were taken. Nor did it ensure that public works acquisitions carried out by local authorities, such as the Raglan County Council, were Treaty-compliant, the claimant contends.92

The submissions expand on the claimant’s experience of land loss as a result of the actions of the Māori Trustee and the Raglan County Council. Counsel submit the council excessively used the Maori Purposes Act 1950 which alienated Māori land from Māori owners, and that the Crown – despite knowing of concerns about the Council’s use of the act – failed to proactively protect Māori landowners.93

Other Crown Treaty breaches alleged by the claim concern the unreasonable compensation requirements placed on the Māori owners of the Whaanga and Rākaunui blocks (see section 5.4.5.2.2 of our report); the lack of any support or training in land management to Māori throughout this period; and the introduction of the Native Land Act 1931 and its successor the Maori Purposes Act 1950, which failed to take into account and properly cater for the claimants’ interests and rights. Finally the claimant argues the descendants of Wetini Mahikai have experienced physical and spiritual ‘estrangement’ from their lands due to long lease periods, returned lands are in bad condition, in need of extensive work, or are subject to large debts.94 The claim asserts Māori landowners have faced considerable pressure ‘to undo the damage done by pākehā farmers and/or re-pay debts by making productive use of the land through hard labour, with little to no help from the Crown.’95

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91. Submission 3.4.139, pp 14–15.
93. Submission 3.4.139, pp 22–25.
95. Submission 3.4.139, p 27.
Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtæ Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

  The Nihinihi transaction is discussed in chapter 4 (see section 4.4.1.2.1) and the Horea sale in chapter 5. In section 5.4.3, we found that the Crown entered a transaction at Horea, ‘in the hope of resolving internal tensions between two groups of right holders. The extent to which Te Wherowhero and Ngāti Mahuta understood the transaction as a permanent alienation is unclear . . . However, as native title to the block was not extinguished, we found no evidence of a Treaty breach.’

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- There, we found that the Maori Purposes Act 1950 was in breach of article 2 of the Treaty. We also acknowledge in section 19.5.3 that Raglan County Council was one of ‘the most active prosecutors of the 1950s legislation.’

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
TE KŪTI–HAUĀURU

[Map of Te Kūti-Hauāuru region with place names such as Kāwhia, Hauturu, Kinohaku, Te Kūti, Oparure, Rangitoto Ra., Pukeroa, etc.]
Note: this takiwā overview is the Tribunal’s synthesis of evidence presented by kuia, kaumātua, and other knowledge-holders at Ngā Kōrero Tuku Iho hui held across the inquiry district in March–June 2010. It should not be interpreted as a Tribunal comment on, or determination of, the validity of tribal evidence presented about places, people, and events. Some of the groups identified in this overview may also appear in other takiwā overviews, reflecting their widespread interests. However, for organisational purposes, each claim has been assigned to only one takiwā.

5.1 Ngā Whenua
This takiwā occupies much of the middle and west of the inquiry district. It extends around the Te Kūiti-Waitomo area and westwards to the coast. Further north, other areas at Tokanui and the northern side of Kāwhia Harbour are also the subject of claims.

Claimants identified the takiwā’s main rivers and streams as the Mangaokewa, Mangapū, Mangawhitikau, Moakura, Mangawhero, Tawarau, and Waipa. They referred to marine interests all along the coastline of the takiwā, including at Te Taharoa and Marokopa, and certain freshwater springs such as at Rototapu, Potea, and Makahinga. Significant maunga include Mōtakiora (the site of Rōrā’s pā), and Pukeroa (where Maniapoto had a pā).

For Ngāti Maniapoto, this takiwā represents a significant part of their heartland. Historically, it provided good communication links by land and water to other areas, facilitating exchanges – both political and economic – between iwi and hapū elsewhere. For example, James Taitoko explained that several of the many tracks traversing the Ngāti Maniapoto rohe converged in Aria near the hill Pukemata-purarua. He said the places where these tracks met typically carry historical significance; they were where battles were fought, ambushes staged, and love matches formed.

Unsurprisingly, the takiwā is full of many such sites and natural features treasured by Ngāti Maniapoto. One of the Tribunal’s hearings took place in a whare built by Te Kooti, who lived in Te Kūiti among Ngāti Maniapoto between 1872 and 1883. Known as Te Ōhākī o Te Kooti Rikirangi (the gift of Te Kooti Ārikirangi Te Turuki), the whare’s name records Te Kooti’s appreciation for the shelter Ngāti Maniapoto provided when he was being hunted by government troops. It has had three names and has been shifted three times. Witness Willie Turner described

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1. Submission 3.4.279, pp 55–56; submission 3.4.279, p 3; doc 536 (Koroheke), p 4.
2. Transcript 4.1.6, p 69 (James Taitoko, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 9 June 2010).
3. Transcript 4.1.6, p 69 (James Taitoko, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 9 June 2010).
in detail the parts of the whare and the tūpuna symbolised within it, providing insight into the whakapapa connections throughout Te Rohe Pōtae and the works of the many individual tūpuna identified.  

We heard kōrero about many other locations important to Ngāti Maniapoto, such as the caves, swamps, and numerous pā sites around Arapae, south-west of Te Kūiti. Hinekahukura Aranui described the strategic importance of Arapae Pā itself, which guarded the path from Waikato to Mōkau and therefore Taranaki; James Taitoko spoke of 10,000 warriors manning the fort at the top of Arapae. Sir Archie Taiaroa spoke of the old pā at Hangatiki, where Hinemoana, the sister of Tūirirangi (who had married Kinohaku) lived. He explained that Tūranga-pito, also known as Tūpito, went to Hangatiki with a war party to fish at Kāwhia. Hinemoana was given as a peace-making gesture and returned with Tūranga-pito to live at the Whanganui River. From Jock Roa, the Tribunal heard of Pamotumotu and Tangimania, two pā sites in the north-eastern part of Te Rohe Pōtae, near the Wharepuhunga block.  

Another landmark was the Te Kopua block, which we heard was important for the iwi’s ‘interaction and activities’ including agriculture and farming. Ngāti Maniapoto living in the northern area of Te Kōpuia were staunch supporters of the Kingitanga, and supplied Te Puea with food at Tūrangawaewae. Likewise, a mission site in the Takotokoraha block on the western bank of the Waipā River was important to Ngāti Maniapoto. According to George Searancke, the tūpuna Te Oro was known to have ‘offered sanctuary to the Waikato here’. There is a papakāinga in this area also.  

The takiwā was known for its abundant food supplies. Some kaikōrero told the Tribunal about the harvesting of specific foods in particular areas. For example, Heeni Grant spoke about the food cultivation and gathering practices of Ngāti Maniapoto tūpuna in the Marokopa area: the main hapū in this area were Ngāti Peehi, Ngāti Te Kanawa, and Ngāti Kinohaku. Many tūpuna were gardeners and fishermen. Jock Roa explained the harvesting times of kererū. The season begins
in the Rangitoto area in late autumn (April and May). From there, the birds are ready for harvest in adjacent areas every one to two months.\textsuperscript{12}

The waterways and swamplands of Te Kūti-Te Hauāuru, such as the Mangakōwhai River and Wharewera, were also great sources of kai.\textsuperscript{13} Tuna was plentiful in the Tauraroa and Waimarino Rivers, which run into the Waipā.\textsuperscript{14} Witness Rangi Joseph named important Ngāti Maniapoto water resources in the vicinity of Ōpārure, a key source of tuna; they include Rototapu (named for its crystal-clear appearance), Ngā Huihuinga (where many great gatherings were held), Mangapū, Te Mangawhitikau, Te Makahinga, Te Mapouriki, and Potea.\textsuperscript{15} Marokopa and Te Tāhāroa were renowned for shark, flounder, and shellfish, and other food resources could be gathered from the Marokopa River.\textsuperscript{16} Meanwhile, from Fred Herbert, we learned of one of the takiwā's taniwha: Māhia or Kawiwaka. It lived at Te Awaniui, at Te Māhoe, where hapū including Ngāti Te Kanawa, Ngāti Peehi, Ngāti Paretekawa, and Ngāti Uekaha have interests. Mr Herbert told the Tribunal that one of the early Pākehā to settle at Te Māhoe used Māhia to make a fence. The next day the fence had fallen over, the taniwha had returned to the water, and – after a search – the settler's child was found dead in the water next to the taniwha. Following that tragedy, the settler sold his farm and left the area.\textsuperscript{17}

5.2 \textbf{Ngā Iwi me ngā Hapū}

5.2.1 Ngāti Rōrā

Ngāti Rōrā descend from Rōrā, son of Maniapoto and his third wife Paparauwhare. He was born at his parents’ pā, Taupiri o Te Rangi (located south-east of present-day Te Kūti) and was the youngest of all Maniapoto’s children.\textsuperscript{18} Taonui Hikaka and his sons (Taonui Hikaka II and Te Naunau Hikaka) were descendants of Rōrā.\textsuperscript{19}

Ngāti Rōrā say their traditional rohe ‘generally extends from Hangatiki in the north, over to the Rangitoto ranges in the east, across to Ngāti Kinohaku in the south and to Mokau in the west’. They also claim traditional interests (including in...
the foreshore, seabed, and moana) ‘along the coast from around Awakino (Opiti Point) to Paraninihi.’

They describe Te Kūiti as lying ‘in the heartlands,’ and four of their marae are located there: Te Tokanganui a Noho (shared with Ngāti Apakura), Te Piruru Papakāinga, Te Kumi (shared with Ngāti Peehi), and Tomotuki (shared with Ngāti Parekaitini and Ngāti Apakura). Other marae with which Ngāti Rōrā are associated are Te Kawau Papakāinga at Mōkau (which they share with Ngāti Rākei and Ngāti Rungaterangi); Kaputahi at Hangatiki (shared with Ngāti Kaputuhi, Ngāti Matakorē, Ngāti Parekākawa, and Ngāti Peehi); Petania at Taumarunui (shared with Ngāti Parewaeono and Ngāti Hinemihi); and Te Rongoora at Ōngarue (shared with Ngāti Raerae).

5.2.2 Ngāti Kinohaku, Ngāti Tarahuia, Ngāti Putakitemuri, Ngāti Tauhunu

As already set out in chapter 2, Kinohaku was the daughter of Rereahu and Hineaupounamu, and the younger sister of Maniapoto. She married Tuirirangi and together they had several children. Ruapuha (eponymous ancestor of Ngāti Ruapuha) was one of their grandchildren.

Ngāti Kinohaku say their mana whenua ‘spreads across significant tracts of land,’ with their ‘strongest influence in the area covered by the Kinohaku East and West Blocks.’ They claim customary interests in the Tawarau Crown forest licensed lands, located in the Kinohaku blocks. In addition, they say they have specific customary interests in the coastal region, notably ‘from Awakino to Waikawau then to Taharoa and Kāwhia.’ At hearing, Glen Katu said they ‘inherited much of the interest in Ngāti Toa Rangatira and Ngāti Rarua’ when those groups departed to the south, and their interests included ‘as far as the eye could see out to sea.’ At another hearing, Rudolph Hotu gave evidence of traditional Ngāti Kinohaku interests in lands at Hangatiki, Tokanui, Ópārure, Marokopa, Waitomo, Taumatatotara, and Hauturu.

One claim in this inquiry was brought on behalf of the Ngāti Tarahuia hapū of Ngāti Kinohaku and ‘associated whanau of the Oparure region.’ Witness Glen Katu explained Tarahuia was a great-grandson of Kinohaku. Another claim was

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23. See also submission 3.4.204, p 3; transcript 4.1.21, pp 19–20 (Glen Katu, hearing week 12, Oparure Marae, 4 May 2014).
25. Submission 3.4.80, p 2; submission 3.4.204, p 5.
26. Transcript 4.1.21, p 1630 (Glen Katu, hearing week 12, Oparure Marae, 9 May 2014).
27. Transcript 4.1.6, pp 234–235 (Rudolph Hotu, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010), as corrected by memorandum 3.1.323, p 2.
29. Transcript 4.1.21, p 20 (Glen Katu, hearing week 12, Oparure Marae, 4 May 2014).
brought on behalf of Ngāti Putakitemuri and Ngāti Tauhunu. The former is also a hapū of Ngāti Kinohaku, but the latter is described as a hapū of Ngāti Maniapoto.\textsuperscript{30}

Ngāti Kinohaku marae are Te Waipatoto at Oparure near Te Kūiti; Te Kauae at Hangatiki; Marokopa (shared with Ngāti Peehi and Ngāti Te Kanawa); Mōkau Kohunui at Piopio (shared with Ngāti Te Paemate and Ngāti Waiora); and Mōtītī at Te Kūiti (which is specifically associated with Ngāti Tauhunu and Ngāti Putakimuri, and also shared with Ngāti Urunumia).\textsuperscript{31}

5.2.3 Ngāti Huiao

Huiao was the son of Whaita and Tapuwae-enga.\textsuperscript{32} Whaita had land interests in the Pokuru area which he later left to Huiao and his other son, Ngutu. When Huiao in turn passed away, he was buried in the area.\textsuperscript{33}

Huiao also had a close association with Hangatiki and lived for a long time at Ngakuraho Pā (at least one source says he was born and grew up there).\textsuperscript{34} His son Tuirirangi, who married Kinohaku, lived there too, as did Hinemoa, Huiao’s daughter.\textsuperscript{35} Hinemoa later married a young Whanganui rangatira and the Taiaroa line descends from that union.\textsuperscript{36}

According to claimant evidence, the name Hangatiki came about when a tiki, carved by Pohoroa to commemorate Maniapoto’s death, was buried on the land. Formerly this area around Pukeroa (where Maniapoto had had his pā) was known as Te Kauae and that name has been retained for the marae.\textsuperscript{37} After Huiao’s death, the Hangatiki lands were shared between Ngāti Kinohaku, Ngāti Huiao, Ngāti Peehi, and Ngāti Te Kanawa.\textsuperscript{38} Ngāti Huiao also have strong links with Ngāti Paretekawa.\textsuperscript{39}

In addition to Te Kauae Marae, Ngāti Huiao have associations with Rereamanu Marae at Haurua. The old wharekai at this marae came from Parihaka and was called Tuirirangi after Huiao’s son.\textsuperscript{40}

\textsuperscript{30} Document 537(b) (Jensen), p 2. The claim referred to is Wai 586.
\textsuperscript{31} Document 521 (Jensen), p 50; doc 537(b) (Jensen), p 1.
\textsuperscript{32} Transcript 4.1.6, p 232 (Alan Cockle, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{33} Document 536, p 2.
\textsuperscript{34} Transcript 4.1.6, p 232 (Alan Cockle, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{35} Document 536, p 2; transcript 4.1.6, p 225 (Chris Koroheke, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{36} Transcript 4.1.6, p 225 (Chris Koroheke, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{37} Document 536, pp 4, 6; transcript 4.1.6, p 273 (Josephine Anderson, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).
\textsuperscript{38} Document 536, p 2.
\textsuperscript{39} Document 536, pp 4, 6.
\textsuperscript{40} Document 536 (Koroheke), p 2.
Ngāti Te Kanawa and Ngāti Peehi

The ancestor Te Kanawa was descended from Maniapoto through his great-grandfather Rungaterangi. Ngāti Peehi (sometimes also known as Ngāti Te Peehi), descend from Tuhekengatao, the eldest son of Kinohaku, who was Maniapoto’s sister. The two hapū have strong links solidified by the marriage of Moerua, of both Ngāti Te Kanawa and Ngāti Peehi, to Waimapuna of Ngāti Peehi. In times past, Ngāti Peehi and Te Kanawa warriors ‘travelled together as the “soldiers” of Maniapoto.’

According to the claimants, Ngāti Peehi lived ‘predominantly in the area between Te Kūiti and Ōtorohanga.’ The area was ‘shared in part’ with other hapū including Ngāti Rōrā to the south, Ngāti Kinohaku to the west, Ngāti Uekaha to the north-west, Ngāti Huiaio to the north, and Ngāti Te Kanawa to the north and west. Ngāti Te Kanawa, meanwhile, ‘originally lived on the coast south of Kāwhia’ but moved to Marokopa and also further inland. One of their kāinga was Te Rore, which they shared with other hapū including Ngāti Peehi.

Ngāti Te Kanawa and Ngāti Peehi are the primary hapū of Te Korapatu Marae, five kilometres north of Te Kūiti. Together with Ngāti Kinohaku, they are also the primary hapū of Marokopa (Mirumiru) Marae. Other Ngāti Kanawa marae include Te Kotahitanga (near Ōtorohanga), Rereamanu (south of Ōtorohanga), Tokikapu (20 kilometres north-west of Te Kūiti), and Hia Kaitupeka at Taringamotu. Ngāti Peehi are linked with other marae including Kaputuhi (11 kilometres north of Te Kūiti) and Te Kumi (at Te Kūiti). Both hapū share Te Kauae Marae at Hangatiki, while another – Te Māhoe marae at Kāwhia – is shared by Ngāti Te Kanawa, Ngāti Peehi, and two other hapū.

Ngāti Uekaha

Ngāti Uekaha lands lie to the west of the Waitomo River, an area shared with others. Uekaha was the son of Te Kawairirangi and Hinekahukura, and a grandson of Maniapoto. As already outlined in chapter 2, he initially lived at Haurua Pā at the top of the Waitomo Valley – a site that is also important to Ngāti Huiaio. He later moved to Rangiāhua and Raraoraro (also called Parahamuti or Pohatuiri), both ōpā.
sites closer to the Waitomo caves. At times he also lived in the caves themselves. Descendants of Uekaha and his wife Hinerangi include Tūhoro and Te Kanawa.47

In modern times, Ngāti Uekaha and Ngāti Ruapuha have together set up a trust to administer the assets from the mid-1990s settlement involving the Waitomo Caves.48

5.2.6 Ngāti Ruapuha

Ruapuha (sometimes called Takiwāi) was a grandchild of Kinohaku and Tuirirangi, and a younger son of Kāhuitangaroa. Josephine Anderson explained that Ruapuha was responsible for the land from Rereamanu to Te Tumutumu, just above the Ruakuri cave on the eastern side of the Waitomo River. The area was known as ‘te māra kai o Maniapoto’ (the food garden of Maniapoto).49

As noted, Ngāti Ruapuha are part of the Ruaputa Uekaha Hapu Trust that administers the assets from the Waitomo Caves settlement.50

5.2.7 Ngāti Ngutu

As mentioned earlier, Ngutu was a son of Whaita and his wife Tapuwae-enga, and brother to Huiao. He was raised in the area around Whakapirimata, where the Pūniu River joins the Waipa, but then moved throughout the Te Awamutu–Kirikiriroa (Hamilton) area. He married Rangi Awatea. Later, Te Warakī (a Ngāti Ngutu rangatira who succeeded Peehi Tukorehu) was one of the signatories to the Treaty of Waitangi.51

Either Ngutu or his descendants also had links to the southern Kāwhia area. John Kaati presented evidence of Ngāti Ngutu and Ngāti Ururnumia sharing Umuroa Pā, on the southern shore of Kāwhia Harbour. They also had a pā further east at Muturangi, where a Ngāti Ngutu warrior named Rakautihia managed to evade his Ngāti Raukawa and Ngāti Toa pursuers. According to Mr Kaati, ‘Ngāti Ngutu featured in most of the battles of this area and beyond’, and followed Te Wherowhero and Maniapoto wherever they went.52

As noted in chapter 2, Ngāti Ngutu are also closely associated with Ngāti Paretekawa and Ngāti Unu, with whom they have whakapapa connections.


48. Submission 3.4.132, p 1.

49. Transcript 4.1.6, p 272 (Josephine Anderson, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 10 June 2010).

50. Submission 3.4.132, p 1.


5.2.8 Ngāti Ururnumia
Ururnumia was a grand-daughter of Maniapoto through his son Tutakamoana. She was also a descendant of Maniapoto’s sister Kinohaku, through her daughter Rangipare (wife of Tutakamoana).\textsuperscript{53} Ururnumia married Te Kawairirangi\textsuperscript{11} and they had several children. Descendants in later generations would include Wahanui’s line.\textsuperscript{54}

Although Ngāti Ururnumia are generally known as a border people, strongly connected to the buffer zone between Ngāti Maniapoto and Whanganui groups, they also have interests in the Hauturu/Waipuna/Kāwhia area. John Kaati, for example, mentions Te Ahuahu and Puketoa, around the southern shore of Kāwhia Harbour, as being pā sites of Ngāti Ururnumia. There is also Umuroa, in the same area, which they shared with Ngāti Ngutu.\textsuperscript{55}

5.2.9 Ngāti Rereahu
According to Huikakahu Kawe, Ngāti Rereahu was guided to Aotearoa by tūpuna from Hawaiki, the heavens, and the oceans.\textsuperscript{56} Rereahu himself was the offspring of Raukawa, from whom Rereahu’s mana whenua is said to derive (along with Tūrongoihi).\textsuperscript{57} He was born on Ranginui, a maunga on the eastern side of the Rangitoto Ranges. Piripi Crown explained that as Rereahu grew up, his father instructed him to care for the lands from Rangitoto to Tūhua for his younger siblings.\textsuperscript{58} Rereahu had two wives, Rangianiwa and Hineaupounamu, and their children included Te Ihingārangi, Maniapoto, Matakore, Kinohaku, and Tūwhakahekeao.\textsuperscript{59} Rereahu died on the land known as Ngāherenga, ceding his mana to his son Maniapoto just before he died.\textsuperscript{60} Two major battles established Rereahu and Maniapoto’s mana whenua at Ngāhuinga and Waimoanaiti, and

\textsuperscript{53} Submission 3.4.204, p 8; doc A110, p 179.
\textsuperscript{54} Claim 1.1.89, pp 5–6; doc 09(b) (Rangitaawa-Schofield), p 1.
\textsuperscript{55} Submission 3.4.178, p 3; transcript 4.1.2, p 161 (John Kaati, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 30 March 2010; doc C8, pp 3–4; doc A110, pp 171–175.
\textsuperscript{56} Transcript 4.1.6, p 345 (Huikakahu Kawe, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{57} Transcript 4.1.6, p 346 (Huikakahu Kawe, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010); see also doc G28 (Hawe), p 1.
\textsuperscript{58} Transcript 4.1.6, p 346 (Piripi Crown, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\textsuperscript{59} Transcript 4.1.6, pp 358–362, 371, 385, 392 (Piripi Crown, Jackson Takia, Dan Te Kanawa, Rovina Maniapoto, Lou Rangitaawa, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010); transcript 4.1.2, pp 187, 201 (Lou Rangitaawa, Miria Tauariki, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 30 March 2010).
\textsuperscript{60} Transcript 4.1.6, p 362 (Piripi Crown, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
their mana remains over these lands.\textsuperscript{61} Ngāti Rereahu staunchly supported the Kingitanga at the time of the tupuna Te Huata.\textsuperscript{62}

At hearings, Mita Pai described Mangapeehi (near Benneydale) as ‘Rereahu territory.’\textsuperscript{63} Ngāti Rereahu also has interests elsewhere in the inquiry district. For example, along with other groups, they have interests in the Maraeroa block, in the south-eastern corner of Te Rohe Pōtae.\textsuperscript{64}

\textbf{5.2.10 Ngāti Rarua}

Ngāti Rarua assert traditional interests in the area around Marokopa–Waikawau that has now come to be associated with Ngāti Kinohaku.\textsuperscript{65} Witness John Kaati referred to Takatahi, a pā on the southern side of Kāwhia Harbour, as having formerly belonged to Ngāti Rarua. When Te Rauparaha and Ngāti Toarangatira migrated south, however, Ngāti Rarua followed. Takatahi is now regarded as a Ngāti Kinohaku pā.\textsuperscript{66}

\begin{itemize}
\item \textsuperscript{61} Transcript 4.1.6, p 346 (Huikakahu Kawe, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010); see also doc G28, p 1.
\item \textsuperscript{62} Transcript 4.1.6, pp 353, 359 (Piripi Crown, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\item \textsuperscript{63} Transcript 4.1.6, p 368 (Mita Pai, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\item \textsuperscript{64} Transcript 4.1.6, p 345 (Huikakahu Kawe, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
\item \textsuperscript{65} Claim 1.1.257, p 3.
\item \textsuperscript{66} Transcript 4.1.2, p 163 (John Kaati, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 30 March 2010).
\end{itemize}
5.3 **Te Kūiti–Hauāuru: ngā Kerēme**

**Claim title**
Rohe Pōtāe Lands Claim (Wai 329)

**Named claimants**
Reverend Robert Percival Emery (deceased), Haami Te Puni Haami Bell, Thomas John Moke, and Daniel Takutaimoana Te Kanawa (1992)

**Lodged on behalf of**
The iwi of the Maniapoto region. Amendments to the original claim clarified that the claim ‘was to be prosecuted by the Maniapoto Maori Trust Board for and on behalf of all marae, iwi and hapū of Ngāti Maniapoto.’

**Takiwā**
Te Kūiti–Hauāuru

**Other claims in the same claim group**
329, 1584

**Summary of claim**
The original Wai 329 claim (1992) concerns all lands in Te Rohe Pōtāe. The claimants allege that the Crown breached the articles of the Treaty in its dealings to acquire these lands and breached the ‘Rohe Pōtāe agreement.’

The final statement of claim (2012) expands on historic and continuing Crown Treaty breaches in relation to Te Ōhākī Tapu; raupatu; te takutai moana o Maniapoto; Kāwhia Harbour; natural resources (for example, minerals), rivers, waterways, and the environment; Crown purchasing; the Native Land Court and native land legislation; public works legislation; te reo and tikanga; social and economic impacts; land development schemes, and native townships.

Counsel for Wai 329 and Wai 1584 lodged closing submissions together. There, they say Te Ōhākī Tapu – whose overriding objective they describe as ‘the retention by Maniapoto of its mana, rangatiratanga and authority, as it engaged as an equal partner with the Crown’ – lies at the heart of their claims. The claimants allege that, in failing to give effect to these agreements, the Crown breached its obligations to Maniapoto under the Treaty of Waitangi, with numerous negative consequences for the iwi and its people, whānau, and hapū.

These consequences included the loss of land and resources and the loss of the opportunity to benefit from the development of Te Rohe Pōtāe (in fact, in some instances, Maniapoto was specifically excluded from benefiting from
development). A further consequence was that Maniapoto was excluded from participating in key decision-making about Te Rohe Pōtae and the use of its resources. The claimants say the same issues continue to affect Maniapoto's engagement with the Crown today as the iwi ‘attempts to have its mana and rangatiratanga recognised over its health, education, lands, forests, fisheries, waterways and other natural resources.’

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land gittings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods
1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part iv).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part iv).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part iv).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part iv).

- The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

- The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
**Claim title**  
Umukaimata Block Claim (Wai 556)\(^74\)

**Named claimant**  
Edwin Daniel Vaikai Ormsby\(^75\)

**Lodged on behalf of**  
Himself and the Ngāti Rōrā hapū of Ngāti Maniapoto Iwi (Ngāti Rōrā)

**Takiwā**  
Te Kūiti–Hauāuru. The claimants say they have interests in, but not exclusive to, the Umukaimata block.\(^76\)

**Other claims in the same claim group**  
556, 616, 1377, 1820

**Summary of claim**  
The original Wai 556 claim (1995) primarily concerns the Umukaimata block having been subject to allegedly ‘excessive partitioning and multiple alienations’ through native lands legislation, the Native Land Court, surveying, and public works.\(^77\) The claim specifically alleges that the imposition of native lands legislation, the Maori Affairs Act 1953, and the Native Land Court facilitated the fragmentation and alienation of Ngāti Rōrā lands. It is also claimed that the Crown failed to prevent the alienation of the land due to survey error, and likewise failed to ensure Ngāti Rōrā retained sufficient lands for their present and future needs. Finally, it is alleged the Crown failed to actively protect the claimants’ whenua, awa, and taonga.\(^78\)

The claim says that as a result of the Crown’s actions and omissions, Ngāti Rōrā have suffered prejudice due to loss of and dislocation from their lands and taonga. They have also been prejudiced through the destruction of the traditional land tenure system, and of their social organisation and traditional leadership structures.\(^79\)

These allegations are developed in the closing submissions filed by the Ngāti Rōrā group (Wai 556, Wai 616, Wai 1377, Wai 1820). There, counsel expands on alleged historical Crown breaches related to Ngāti Rōrā hapū, which they categorise into four themes: Rangatiratanga and Kāwanatanga, Te Whenua, Te Taiao, and Toi Ora Toi Tangata.

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\(^74\) Claim 1.1.24; claim 1.1.24(a); final SOC 1.2.33.
\(^75\) Claim 1.1.24, p 1; claim 1.2.33, p 1.
\(^76\) Claim 1.2.33, p 3.
\(^77\) The Umukaimata block and its partition blocks are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 10.7.2.3.2 and 22.3.4 and throughout chapter 14.
\(^78\) Claim 1.2.33, p 6.
\(^79\) Claim 1.2.33, pp 6–7.
The first discusses alleged breaches related to the impact of the Waikato War and raupatu, the Crown's failure to uphold the terms of Te Ōhākī Tapu, the detrimental effects of the introduction of alcohol, the impacts of the North Island Main Trunk Railway, the delegation of authority to local government agencies within the inquiry district, and the Crown's failure to respect tikanga and taonga.  

‘Te Whenua’ discusses alleged breaches related to land alienations between 1840 and 1865, land purchasing during the aukati, the imposition and impacts of the Native Land Court and native lands legislation, land alienation ‘during the period of Pre-emption’ (1885–1909), native townships, land development schemes, public works legislation and takings, partitioning, vesting, ratings, survey costs, and alienation processes.  

‘Te Taiao’ and ‘Toi Ora Toi Tangata’ discuss ‘the continuing marginalisation of Ngāti Rōrā in their heartlands’. In particular, they allege Crown Treaty breaches related to Ngāti Rōrā’s environment, waterways, resources, tikanga, culture, and well-being (including education, housing, racial discrimination, and employment).

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).
  The specific experience of Ngāti Rōrā is discussed throughout sections 6.10.5 to 6.10.7.
- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).

80. Submission 3.4.279, pp 10–22.
81. Submission 3.4.279, p 23.
82. Submission 3.4.279, p 58.
83. Submission 3.4.279, pp 55–63; claim 1.2.77, pp 1–2.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The Crown’s railway takings from the Pukenui block and the compensation arrangements it made with owners are of particular concern to this claimant. They are discussed in sections 9.4.3, 9.4.4, 9.4.6, 9.5.3, 9.8.11, and 9.8.12.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

In section 10.7.2.3.2, we discuss the Crown’s survey of the Umukaimata block in 1892, describing it as ‘the most significant survey error’ in Te Rohe Pōtae. We note the Crown now accepts that ‘a serious error’ indeed occurred in the survey, which ‘caused significant prejudice to the owners of Umukaimata 5’.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori
from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V)
Claim title
Ngāti Te Puta Hapū Claim (Wai 586)

Named claimants

Lodged on behalf of
Mōtītī Marae, Ngāti te Putaitemuri, Ngāti Tauhunu, Ngāti Turiu me Ngāti Kinohaku

Takiwā
Te Kūiti–Hauāuru. The claim relates to the Tapuiwahine block and Mōtītī Marae.

Other claims in the same claim group
586, 753, 1585, 2020, 2090, 1396. The amended statement of claim lodged jointly by the group in 2011 states that ‘All of the current claimants are trustees and/or beneficiaries of the Ngāti Kinohaku Trust’.

Summary of claim
The claimants allege they have been prejudicially affected by actions of the Crown in the Tapuiwahine block. The claimants allege the sources of prejudice they have suffered include the taking of land for survey liens, railways, reserves, and the Kapuni and Maui gas lines. They also allege the Crown has taken from them their fishing and seafood gathering rights; has destroyed their indigenous forestry, game birds, and plants; and desecrated a marae and urupā located on part of the Tapuiwahine block. They further allege Crown legislation has prevented Ngāti Maniapoto self-government.

The group’s amended statement of claim gives the claimants’ background to the Treaty and the Ōhākī Tapu agreements. It states at least two Ngāti Kinohaku rangatira signed the Treaty, but they would have understood that Ngāti Kinohaku would retain mana whenua. Ngāti Kinohaku remained in control of their lands when the aukati line was established in 1862. The claimants assert their tūpuna agreed to Te Ōhākī Tapu, having been promised by the Crown that the Native Land Court would not operate in Te Rohe Pōtae, their lands would be inalienable, and iwi and

84. Claim 1.1.27. Mr Jensen and Ms Borell were added as named claimants in May 2007: claim 1.1.27(a).
85. Final SOC 1.2.102, p 3. The first named claimant lodged the original statement of claim ‘on behalf of the Ngati Te Puta Hapu of the Ngati Maniapoto Iwi’: claim 1.1.27, p [1]. Wayne Jensen described the claim as being on behalf of ‘Motiti, Ngati Te Putaitemuri and Ngati Tauhunu being hapu of Ngati Kinohaku and Ngati Maniapoto respectively’: doc 537, p 2.
86. Final SOC 1.2.102, p 3.
87. The Tapuiwahine block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 14.6.2 and 16.4.3.2.4.
88. Claim 1.1.27.
hapū would determine their boundaries. They allege the Crown’s breaching of the promises and guarantees in the Treaty and Te Ōhāki Tapu underlies the significant prejudices suffered by Ngāti Kinohaku.\(^9\)

The statement then lists 10 causes of action.

Closing submissions (made on behalf of the whole claimant group) emphasise that although Ngāti Kinohaku and other hapū have joined with Ngāti Maniapoto, or come under its banner, they remain a distinct group with their own mana.\(^9\)

The submissions develop the claimants’ central allegations further, focusing on five themes: tino rangatiratanga, the ‘devastating’ loss of land and resources due to various Crown-led initiatives, twentieth century land administration and development schemes (including the Ōparure land development scheme which they say began as a direct result of requests by Ngāti Kinohaku landowners who ‘had no other options to deal with mostly fragmented units of land’ but did not succeed due to the Crown’s ‘lack of proper assessment and interest’),\(^9\) the depletion of their natural resources, and the loss of te reo through the imposition of Crown education policies.\(^9\) Among other examples of the Crown allegedly breaching its duty to protect Ngāti Kinohaku, counsel refer to two public works takings detailed in witness evidence. Wayne Jensen described the laying of gas pipelines beside the Mōtītī marae and the lack of meaningful compensation, while Hinekopu Barrett spoke on the taking of shingle from Pakeho 18 block and the failure of the Crown agency to gain the owners’ consent or seek other alternatives.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).

\(^{89}\) Final SOC 1.2.102, p16.

\(^{90}\) Submission 3.4.204, p9.

\(^{91}\) Submission 3.4.204, p45.

\(^{92}\) Submission 3.4.204, p56.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Oparure land development scheme, which is the subject of Ngāti Kinohaku claimant allegations, is not discussed in detail but is referred to in sections 17.3.1.2 and 17.3.4.
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Particularly relevant to this claim is our discussion of the extent to which it was ‘tempting for taking authorities to resort to compulsory taking of Māori land’ for purposes that could be described as routine. As well as takings for rubbish dumps and recreation grounds, those for ‘many local quarries, shingle pits, scenic reserves, and local roads also appear either not to meet any national interest test or could have been located elsewhere or an alternative such as leasing (and paying royalties) was clearly available’ (section 20.6).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any additional Tribunal findings on local allegations or claims
The group’s amended statement of claim states that the construction of the Kapuni and Maui natural gas pipelines in the late 1960s affected many Ngāti Kinohaku blocks and sites of significance, including an urupā located on part of the Tapuiwahine block in which they have interests. In summary, the claimants allege:

- the routes for the pipelines were secured by easement, and thus without the consent or agreement of the landowners;
the landowners were not consulted on the routes of the pipelines, which pass through or near an urupā;

the landowners were not properly compensated by the Natural Gas Corporation for costs incurred in the construction and ongoing presence of the pipelines; and

today the Mōtīti marae is between the gas lines, and the pā trustees and beneficial owners are forced to meet actual and ongoing costs ‘incidental to the diversion of construction systems and to accommodate gas lines . . . without compensation and/or financial assistance’.93

For the authority to lay the Kapuni and Maui gas pipelines across the Tapuiwahine block, the Crown relied on easement certificates issued under a 1962 amendment to the Petroleum Act 1937 and under Section 17 of the Natural Gas Corporation Act 1967. The effect of Section 17 of the Natural Gas Corporation Act 1967 was to allow for easement certificates to be issued requiring landowners to accommodate the pipelines while obviating ‘the prior necessity of reaching individual agreements on details etc of those easements’.94

As the claimants point out, the Kapuni gasline passes close to the Ngāti Kinohaku urupā located on the Tapuiwahine A13 block. The Crown was aware of the existence of this urupā when the gasline routes were planned. In planning the routes, a Crown official determined that the urupā was located ‘approximately 100 foot’ in clearance from the pipeline and was therefore of acceptable proximity.95 The Crown made this determination without consulting the landowners. The claimants gave evidence at hearing that the urupā is in fact closer to the pipeline than the Crown official estimated, and the Crown records themselves do not record a precise distance.96

The process of compensation for laying the pipelines was to offer landowners a payment ‘assessed at 50 per cent of a special Government valuation of the paddock value of the land contained in the easement’.97 In addition, compensation could also be paid for disturbance and damage during construction and for loss of use.98 For the Tapuiwahine blocks, the Māori Trustee negotiated with the Crown on behalf of the owners, and apportioned the easement fees paid in compensation in favour of the lessees of the land at the time. The result was an inequitable outcome for the Māori landowners. This was despite the pipeline becoming a permanent feature of the lessor’s land, and the easement certificate being registered forever on the title. The evidence shows that the Māori Trustee attempted to rectify this error by writing to the Ministry of Works in 1972, but the ministry was unable

93. Final SOC 1.2.102, para 44.3(d).
95. Final SOC 1.2.102, para 44.3(d).
to assist as the easement fees had already been paid out. We find that the Māori landowners of the Tapuiwahine blocks were denied appropriate compensation for the installation of the pipeline.99

In all these respects, we find the claim to be well founded. We find that the Crown breached the Treaty principles of partnership, protection of tino rangatiratanga and active protection by:

- failing to properly engage in full and genuine consultation with Māori over the appropriation of Māori land for the purposes of laying the Kapuni and Maui gas pipelines across the Tapuiwahine block;

- failing to ensure Māori landowners were fairly compensated for the easements;

- siting the pipelines insensitively; failing to protect a site of importance to Māori; and failing to engage in appropriate consultation over the routes.

This conclusion echoes findings we made in chapter 20 of this report relating to public works (see section 20.6).

Finally, we have insufficient evidence to determine the nature or extent of any historic or ongoing costs arising from the presence of the pipeline on Ngāti Kinohaki land. We thus make no findings on that particular aspect of the claim. However, we suggest that the Crown engage with the claimants to determine the extent of any incidental costs incurred, now or in the past, as a result of the pipeline's presence and also to consider appropriate forms of redress through consultation.

Claim title
Ngāti Te Kanawa and Ngāti Te Peehi Claim (Wai 587)

Named claimants
Pita Pou Haereti, Haamiora Moerua (1996), and Ratapu Kaa (2007)

Lodged on behalf of
Themselves and the Ngāti Te Kanawa and Ngāti Te Pēhi hapū of Ngāti Maniapoto iwi

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege Ngāti Te Kanawa and Ngāti Pēhi have been prejudiced by various Crown actions and omissions. These resulted in the loss of land, forests, water areas, and resources, the inability to exercise their tino rangatiratanga and kaitiakitanga, and the suppression of their tikanga. In particular, this claim concerns lands within Kinohaku West, including (but not limited to) the Tawarau State Forest, Tawarau River, Marokopa River, Marokopa Valley Scenic Reserve, the foreshore, seabed, marine, and coastal areas.

The claimants say that within their rohe, the Crown created a system of land control which dispossessed them of their lands and did not protect their interests. Overall, they argue that the Crown's legislation, practices, and policies caused them and their forebears to lose tino rangatiratanga over their lands, waterways, taonga, and foreshore and seabed; and also resulted in the desecration and destruction of their wāhi tapu.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

100. Ratapu Kaa was added as a claimant in 2007: claim 1.1.28(b), p.1.
102. Submission 3.4.177, p.4.
103. Submission 3.4.177, p.3. Kinohaku West and its partition blocks are discussed extensively throughout Te Mana Whatu Ahuru; Tawarau State Forest and the Marokopa River are discussed in chapter 21.
104. Claim 1.2.89, p.4; submission 3.4.396, p.3.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown and private purchasing and leasing of Te Rohe Pōtae land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

  We refer to the establishment of an ecological reserve at Taumatatawhero in the Tawarau State Forest in section 21.3.3. In section 21.4.5, we refer to exotic forest planting at Tawarau.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  In section 22.6.9, we discuss whitebait and their value as taonga. At section 22.6.9.2 we refer to the Crown’s management regime for whitebait in the Marokopa River, among others.
Claim title
Ngāti Rōrā Claim (Wai 616)\textsuperscript{105}

Named claimants
Rewi Nankivell and Mack Waretini\textsuperscript{106}

Lodged on behalf of
Ngāti Rōrā

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
556, 616, 1377, 1820

Summary of claim
The original Wai 616 claim (1996) focuses primarily on alleged Treaty breaches in respect of land alienations and the Crown's neglect of Te Ōhāki Tapu. The claimants further allege that hapū lands were taken for the North Island Main Trunk Railway, survey liens, and resources (such as water, petroleum, gas, and minerals), and that Crown policy destroyed wild game, bird life, insects, and the indigenous forestry. Claimants also acknowledge the Crown's war against Ngāti Maniapoto in 1865. While the heading of the original statement of claim refers to the land blocks 'Pukenui No 2 Block and Te Kūiti No 2 and No 1 Blocks', these are not discussed until the amended claims.\textsuperscript{107} Subsequent amendments to their claim widen the area to encompass all Ngāti Rōrā land interests.\textsuperscript{108}

The final claim principally concerns the Crown's 'continued attempts to undermine, usurp and remove the right, title and authority of Ngāti Rōrā'\textsuperscript{109} and expands their allegations to include war and raupatu; the Crown's disregard of Te Ōhāki Tapu; the imposition of European tenure and the Native Land Court; the Crown's facilitation of alienation and failure to ensure sufficient lands retained; the main trunk railway line; the introduction of alcohol; the imposition of the Te Kūiti native township and the marginalisation of Ngāti Rōrā in Te Nehenehenui; Crown purchasing; twentieth century land alienation, development, and administration; compulsory land acquisitions and public works; local government; waterways; local government and rating; and assaults on the environment, tikanga, and well-being of Ngāti Rōrā.

\textsuperscript{105} Claim 1.1.30; claim 1.1.30(a); claim 1.1.30(b); claim 1.1.30(c); final soc 1.2.77.
\textsuperscript{106} The original claimant Pura Turner (deceased) was replaced by Rewi Nankivell and Mack Waretini in 2008: claim 1.1.30(c), p 1.
\textsuperscript{107} The Pukenui 273 block is discussed elsewhere in Te Mana Whatu Ahuru including in section 14.5.3; the 28208 block is discussed in, among others, sections 17.4.1 and 17.4.6.
\textsuperscript{108} See list in claim 1.2.77, pp 3–4.
\textsuperscript{109} Claim 1.2.77, p 1.
These allegations are developed in the closing submissions filed by the Ngāti Rōrā group (Wai 556, Wai 616, Wai 1377, and Wai 1820). There, counsel expands on alleged historical Crown breaches related to Ngāti Rōrā hapū, which they categorise into four themes: Rangatiratanga and Kāwanatanga, Te Whenua, Te Taiao, and Toi Ora 'Toi Tangata.

The first discusses alleged breaches related to the impact of the Waikato War and raupatu, the Crown's failure to uphold the terms of Te Ōhākī Tapu, the detrimental effects of the introduction of alcohol, the impacts of the North Island Main Trunk Railway, the delegation of authority to local government agencies within the inquiry district, and the Crown's failure to respect tikanga and taonga.110

‘Te Whenua’ discusses alleged breaches related to land alienations between 1840 and 1865, land purchasing during the aukati, the imposition and impacts of the Native Land Court and native lands legislation, land alienation 'during the period of Pre-emption' (1885–1909), native townships, land development schemes, public works legislation and takings, partitioning, vesting, ratings, survey costs, and alienation processes.111

‘Te Taiao’ and ‘Toi Ora ‘Toi Tangata’ discuss ‘the continuing marginalisation of Ngāti Rōrā in their heartlands.’112 In particular, they allege Crown Treaty breaches related to Ngāti Rōrā environment, waterways, resources, tikanga, culture, and well-being (for example, education, housing, racial discrimination, and employment).113

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

The specific experience of Ngāti Rōrā is discussed throughout sections 6.10.5 to 6.10.7.

110. Submission 3.4.279, pp10–22.
111. Submission 3.4.279, p 23.
112. Submission 3.4.279, p 58.
113. Submission 3.4.279, pp 55–63; claim 1.2.77, pp 1–2.
The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The Crown’s railway takings from the Pukenui block and the compensation arrangements it made with owners are of particular concern to this claimant group. The takings are discussed in sections 9.4.3, 9.4.4, 9.4.6, 9.5.3, 9.8.11, and 9.8.12.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

In section 17.4, we also refer to the claimants’ specific allegations concerning the Te Kuiti 2BOB block.
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
**Claim title**
Ngāti Kinohaku Lands, Forests, and Fisheries Claim (Wai 753)

**Named claimants**
Puhi Paparaahi, Stephen Rewi Walsh, Rangi Joseph, Glen Katu, Leslie Stewart, and Henry Baker

**Lodged on behalf of**
Ngāti Kinohaku

**Takiwā**
Te Kūiti–Hauāuru. Ngāti Kinohaku’s mana whenua ‘largely align with the Kinohaku East and West blocks, including strong coastal ties from Awakino to Waikawau then to Taharoa and Kāwhia’.116

**Other claims in the same claim group**
586, 753, 1396, 1585, 2020, 2090. The amended statement of claim lodged jointly by the group in 2011 states that ‘All of the current claimants are trustees and/or beneficiaries of the Ngāti Kinohaku Trust’.117

**Summary of claim**
The claimants originally alleged they had been prejudicially affected by actions of the Crown in the Tawarau block. The subject of this allegation was later amended to the Kinohaku block.118 The claimants allege the sources of the prejudice they have suffered include the waging of war against Ngāti Maniapoto, licensing of liquor in Te Rohe Pōtae in 1956, land takings, destruction of indigenous forestry, removal of fishing rights, and legislation that removed Ngāti Kinohaku’s self-government.119

The group's joint amended statement of claim gives the claimants' background to the Treaty and the Te Ōhākī Tapu agreements. It states at least two Ngāti Kinohaku rangatira signed the Treaty, but they would have understood that Ngāti Kinohaku would retain mana whenua. Ngāti Kinohaku remained in control of their lands when the aukati line was established in 1862. The claimants assert their tūpuna agreed to Te Ōhākī Tapu, having been promised by the Crown that the Native Land Court would not operate in Te Rohe Pōtae, their lands would be inalienable, and iwi and hapū would determine their boundaries. They allege the Crown's breaching of the promises and guarantees in the Treaty and Te Ōhākī

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114. Claim 1.1.34. Stephen Walsh was added as a named claimant in March 2002 and Rangi Joseph, Glen Katu, Leslie Stewart, and Henry Baker were added in August 2010: claim 1.1.34(b); claim 1.1.34(d). In July 2002, the Tribunal was notified that Mr Paparaahi was deceased: claim 1.1.34(c).

115. Submission 3.4.204; claim 1.1.34; claim 1.1.34(a); claim 1.1.34(d); final SOC 1.2.102.

116. Submission 3.4.204, pp 5, 12.

117. Final SOC 1.2.102, p 3.

118. Claim 1.1.34(a).

119. Claim 1.1.34.
Tapu underlies the significant prejudices suffered by Ngāti Kinohaku. The statement then lists 10 causes of action.

The opening submissions (made jointly with the Wai 2020 claimants) state that is a comprehensive historical claim largely focused on the Kinohaku East and West blocks. The claimants reiterate their key themes: the broken promises of Te Ōhākī Tapu, the Crown's failure to protect their rangatiratanga, the Native Land Court process, the loss of land through survey costs, excessive Crown purchasing, compulsory acquisition, land consolidation and development schemes, and environmental degradation.

Closing submissions (made on behalf of the whole claimant group) emphasise that although Ngāti Kinohaku and other hapū have joined with Ngāti Maniapoto, or come under its banner, they remain a distinct group with their own mana.

The submissions develop the claimants’ central allegations further, focusing on five themes: tino rangatiratanga, the ‘devastating’ loss of land and resources due to various Crown-led initiatives, twentieth century land administration and development schemes (including the Ōparure land development scheme which they say began as a direct result of requests by Ngāti Kinohaku landowners who ‘had no other options to deal with mostly fragmented units of land’ but did not succeed due to the Crown’s ‘lack of proper assessment and interest’), the depletion of their natural resources, and the loss of te reo through the imposition of Crown education policies. Among other examples of the Crown allegedly breaching its duty to protect Ngāti Kinohaku, counsel refer to two public works takings detailed in witness evidence. Wayne Jensen described the laying of gas pipelines beside the Mōtītī marae and the lack of meaningful compensation, while Hinekopu Barrett spoke on the taking of shingle from Pakeho 18 block and the failure of the Crown agency to gain the owners’ consent or seek other alternatives.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

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120. Final SOC 1.2.102, p 16.
121. Submission 3.4.80, pp [3]–[4].
122. Submission 3.4.204, p 9.
123. Submission 3.4.204, p 45.
124. Submission 3.4.204, p 56.
Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown's response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown's subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part iii).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part iii).

- The Ōparure land development scheme, which is the subject of Ngāti Kinohaku claimant allegations, is not discussed in detail but is referred to in sections 17.3.1.2 and 17.3.4.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part iv).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part iv).

  Particularly relevant to this claim is our discussion of the extent to which it was ‘tempting for taking authorities to resort to compulsory taking of Māori land’ for purposes that could be described as routine. As well as takings for rubbish dumps and recreation grounds, those for ‘many local quarries, shingle pits, scenic reserves, and local roads also appear either not to meet any national interest test or could have been located elsewhere or an alternative such as leasing (and paying royalties) was clearly available’ (section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part iv).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

Any additional Tribunal findings on local allegations or claims

The group’s amended statement of claim states that the construction of the Kapuni and Maui natural gas pipelines in the late 1960s affected many Ngāti Kinohaku blocks and sites of significance, including an urupā located on part of the Tapuiwahine block in which they have interests. In summary, the claimants allege:

- the routes for the pipelines were secured by easement, and thus without the consent or agreement of the landowners;
- the landowners were not consulted on the routes of the pipelines, which pass through or near an urupā;
- the landowners were not properly compensated by the Natural Gas Corporation for costs incurred in the construction and ongoing presence of the pipelines; and
- today the Mōtītī marae is between the gas lines, and the pā trustees and beneficial owners are forced to meet actual and ongoing costs ‘incidental to the diversion of construction systems and to accommodate gas lines . . . without compensation and/or financial assistance.’

For the authority to lay the Kapuni and Maui gas pipelines across the Tapuiwahine block, the Crown relied on easement certificates issued under a 1962 amendment to the Petroleum Act 1937 and under Section 17 of the Natural Gas Corporation Act 1967. The effect of Section 17 of the Natural Gas Corporation Act 1967 was to allow for easement certificates to be issued requiring landowners to accommodate the pipelines while obviating ‘the prior necessity of reaching individual agreements on details etc of those easements.’

As the claimants point out, the Kapuni gasline passes close to the Ngāti Kinohaku urupā located on the Tapuiwahine A13 block. The Crown was aware of the existence of this urupā when the gasline routes were planned. In planning the routes, a Crown official determined that the urupā was located ‘approximately 100 foot’ in clearance from the pipeline and was therefore of acceptable proximity. The Crown made this determination without consulting the landowners. The claimants gave evidence at hearing that the urupā is in fact closer to the pipeline.

125. Final soc 1.2.102, para 44.3(d).
127. Final soc 1.2.102, para 44.3(d).
than the Crown official estimated, and the Crown records themselves do not record a precise distance.\footnote{128}

The process of compensation for laying the pipelines was to offer landowners a payment ‘assessed at 50 per cent of a special Government valuation of the paddock value of the land contained in the easement.’\footnote{129} In addition, compensation could also be paid for disturbance and damage during construction and for loss of use.\footnote{130} For the Tapuiwahine blocks, the Māori Trustee negotiated with the Crown on behalf of the owners, and apportioned the easement fees paid in compensation in favour of the lessees of the land at the time. The result was an inequitable outcome for the Māori landowners. This was despite the pipeline becoming a permanent feature of the lessor’s land, and the easement certificate being registered forever on the title. The evidence shows that the Māori Trustee attempted to rectify this error by writing to the Ministry of Works in 1972, but the ministry was unable to assist as the easement fees had already been paid out. We find that the Māori landowners of the Tapuiwahine blocks were denied appropriate compensation for the installation of the pipeline.\footnote{131}

In all these respects, we find the claim to be well founded. We find that the Crown breached the Treaty principles of partnership, protection of tino rangatiratanga and active protection by:

- failing to properly engage in full and genuine consultation with Māori over the appropriation of Māori land for the purposes of laying the Kapuni and Maui gas pipelines across the Tapuiwahine block;

- failing to ensure Māori landowners were fairly compensated for the easements;

- siting the pipelines insensitively; failing to protect a site of importance to Māori; and failing to engage in appropriate consultation over the routes.

This conclusion echoes findings we made in chapter 20 of this report relating to public works (see section 20.6).

Finally, we have insufficient evidence to determine the nature or extent of any historic or ongoing costs arising from the presence of the pipeline on Ngāti Kinohaku land. We thus make no findings on that particular aspect of the claim. However, we suggest that the Crown engage with the claimants to determine the extent of any incidental costs incurred, now or in the past, as a result of the pipeline’s presence and also to consider appropriate forms of redress through consultation.

\footnotesize
\begin{itemize}
  \item \footnote{128}{Document S37 (Jensen), para 31.}
  \item \footnote{129}{Document A63, p 234.}
  \item \footnote{130}{Document A63, p 233.}
  \item \footnote{131}{Document A63, p 238–239.}
\end{itemize}
Claim title
Kinohaku West No 11 Block Claim (Wai 991)

Named claimant
Meri Walters (2001)

Lodged on behalf of
Herself, her whānau, the Te Korakora Incorporation, other descendants of the coastal hapū of Ngāti Urunumia, and the descendants of original owners in Kinohaku West No 11

Takiwā
Te Kūti–Hauāuru. This claim relates to Kinohaku West 12CDD1 and Kinohaku West 12C1A2 blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 991 claim concerns the alienation of land from the Kinohaku West blocks. It argues that the Crown and Native Land Court worked together to promote the alienation of land, and that the Crown also unfairly exploited its purchasing monopoly. The claim says Te Rohe Pōtae Māori have been left with insufficient lands for their support.

The closing submission raises more specific issues relating to the Kinohaku West 12CDD1 and Kinohaku West 12C1A2 blocks. In regard to the first, it is submitted that legal access to the sea was taken away without any compensation being paid. As for the second block, it was allegedly partitioned and alienated in a manner that went against the will of the named claimant’s paternal grandmother. In addition, it is alleged that the Māori Land Court failed to preserve access to the whānau urupā.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this

132. Claim 1.1.56; submission 3.4.190.
133. Claim 1.1.56; doc S52 (Walters).
134. Claim 1.1.56.
135. Kinohaku West and its partition blocks are discussed extensively throughout Te Mana Whatu Ahuru. Specific subdivisions are detailed in sections 20.4.4 and 20.4.4.3 and tables 11.6, 13.9, 13.10, and 14.2.
137. Submission 3.4.190, p 3.
138. Submission 3.4.190, pp 1–2, 4.
139. Submission 3.4.190, p 5.
conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
› The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

› The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Nikora Whānau Te Kūiti Township Claim (Wai 1031)

Named claimant
Pumi Hone Nikora

Lodged on behalf of
The direct descendants of the claimant’s great-grandfather, Te Hauparoa, and grandfather, Te Amohanga.140

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns lands within and adjacent to Te Kūiti township.141 The claimant alleges the lands were taken by the Crown illegally, without consultation, and without due consideration to the descendants of the owners. The claimant asserts that, as a result, their heritage and rights to their ancestral lands have been eroded and their tino rangatiratanga stolen from them.142

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

› the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or

› it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

› the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

› Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te

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140. Claim 1.1.62, p [1].
141. The Te Kūiti Native Township is discussed elsewhere in Te Mana Whatu Ahuru, including in section 15.4.
142. Claim 1.1.62, p [1].
Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.
Claim title
Te Kūiti Aerodrome and Associated Lands Claim (Wai 1190)

Named claimants
Rama Martin, Joanne Matana, Karyn Skudder, Elaine Wi, Tiriti o Waitangi Tahiti, Christopher Hamahona Atutahi, and Hinuoriwa Olive Atutahi

Lodged on behalf of
Themselves and the descendants of Kiore Pakore, also known as Kiore Tuariri Hohepa

Takiwā
Te Kūiti–Hauāuru. The claimants affiliate with both Ngāti Kinohaku and Ngāti Peehi. The claim concerns land formerly owned by Kiore, particularly within the Te Kumi 9 block.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1190 statement of claim addresses the Crown’s compulsory acquisition of Kiore Pakoro’s land in 1936 for an aerodrome in Te Kūiti. The claimants allege that the Crown acquired 6,895 hectares of land that was originally part of the Te Kumi A16 block. The claimants further say that compensation was paid to the Māori land board on behalf of Kiore. The claimants assert that the Te Kuiti Aero Club leased the land from the Crown, but in 1961 the land was proclaimed a reserve and vested in the Te Kuiti Borough Council for the purposes of an aerodrome. The claimants state that when their claim was submitted in 2004, much of the land was being used for horse stabling and grazing, indicating that the entire area originally acquired was no longer needed for the aerodrome. In an amended statement of claim, the claimants introduce additional allegations concerning the impact of Native Land Court processes, which they say have led to

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143. Final SOC 1.2.11, p 1. At the time the final claim was lodged in 2011, counsel advised that both Christopher Hamahona Atutahi (an original named claimant) and Hinuoriwa Olive Atutahi (who became a named claimant in 2008) had passed away.
144. Final SOC 1.2.11, p 1.
145. Final SOC 1.2.11, p 1.
146. The taking of land at Te Kumi for the Te Kūiti Aerodrome is discussed elsewhere in Te Mana Whatu Ahuru, principally in section 20.5.3.
the fragmentation and alienation of their lands.\textsuperscript{151} They also claim the Crown failed to protect their tino rangatiratanga over taonga.\textsuperscript{152}

In a final amended statement of claim, the claimants provide further detail and particulars supporting their claim. With respect to their lands in the Te Kumi A\textsuperscript{16} block, the claimants allege that the Crown failed to adequately protect them against fragmentation and individualisation arising from the Native Land Court process. They say that this failure made their land available for acquisition by the Crown under public works legislation.\textsuperscript{153} They further allege that the Crown failed to adequately consult with the owners before compulsorily acquiring their lands in the Te Kumi A\textsuperscript{16} block. The claimants state the Crown failed to consider a land exchange, an arrangement that ‘would have allowed Kiore to keep an adequate land base’.\textsuperscript{154} Finally the claimants assert that compulsory acquisition provisions in public works legislation were used to benefit the aerodrome, without consideration of the Crown’s duty to protect Māori interests.\textsuperscript{155}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

\begin{itemize}
  \item \textsuperscript{151} Claim 1.1.83(b), p 2.
  \item \textsuperscript{152} Claim 1.1.83(c), p 3.
  \item \textsuperscript{153} Final SOC 1.2.11, p 8.
  \item \textsuperscript{154} Final SOC 1.2.11, p 11.
  \item \textsuperscript{155} Final SOC 1.2.11, p 14.
\end{itemize}

\textbf{Te Kūiti–Hauāuru}
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

In section 20.5.3.1, we consider the allegations contained within this claim that relate to the Te Kūiti aerodrome, and the compulsory acquisition of the claimants’ lands for the purposes of establishing the aerodrome.
Claim title
The Ngāti Paemate and Maniapoto Tainui Claim (Wai 1352)

Named claimant
Te Tahana Tangihaere

Lodged on behalf of
Ngāti Paemate hapū and Maniapoto Tainui iwi

Takiwā
Te Kuiti-Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the Crown’s alleged denial of Ngāti Paemate hapū and Maniapoto Tainui iwi ownership and control of their lands and resources, and relates particularly to the Mōkau River, the Aotea block, Mōkau Harbour, and offshore fisheries.

The claimant argues that Ngāti Paemate and Maniapoto Tainui have been denied the ownership and mana of the Mōkau River. The claim alleges that the river has been desecrated and polluted because of the Crown’s failure to provide a legislative framework for land use and resource planning that takes account of hapū concerns about the river. It is also alleged that Maniapoto Tainui have been denied ownership and control of land and fisheries in the Mōkau Harbour, and the fisheries have been depleted. In respect of Ngāti Paemate and Maniapoto Tainui interests in the Aotea block, the boundaries of which were defined in Te Ōhākī Tapu, the claim alleges the Crown ‘withheld’ these from Ngāti Paemate and Maniapoto Tainui.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

156. Claim 1.1.94, p [1].
157. The original subdivision of the Aotea–Rohe Potae block is discussed in section 10.4. The Mōkau river is discussed elsewhere in Te Mana Whatu Ahuru, including throughout chapters 20 and 21.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Whānau and Descendants of Whitinui Joseph of Ngāti Kinohaku Claim (Wai 1361)

Named claimants
Te Pare Kaui Joseph and Rangi Joseph

Lodged on behalf of
The whānau of Whitinui Joseph of Ngāti Kinohaku\(^{159}\)

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the alleged loss of the claimants’ whānau lands through private purchasing and compulsory acquisition, particularly the lands that became the Te Kūiti aerodrome.\(^{160}\)

The initial statement of claim (1996) was filed in response to the transfer of the Crown’s shareholding in the Te Kūiti aerodrome to the Waitomo District Council. Claimants allege they have been prejudiced by the Government’s public works policies and practices – as exercised by the Te Kuiti Borough Council and its successor, Waitomo District Council – regarding the lands that became the site of the aerodrome.\(^{161}\) The claimants assert their land was taken, rented out, and never offered back or returned to the descendants of the original owners at the ‘conclusion of the operations for which it was first taken.’\(^{162}\)

The amended statement of claim (2011) expands the allegations and claim area to include the ‘Ohaua or Tukatahi’, Te Kumi and Pukeroa–Hangatiki blocks.\(^{163}\) The claimants allege that the Crown, in breach of its Treaty duties, failed to recognise the land rights of their tūpuna; allowed others to deal in land in the Ohaua block that was rightfully owned by Māori women; and failed to halt or rectify the continual alienation of Te Kumi lands from whānau control, leaving them with insufficient lands for their needs. Further, they allege the Crown introduced public works legislation enabling the claimants’ land (specifically the Te Kumi and Pukeroa–Hangatiki blocks) and resources to be compulsorily acquired for roading and the aerodrome. They claim the Crown failed to provide the proper consultation, compensation, protections, or other redress that were available for owners.

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\(^{159}\) Submission 3.4.87, p 2.
\(^{160}\) Claim 1.2.95, p [3].
\(^{161}\) The taking of land at Te Kumi for the Te Kūiti Aerodrome is discussed elsewhere in *Te Mana Whatu Ahuru*, principally in section 20.5.3; the Pukeroa–Hangatiki block is discussed elsewhere including section 16.4.4.3.
\(^{162}\) Claim 1.1.96; submission 3.4.87, p 2.
\(^{163}\) Claim 1.2.95, p [3].
of non-Māori land, and also failed to use available alternatives to compulsory acquisition. The claimants say they adopt the generic pleadings on the following topics, ‘to the extent that [they] are relevant to this whānau claim’: raupatu; Te Ōhākī Tapu, Te Rohe Pōtae compact, and constitutional issues; Native Land Court; overall land alienation/protection of productive base; railways; Crown purchasing and policy, and related private purchasing issues; native townships; vested lands; public works/compulsory acquisitions; Māori land development and administration; environment; local government and rating; economic development; assaults on tikanga; and health and education.

In submissions and briefs of evidence, claimants expand on the ‘institutional prejudice’ they say existed within the education system and which they allege stigmatised and ‘created ongoing prejudice in the struggle for revitalisation of their Reo and tikanga.’ They also refer to the Crown’s alleged ‘gross neglect of responsibility to honour Te Ohaki Tapu.’

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

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164. Claim 1.2.95.
165. Submission 3.4.87, p 2; doc S53, p 21.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōteae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōteae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōteae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōteae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōteae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōteae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōteae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōteae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
In section 20.5.3.1, we consider the allegations contained within this claim that relate to the Te Kūiti aerodrome, and the compulsory acquisition of the claimants’ lands for the purposes of establishing the aerodrome.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Uekaha A11 and Part A10 Land Blocks Claim (Wai 1376)

Named claimants
Thomas Heta Holden and Norman Tane

Lodged on behalf of
Themselves and all beneficial owners of land known as Uekaha A11 and Part A10 blocks

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by Crown actions in the Uekaha A11 and A12 blocks and part of the Uekaha A10 block, which left the blocks undeveloped and encumbered with debt. The blocks were created by consolidation and compulsorily vested in the Waikato-Maniapoto District Maori Land Board. Responsibility for vested Māori lands was transferred to the Māori Trustee in 1953. The blocks were subsequently leased to farmers with 75 per cent valuation to be paid for improvements. This condition imposed considerable debts on owners when the leases expired, the claimants say.

The amended statement of claim sets out one cause of action for the claim, which is that the compulsory vesting of land in the Māori land boards was discriminatory and in breach of the Treaty of Waitangi. The claimants also adopt the generic pleadings on vested lands in so far as they relate to their experience.

The closing submissions conclude that compulsory vesting suspended the claimant’s rights in respect of their lands, while the return of the lands with significant debt prevented their economic utilisation and development.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

167. Submission 3.4.223. The claim was originally brought in 2006 by Thomas Heta Holden. Norman Tane joined the claim in 2010: claim 1.1.97; memo 2.2.115.
168. Submission 3.4.223.
169. Final SOC 1.2.103, p 2.
170. Claim 1.1.97, p 1; submission 3.4.223, pp [3]–[5].
171. Final SOC 1.2.103, p 4.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
Claim title
The Hori Tana (George Turner) Claim (Wai 1377)

Named claimant
Ngaraima (Georgina) Turner-Nankivell (2007)

Lodged on behalf of
Ngāti Rōrā

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
556, 616, 1377, 1820

Summary of claim
The original Wai 1377 claim (2006) concerns the suffering the claimant’s tupuna, Rewi Manga Maniapoto, experienced as a result of the battle of Ōrākau. It also makes allegations about the takings and fragmentation of Maniapoto lands under the public works statutes, native land laws, and Native Land Court processes.

The claimant says the Crown breached Te Tiriti o Waitangi by failing to protect the lands of her tupuna Hori Tana by compulsorily acquiring lands, failing to ensure he and his people retained sufficient lands for their present and ongoing needs, and dislocating them from their ancestral lands. The claimant says as a result, Ngāti Rōrā have suffered the denigration of their mana, and lost both their identity and essentially all their customary lands and taonga. They have been left with fragmented, individualised land holdings that are manifestly insufficient for their present and future needs, it is alleged.

These allegations are developed in the closing submissions filed by the Ngāti Rōrā group (Wai 556, Wai 616, Wai 1377, and Wai 1820). There, counsel expands on alleged historical Crown breaches related to Ngāti Rōrā hapū, which they categorise into four themes: Rangatiratanga and Kāwanatanga, Te Whenua, Te Taiao, and Toi Ora Toi Tangata.

The first discusses alleged breaches related to the impact of the Waikato War and raupatu, the Crown’s failure to uphold the terms of Te Ōhākī Tapu, the detrimental effects of the introduction of alcohol, the impacts of the North Island Main Trunk Railway, the delegation of authority to local government agencies within the inquiry district, and the Crown’s failure to respect tikanga and taonga.

173. The original claimant, Rewi Turner (deceased) was replaced by Ngarima Turner-Nankivell in 2007: claim 1.1.98(a), p.2.
174. Originally lodged on behalf of the descendants of Hori Tana (George Turner).
175. Rewi Manga Maniapoto is a tupuna of the claimant’s tupuna Hori Tana: claim 1.1.98, p [1].
176. Claim 1.1.98(a).
177. Claim 1.2.73, pp 4–5.
'Te Whenua’ discusses alleged breaches related to land alienations between 1840 and 1865, land purchasing during the aukati, the imposition and impacts of the Native Land Court and native lands legislation, land alienation ‘during the period of Pre-emption’ (1885–1909), native townships, land development schemes, public works legislation and takings, partitioning, vesting, ratings, survey costs, and alienation processes.

‘Te Taiao’ and ‘Toi Ora Toi Tangata’ discuss ‘the continuing marginalisation of Ngāti Rōrā in their heartlands’. In particular, they allege Crown Treaty breaches related to Ngāti Rōrā environment, waterways, resources, tikanga, culture, and well-being (for example, education, housing, racial discrimination, and employment).\(^{178}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  - We discuss the battle of Ōrākau at section 6.7.10. The specific experience of Ngāti Rōrā is discussed throughout sections 6.10.5 to 6.10.7.
- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).
- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation,
labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The Crown’s railway takings from the Pukenui block and the compensation arrangements it made with owners are of particular concern to this claimant group. They are discussed in sections 9.4.3, 9.4.4, 9.4.6, 9.5.3, 9.8.11, and 9.8.12.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Huiao and Kinohaku East Claim (Wai 1386)

Named claimants
Robert Koroheke, Rudolph Hotu, and Patsy Roach\(^\text{179}\)

Lodged on behalf of
Themselves and Ngāti Huiao and Ngāti Kinohaku of Te Kauae Marae, Hangatiki\(^\text{180}\)

Takiwā
Te Kūiti–Hauāuru. This claim relates to land in Ōtorohanga township as well as in the Pokuru, Kinohaku East 2 (Pakeho), and other blocks.\(^\text{181}\)

Other claims in the same claim group
1386, 1762. The claimants all affiliate to Ngāti Huiao. They also have close associations and whakapapa with Ngāti Kinohaku and Ngāti Te Kanawa.\(^\text{182}\)

Summary of claim
The claimants allege they have been prejudicially affected by the Crown’s land takings in the Taumatatotara, Pukeroa-Hangatiki, and Mangarapa blocks.\(^\text{183}\) They allege the prejudice arising from these Crown actions has resulted in generations of landless and culturally dispossessed people.\(^\text{184}\)

The amended statement of claim (made with the Wai 1762 claimants) lists six causes of action: war and raupatu; failure to protect land base; public works and compulsory takings of land; Crown administration of Māori-owned land; and vested lands. It gives more detail of the Ngāti Huiao claim area, saying it encompasses the three blocks noted above and also parts of Hauturu East and West, Kinohaku East and West, Kakepuku, and Rangitoto–Tuhua blocks; and others. The claimants allege numerous breaches of the Treaty by the Crown in these and other blocks which have left them landless or unable to support themselves from the land they retain.

\(^{179}\) Final SOC 1.2.126. The claim was originally brought in 2006 by Pita Hotu. Robert Koroheke and Patsy Roach were added as named claimants in 2008, and they were joined in 2010 by Rudolph Hotu. Counsel advised that Mr Pita Hotu had passed away in 2010: claim 1.1.99; claim 1.1.99(a); claim 1.1.99(b).

\(^{180}\) Final SOC 1.2.126; submission 3.4.93. In the statement of claim this was expressed as having been made on behalf of ‘himself and Ngati Huiao-Kinohaku of Te Kauae Marae, Hangatiki and descendants of original owners of the Pukeroa-Hangatiki and Mangarapa blocks’: claim 1.1.99(a).

\(^{181}\) Final SOC 1.2.126, pp 3–4; doc S32 (Hotu), p 3.

\(^{182}\) Final SOC 1.2.126, p 3.

\(^{183}\) The Taumatatotara block and its various subdivisions are discussed elsewhere in Te Mana Whatu Ahuru, principally in chapter 13. The Pukeroa-Hangatiki block is discussed in section 16.4.4.3 and elsewhere, and the Mangarapa block in sections 11.4.3, 11.4.6, 11.4.9, 16.4.3.2.3, and 16.4.4.4 and tables 10.1, 11.4, and 11.5.

\(^{184}\) Claim 1.1.99.
The amended statement of claim refers to two petitions to Parliament by the claimants’ tūpuna in 1892 and 1912 for the return of a urupā. The claimants were eventually successful in 1922, with the return to them of the burial ground.\textsuperscript{185}

The claimants state the Crown breached its duties under the Treaty by the compulsory acquisition of nearly 500 acres land for scenery purposes in land blocks in which they held interests. They allege the Waitomo Caves claims settlement breached the Crown’s duty of active protection by failing to ensure all beneficiaries were included. The Crown, they allege, took more land than it needed for the Tokanui mental hospital.

The claimants allege the Crown forced thousands of acres of the claimants’ land into the Maniapoto consolidation scheme. The forced involvement in the scheme prevented them for years from utilising their land. They allege that, in breach of its duties, the Crown acquired from them for costs associated with the scheme.

The claimants further allege that land was alienated from them through local government mechanisms. This involved the vesting of lands in the Māori Trustee, without their consent. Some of their land was compulsorily sold because of noxious weeds. One block was Europeanised. In addition, some Ngāti Huia were made landless by the compulsory vesting of their land in Rangitoto–Tuhua 26A in the Māori land board.\textsuperscript{186}

Lastly, the claimants allege the Crown failed in its duty of care to soldiers exposed to Agent Orange in the Vietnam War and, specifically to a claimant whānau.\textsuperscript{187}

The claimants adopt the generic pleadings on war and raupatu, Te Ōhākī Tapu, the Native Land Court, land alienation, railways, Crown purchasing, native townships, Māori land development schemes, environment, local government and rating, economic development, tikanga, and health and education. Six causes of action against the Crown are listed: war and raupatu; failure to protect land base; public works and compulsory takings of land; Crown administration of Māori owned land; vested lands; and health and education.

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtāe district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtāe Māori apply to this claim and (b) whether the claim raises specific local allegations requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
\item \textsuperscript{185} Document A79 (Husbands and Mitchell), pp 436–439.
\item \textsuperscript{186} The Rangitoto–Tuhua 26A block is discussed elsewhere in \textit{Te Mana Whatu Ahuru}, including in sections 13.3.7.1, 13.3.8, and 13.5.1.
\item \textsuperscript{187} Final soc 1.2.126, pp 14, 25, 27, 30.
\end{itemize}
Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

In our discussion of confiscation at section 6.10.8.3, Ngāti Huiaio is identified as one of the affected hapū. We note there that ‘the extent to which land bases were diminished by confiscation needs to be taken into account when considering the prejudice arising through later alienations by other means’. In section 6.11 we find that the Crown breached the article 2 guarantee of tino rangatiratanga, the Treaty principles of partnership and autonomy, and the duty of active protection when it confiscated land north of the Pūniu where Ngāti Maniapoto and Ngāti Maniapoto-affiliated hapū had interests.

The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

In specific findings on the Ōtorohanga native township, we found that the owners’ consent to Ōtorohanga being proclaimed as a native township was conditional on the nature and identity of the third-party entity charged with administering it.

We do not have sufficient information to come to a general conclusion on the success or otherwise of the leasing regime in Ōtorohanga. As in other townships, many leases in Ōtorohanga were perpetually renewable. These leases not only depressed the income flowing to owners, but also made it much more difficult for the owners to regain direct control of their lands. Rather than being leased, a significant proportion of Ōtorohanga was ultimately sold. From the evidence presented to the Tribunal, it is clear that for far too long, the Crown’s emphasis was on pushing Māori to sell.

We found that the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga of Te Rohe Pōtae Māori and of the land itself. Furthermore, in bowing to lessee pressure to acquire the freehold of their leased lands, and at times actively intervening to assist lessees to purchase their sections, the Crown breached the duty of active protection of the land, and the article 3 principle of equity.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

With specific reference to the Maniapoto consolidation scheme, section 16.8 concluded that the level of consultation prior to the initiation of the Maniapoto Consolidation Scheme fell short of what was required in order for the Crown to obtain the informed consent of the affected owners.

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

Land in which the claimants have interests became part of the Ōparure and Pirongia land development schemes, two of the 17 land development schemes
established in Te Rohe Pōtae. While we do not directly discuss these two schemes in section 17.6, our conclusions are relevant to this claim.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  With specific reference to the Tokanui Mental Hospital taking, section 20.4.3 states that the Crown conceded a Treaty breach with the taking in that a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the mental hospital. In agreeing that the taking involved an ‘excessive amount’ of land, the Crown also acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and therefore the taking of land for the Tokanui hospital breached the Treaty and its principles.

  In section 20.9, we find the general public works regime applied in this inquiry district is in breach of article 2 and Treaty principles of partnership, active protection and protection of tino rangatiratanga, in particular by failing to require compulsory takings of Māori land for public works to be a last resort in the national interest.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

Any additional Tribunal findings on local allegations or claims
This claim raises issues about the Crown’s alleged failure to protect Māori veterans of foreign wars during and following military service. Claim allegations specific to the health, status, and recognition of late twentieth century military veterans are not encompassed by the general findings presented in chapters 4–24 of the report, as the issues they raise are being addressed in the Waitangi Tribunal’s ongoing kaupapa inquiry into Māori military veterans.
Claim title

Owners of Taumatatotara A5 Block Claim (Wai 1396)

Named claimants

Rora Evans, Te Pare Kaui Joseph, Kevin Tregoweth, Garry Mahuri Paki-Titi, Weo Maag, Pita Hotu, and Raewyn Renata

Lodged on behalf of

The Trustees and beneficial owners of Taumatatotara A5 block

Takiwā

Te Kūiti–Hauāuru

Other claims in the same claim group

586, 753, 1396, 1585, 2020, 2090. The amended statement of claim lodged jointly by the group in 2011 states that ‘All of the current claimants are trustees and/or beneficiaries of the Ngāti Kinohaku Trust’.

Summary of claim

The claimants allege they have been prejudicially affected by the Crown's land takings in the Taumatatotara A5 block; they say that the Crown is the major shareholder in the block, and it is unclear how it acquired its shares.

The group’s joint amended statement of claim gives the claimants’ background to the Treaty and the Ōhākī Tapu agreements. It states at least two Ngāti Kinohaku rangatira signed the Treaty, but they would have understood that Ngāti Kinohaku would retain mana whenua. Ngāti Kinohaku remained in control of their lands when the aukati line was established in 1862. The claimants assert their tūpuna agreed to the Ōhākī Tapu, having been promised by the Crown that the Native Land Court would not operate in Te Rohe Pōtāe, their lands would be inalienable, and iwi and hapū would determine their boundaries. They allege the Crown’s breaching of the promises and guarantees in the Treaty and the Ōhākī Tapu underlies the significant prejudices suffered by Ngāti Kinohaku. The statement then lists 10 causes of action.

Closing submissions (made on behalf of the whole claimant group) emphasise that although Ngāti Kinohaku and other hapū have joined with Ngāti Maniapoto,
or come under its banner, they remain a distinct group with their own mana.\textsuperscript{194} The submissions develop the claimants’ central allegations further, focusing on five themes: tino rangatiratanga, the ‘devastating’ loss of land and resources due to various Crown-led initiatives, twentieth century land administration and development schemes (including the Ōparure land development scheme which they say began as a direct result of requests by Ngāti Kinohaku landowners who ‘had no other options to deal with mostly fragmented units of land’ but did not succeed due to the Crown’s ‘lack of proper assessment and interest’\textsuperscript{195}), the depletion of their natural resources, and the loss of te reo through the imposition of Crown education policies.\textsuperscript{196} Among other examples of the Crown allegedly breaching its duty to protect Ngāti Kinohaku, counsel refer to two public works takings detailed in witness evidence. Wayne Jensen described the laying of gas pipelines beside Mōtītī marae and the lack of meaningful compensation, while Hinekopu Barrett spoke on the taking of shingle from Pakeho 18 block and the failure of the Crown agency to gain the owners’ consent or seek other alternatives.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903);
the Crown's actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The Ōparure land development scheme, which is the subject of Ngāti Kinohaku claimant allegations, is not discussed in detail but is referred to in sections 17.3.1.2 and 17.3.4.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Particularly relevant to this claim is our discussion of the extent to which it was ‘tempting for taking authorities to resort to compulsory taking of Māori land’ for purposes that could be described as routine. As well as takings for rubbish dumps and recreation grounds, those for ‘many local quarries, shingle pits, scenic reserves, and local roads also appear either not to meet any national interest test or could have been located elsewhere or an alternative such as leasing (and paying royalties) was clearly available’ (section 20.6).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtāe: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtāe Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtāe Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtāe from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any additional Tribunal findings on local allegations or claims

The group’s amended statement of claim states that the construction of the Kapuni and Maui natural gas pipelines in the late 1960s affected many Ngāti Kinohaku blocks and sites of significance, including an urupā located on part of the Tapuiwahine block in which they have interests. In summary, the claimants allege:

- the routes for the pipelines were secured by easement, and thus without the consent or agreement of the landowners;
- the landowners were not consulted on the routes of the pipelines, which pass through or near an urupā;
the landowners were not properly compensated by the Natural Gas Corporation for costs incurred in the construction and ongoing presence of the pipelines; and

today the Mōtīti marae is between the gas lines, and the pā trustees and beneficial owners are forced to meet actual and ongoing costs ‘incidental to the diversion of construction systems and to accommodate gas lines . . . without compensation and/or financial assistance.’

For the authority to lay the Kapuni and Maui gas pipelines across the Tapuiwahine block, the Crown relied on easement certificates issued under a 1962 amendment to the Petroleum Act 1937 and under Section 17 of the Natural Gas Corporation Act 1967. The effect of Section 17 of the Natural Gas Corporation Act 1967 was to allow for easement certificates to be issued requiring landowners to accommodate the pipelines while obviating ‘the prior necessity of reaching individual agreements on details etc of those easements.’

As the claimants point out, the Kapuni gasline passes close to the Ngāti Kinohaku urupā located on the Tapuiwahine A13 block. The Crown was aware of the existence of this urupā when the gasline routes were planned. In planning the routes, a Crown official determined that the urupā was located ‘approximately 100 foot’ in clearance from the pipeline and was therefore of acceptable proximity. The Crown made this determination without consulting the landowners. The claimants gave evidence at hearing that the urupā is in fact closer to the pipeline than the Crown official estimated, and the Crown records themselves do not record a precise distance.

The process of compensation for laying the pipelines was to offer landowners a payment ‘assessed at 50 per cent of a special Government valuation of the paddock value of the land contained in the easement.’ In addition, compensation could also be paid for disturbance and damage during construction and for loss of use.

For the Tapuiwahine blocks, the Māori Trustee negotiated with the Crown on behalf of the owners, and apportioned the easement fees paid in compensation in favour of the lessees of the land at the time. The result was an inequitable outcome for the Māori landowners. This was despite the pipeline becoming a permanent feature of the lessor’s land, and the easement certificate being registered forever on the title. The evidence shows that the Māori Trustee attempted to rectify this error by writing to the Ministry of Works in 1972, but the ministry was unable to assist as the easement fees had already been paid out. We find that the Māori

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197. Final SOC 1.2.102, para 44.3(d).
199. Final SOC 1.2.102, para 44.3(d).
landowners of the Tapuiwahine blocks were denied appropriate compensation for the installation of the pipeline.\textsuperscript{203}

In all these respects, we find the claim to be well founded. We find that the Crown breached the Treaty principles of partnership, protection of tino rangatiratanga and active protection by:

- failing to properly engage in full and genuine consultation with Māori over the appropriation of Māori land for the purposes of laying the Kapuni and Maui gas pipelines across the Tapuiwahine block;

- failing to ensure Māori landowners were fairly compensated for the easements;

- siting the pipelines insensitively; failing to protect a site of importance to Māori; and failing to engage in appropriate consultation over the routes.

This conclusion echoes findings we made in chapter 20 of this report relating to public works (see section 20.6).

Finally, we have insufficient evidence to determine the nature or extent of any historic or ongoing costs arising from the presence of the pipeline on Ngāti Kinohaku land. We thus make no findings on that particular aspect of the claim. However, we suggest that the Crown engage with the claimants to determine the extent of any incidental costs incurred, now or in the past, as a result of the pipeline’s presence and also to consider appropriate forms of redress through consultation.

\textsuperscript{203} Document A63, p. 238–239.
Claim title
Matiu Payne and Descendants of Te Herepounamu alias Koteriki Claim (Wai 1496)

Named claimant
Matiu Payne (2008)\textsuperscript{204}

Lodged on behalf of
Himself and the descendants of Te Herepounamu/Koteriki\textsuperscript{205}

Takiwā
Te Küiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1496 claim addresses Native Land Court decisions between 1901 and 1923 concerning succession of the land interests of Hami Te Herepounamu. The claimant says the descendants of Te Herepounamu have sought to have their rights of succession restored through the Native Land Court and later the Māori Land Court. However, the court allegedly cited various legislation and the inaction of the Public Trustee as reasons for not granting these requests. The claim states that the Native Lands Act of 1865 prevented two of Te Herepounamu's children from inheriting interests in their land. It further alleges their lands were alienated under section 45 of Te Ture Whenua Māori Act 1993.\textsuperscript{206}

These pleadings are developed in an amended statement of claim, which notes that the Native Land Court ignored the custom of whāngai, and reassigned land titles to 'non-kin in respect of the succession of Hami Te Herepounamu.'\textsuperscript{207} The claimant says that this allegedly reassigned land was sold and cannot be returned to 'the uri of Koteriki'; this, native land legislation essentially 'disenfranchised Te Herepounamu's uri.' Finally, it is claimed that the Crown facilitated land sales in the Chatham Islands which amounted to confiscation and prevented Te Herepounamu's uri from retaining land.\textsuperscript{208}

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. However, some of the issues arising from this claim also concern lands outside of the district. Having considered all the evidence presented to us, we find the claim to be well founded.

\textsuperscript{204} Claim 1.1.123.
\textsuperscript{205} Claim 1.1.123.
\textsuperscript{206} Claim 1.1.123(a), pp [1]–[2].
\textsuperscript{207} Claim 1.1.123(a), p [1].
\textsuperscript{208} Claim 1.1.123(a), p [1].
We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

Any additional Tribunal findings on local allegations or claims

The claim makes a number of allegations concerning the succession rights of Te Herepounamu’s descendants. In particular, it says the Native Land Court ‘ignored’ the practice of whāngai and that a Supreme Court decision reassigned land titled ‘to non-kin in respect of the succession of Hami Te Herepounamu.’

Indeed, the Native Land Court process did not recognise or give effect to the practice of whāngai in a way that was consistent with tikanga Māori. Of particular concern was that the native land regime allowed for interests in land to pass to those without whakapapa. However, we note that the issues arising in this claim were also the subject of a special application in the Māori Land Court under section 45 of the Te Ture Whenua Act 1993.

Pursuant to section 44 of the act, the Chief Judge has special powers to correct mistakes and omissions in past orders made by the court. The claimant sought to amend succession orders made by the Native Appellate Court in 1904 and 1919, and sought an application for succession to the interests of Hami Te Māunu, (also known as Hami Te Herepounamu) in Motuhara. The case raised a question of whether Tiwai Pōmare, who was acknowledged as the adopted child of Hami Te Māunu, should have been entitled to succeed to Hami Te Māunu’s interests. The claimant submitted that Hami Te Māunu held land interests in common with his siblings and his interests should be apportioned to his next of kin, based on

209. Claim 1.1.123(a), p[1]
whakapapa. The claimant also argued that the Native Appellate Court ignored the findings of the Supreme Court concerning the case.\textsuperscript{211}

The Chief Judge found there was insufficient evidence to determine with any certainty that it was intended that Hami Te Māunu would have interests in land on trust, and/or in common with his siblings. Further, the judge concluded that no Supreme Court decision was issued regarding Hami Te Mānunu’s interests, and there was insufficient evidence to establish that the relevant Native Appellate Court orders were erroneous. In 1904, the Chief Judge concluded that the applicant failed to satisfy the burden of proof and dismissed the application.\textsuperscript{212}

The claimant did not pursue the allegations included in the Wai 1496 statement of claim further in submissions, or evidence. Therefore, having considered all the evidence presented to us, we consider this specific allegation is not well founded because:

\begin{itemize}
\item the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
\item it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
\item the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.
\end{itemize}

Claim title
Taharoa c Inc Land Block Claim (Wai 1500)

Named claimants
John Hone Arama Tata Henry and Duane Tamaenuku Tata Henry

Lodged on behalf of
Themselves and the Tuarau Te Tata Henry Whanau

The claimants’ hapū are Ngāti Ngutu, Ngāti Ngutunga, Ngāti Urunumia, Ngāti Toa, Ngāti Tūwharetoa, Ngāti Te Puta, Ngāti Hikairo, Ngāti Mahuta, and Ngāti Apakura.

Takiwā
Te Kūiti–Hauāuru. This claim relates to the Taharoa block as well as to the Taumatatotara, Orahiri, Harihari, Te Kauri, and Puketiti blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by the operations of the Native Land Court, particularly in the Taharoa c Incorporation land blocks, and by other Crown actions or omissions.

The amended statement of claim sets up 10 causes of action: the loss and desecration of wāhi tapu and taonga; public works (including for a native school); Crown purchasing; Native Land Court and protection of land base; private purchasing; the Māori Trustee; compulsory acquisition of uneconomic shares; Europeanisation of land; landlocked land; and the ‘maladministration’ of Māori education. The claimants allege that the Crown’s actions have caused them the loss of significant ancestral land at Harihari, Taurangi, Taharoa, and Taumatatotara. They adopt the generic pleadings on tikanga, the Native Land Court, protection of land base, Māori land administration and vested land.

John Hone Arama Tata Henry gave evidence in support of the claim. He alleged his ancestor Wahanui Te Huatare agreed to the Main Trunk Railway line passing...
through Te Rohe Pōtae as he feared the Crown would otherwise invade Te Rohe Pōtae and Ngāti Maniapoto would suffer war and confiscation.\(^{219}\) He also alleged that the Hārihāri block was purchased by the Crown in 1854 without the full identification of the owners or surveying and that the Native Land Court wrongly denied his tūpuna’s rights in the Taumatatotara block. He alleged the Court’s individualisation of ownership title caused his tūpuna to lose their interests in the Taharoa block.

Henry also gave evidence of public works takings, land purchasing, landlocked blocks, and public works takings. He said that in 1958 Ōtorohanga was flooded and the Waikato Valley Authority set up. He alleges the resulting flood control works took land from his family without adequate compensation. He says the river is murkier below the flood control banks and there are fewer eels. He alleges the work was done without consultation, submerged a sandstone rock taonga and damaged the Kaariki urupā.\(^{220}\)

The opening submissions develop Mr Henry’s allegations, arguing that if Wahanui was forced by the Crown to agree to the railway line, then ‘the suite of Treaty grievances arising from the construction of the Main Trunk just got even more egregious.’\(^{221}\) In their closing submissions, counsel review claimant and technical evidence and submit allegations of prejudice relating to the 10 causes of action.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae District Inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the

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\(^{219}\) Document 016, p 5.

\(^{220}\) Document, p 9.

\(^{221}\) Submission 3.4.42, p 2.

\(^{222}\) Submission 3.4.160, pp 112–116.
railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

Our discussion of the mining of the Tahāroa ironsands (examined in detail in section 21.5.2.1.2) is relevant to this claim: the schedule to the Iron and Steel Industry Act 1959 lists only one North Island ironsands area, and the Taharoa C block lies within it. In section 21.6, we find that the enactment of the Act actively undermined Te Rohe Pōtae Māori property rights in ironsands and took away their ability to set a market price for their ironsands. However, given the real benefits that have accrued to the owners from mining, we say that the prejudice here has been mitigated for the owners of Taharoa C.

We also find in section 21.6 that claimants were prejudiced by ‘a general failure’ to assist Māori owners and the Lakes Trust to monitor the operations of New Zealand Steel Mining Limited, including with respect to damage to Lake Tahāroa, the Wainui Stream, and associated taonga fisheries.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

In section 24.3.3.1, we note the delay in establishing the Tahāroa native school despite requests from local Māori who had gifted land for that purpose (it opened in 1910). Tahāroa was among the five Te Rohe Pōtae schools for which the Crown did not pay compensation when it subsequently took their sites under the Public Works Act. We later discuss Tahāroa school as ‘a stark example’ of the barriers that Māori pupils faced in accessing schooling; until the Crown agreed to fund a road in 1968, children could reach the school only by an unsafe dirt track. In our findings, we cite such actions as examples of the Crown’s failure to uphold its Treaty obligations (section 24.10).
CLAIM TITLE

Ngāti Maniapoto (Bell) Claim (Wai 1584)

NAMED CLAIMANT

Roderick Tiwha Bell (2008)

LODED ON BEHALF OF

The marae, iwi, and hapū of Maniapoto. In joint closing submissions with Wai 329, claimant counsel stated that both claims were ‘brought on behalf of Maniapoto and prosecuted by the Maniapoto Māori Trust Board.’

TAKIWĀ

Te Kūiti–Hauāuru

OTHER CLAIMS IN THE SAME CLAIM GROUP

329, 1584

SUMMARY OF CLAIM

The original Wai 1584 claim (2008) concerns various Crown acts, actions, and omissions that it alleges are inconsistent with the Treaty and have prejudiced Maniapoto. It alleges Crown Treaty breaches in relation to its land purchasing policies and practices; its disregard for Te Ōhāki Tapu; the introduction of native land legislation and the Native Land Court that together ‘destroyed the customary tenure of the Iwi and facilitated the alienation or hindered the use of their lands’; the Crown’s use of public works legislation to compulsorily acquire land; its failure to provide for Maniapoto’s access to and rangatiratanga over its natural resources, waterways, and taonga; and its lack of protection or recognition for tikanga, te reo, and mātauranga. The claim also alleges the Crown’s legislation, policies, actions, and inactions have adversely affected the ongoing ‘political, social and economic well being of the iwi.’

Counsel for Wai 329 and Wai 1584 lodged closing submissions together. There, they say Te Ōhāki Tapu – whose overriding objective they describe as ‘the retention by Maniapoto of its mana, rangatiratanga and authority, as it engaged as an equal partner with the Crown’ – lies at the heart of their claims. The claimants allege that, in failing to give effect to these agreements, the Crown breached its obligations to Maniapoto under the Treaty of Waitangi, with numerous negative consequences for the iwi and its people, whānau, and hapū.

These consequences included the loss of land and resources and the loss of the opportunity to benefit from the development of Te Rohe Pōtæ (in fact,
in some instances, Maniapoto was specifically excluded from benefiting from development). A further consequence was that Maniapoto was excluded from participating in key decision-making processes about Te Rohe Pōtae and the use of its resources. The claimants say the same issues continue to affect Maniapoto’s engagement with the Crown today as the iwi ‘attempts to have its mana and rangatiratanga recognised over its health, education, lands, forests, fisheries, waterways and other natural resources.’

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part I).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the

railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Tarahuia and Associated Oparure Whānau Claim (Wai 1585)

Named claimants
Glen Katu and Wayne Jensen

Lodged on behalf of
Themselves and Ngāti Tarahuia me Ngāti Kinohaku

Takiwā
Te Kūti–Hauāuru. Ngāti Kinohaku’s mana whenua ‘largely align with the Kinohaku East and West blocks, including strong coastal ties from Awakino to Waikawau then to Taharoa and Kāwhia.’

Other claims in the same claim group
586, 753, 1396, 1585, 2020, 2090. The amended statement of claim lodged jointly by the group in 2011 states that ‘All of the current claimants are trustees and/or beneficiaries of the Ngāti Kinohaku Trust.’

Summary of claim
The claimants allege they have been prejudicially affected by actions of the Crown which are contrary to the principles of the Treaty. The claimants allege the sources of the prejudice they have suffered includes breaches of the Te Ōhākī Tapu agreements, land takings, destruction of traditional land titles, removal of fishing rights, and the destruction of indigenous fauna, flora, and forests.

The group’s joint amended statement of claim gives the claimants’ background to the Treaty and the Te Ōhākī Tapu agreements. It states at least two Ngāti Kinohaku rangatira signed the Treaty, but they would have understood that Ngāti Kinohaku would retain mana whenua. Ngāti Kinohaku remained in control of their lands when the aukati line was established in 1862. The claimants assert their tūpuna agreed to the Ōhāki Tapu, having been promised by the Crown that the Native Land Court would not operate in Te Rohe Pōtae, their lands would be inalienable, and iwi and hapū would determine their boundaries. They allege the Crown’s breaching of the promises and guarantees in the Treaty and the Ōhāki Tapu underlies the significant prejudices suffered by Ngāti Kinohaku. The statement then lists 10 causes of action.

229. Final SOC 1.2.102. The original named claimant was Ms Hinuoriwa Olive Atutahi, who passed away in 2008, and was replaced by Ms Tirirti o Waitangi Tahiti. When she too passed away in 2013, she was replaced by Mr Glen Katu and Mr Wayne Jensen; claim 1.1.124(a), p 2.
230. Final SOC 1.2.102. The original claim was lodged ‘on behalf of the Ngati Tarahuia Hapu and associated whanau of the Oparure region of the King Country’; claim 1.1.134.
231. Submission 3.4.204, pp 5, 12.
232. Final SOC 1.2.102, p 3.
234. Final SOC 1.2.102, p 16.
Closing submissions (made on behalf of the whole claimant group) emphasise that although Ngāti Kinohaku and other hapū have joined with Ngāti Maniapoto, or come under its banner, they remain a distinct group with their own mana.\textsuperscript{235} The submissions develop the claimants’ central allegations further, focusing on five themes: tino rangatiratanga, the ‘devastating’ loss of land and resources due to various Crown-led initiatives, twentieth century land administration and development schemes (including the Ōparure land development scheme, which they say began as a direct result of requests by Ngāti Kinohaku landowners who ‘had no other options to deal with mostly fragmented units of land’ but did not succeed due to the Crown’s ‘lack of proper assessment and interest’\textsuperscript{236}), the depletion of their natural resources, and the loss of te reo through the imposition of Crown education policies.\textsuperscript{237} Among other examples of the Crown allegedly breaching its duty to protect Ngāti Kinohaku, counsel refer to two public works takings detailed in witness evidence. Wayne Jensen described the laying of gas pipelines beside the Mōtītī marae and the lack of meaningful compensation, while Hinekopu Barrett spoke on the taking of shingle from Pakeho 18 block and the failure of the Crown agency to gain the owners’ consent or seek other alternatives.

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
\item Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).
\item The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).
\item The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).
\end{itemize}

\textsuperscript{235} Submission 3.4.204, p. 9.
\textsuperscript{236} Submission 3.4.204, p. 45.
\textsuperscript{237} Submission 3.4.204, p. 56.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Ōparure land development scheme, which is the subject of Ngāti Kinohaku claimant allegations, is not discussed in detail but is referred to in sections 17.3.1.2 and 17.3.4.

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori
from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  Particularly relevant to this claim is our discussion of the extent to which it was ‘tempting for taking authorities to resort to compulsory taking of Māori land’ for purposes that could be described as routine. As well as takings for rubbish dumps and recreation grounds, those for ‘many local quarries, shingle pits, scenic reserves, and local roads also appear either not to meet any national interest test or could have been located elsewhere or an alternative such as leasing (and paying royalties) was clearly available’ (section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any additional Tribunal findings on local allegations or claims

The group’s amended statement of claim states that the construction of the Kapuni and Maui natural gas pipelines in the late 1960s affected many Ngāti Kinohaku blocks and sites of significance, including an urupā located on part of the Tapuiwahine block in which they have interests. In summary, the claimants allege:

- the routes for the pipelines were secured by easement, and thus without the consent or agreement of the landowners;
the landowners were not consulted on the routes of the pipelines, which pass through or near an urupā;

day the Mōtītī marae is between the gas lines, and the pā trustees and beneficial owners are forced to meet actual and ongoing costs ‘incidental to the diversion of construction systems and to accommodate gas lines . . . without compensation and/or financial assistance.’

For the authority to lay the Kapuni and Maui gas pipelines across the Tapuiwahine block, the Crown relied on easement certificates issued under a 1962 amendment to the Petroleum Act 1937 and under Section 17 of the Natural Gas Corporation Act 1967. The effect of Section 17 of the Natural Gas Corporation Act 1967 was to allow for easement certificates to be issued requiring landowners to accommodate the pipelines while obviating ‘the prior necessity of reaching individual agreements on details etc of those easements.’

As the claimants point out, the Kapuni gasline passes close to the Ngāti Kinohaku urupā located on the Tapuiwahine A13 block. The Crown was aware of the existence of this urupā when the gasline routes were planned. In planning the routes, a Crown official determined that the urupā was located ‘approximately 100 foot’ in clearance from the pipeline and was therefore of acceptable proximity. The Crown made this determination without consulting the landowners. The claimants gave evidence at hearing that the urupā is in fact closer to the pipeline than the Crown official estimated, and the Crown records themselves do not record a precise distance.

The process of compensation for laying the pipelines was to offer landowners a payment ‘assessed at 50 per cent of a special Government valuation of the paddock value of the land contained in the easement.’ In addition, compensation could also be paid for disturbance and damage during construction and for loss of use.

For the Tapuiwahine blocks, the Māori Trustee negotiated with the Crown on behalf of the owners, and apportioned the easement fees paid in compensation in favour of the lessees of the land at the time. The result was an inequitable outcome for the Māori landowners. This was despite the pipeline becoming a permanent feature of the lessor’s land, and the easement certificate being registered forever on the title. The evidence shows that the Māori Trustee attempted to rectify this error by writing to the Ministry of Works in 1972, but the ministry was unable
to assist as the easement fees had already been paid out. We find that the Māori landowners of the Tapuiwahine blocks were denied appropriate compensation for the installation of the pipeline.244

In all these respects, we find the claim to be well founded. We find that the Crown breached the Treaty principles of partnership, protection of tino rangatiratanga and active protection by:

- failing to properly engage in full and genuine consultation with Māori over the appropriation of Māori land for the purposes of laying the Kapuni and Maui gas pipelines across the Tapuiwahine block;

- failing to ensure Māori landowners were fairly compensated for the easements;

- siting the pipelines insensitively; failing to protect a site of importance to Māori; and failing to engage in appropriate consultation over the routes.

This conclusion echoes findings we made in chapter 20 of this report relating to public works (see section 20.6).

Finally, we have insufficient evidence to determine the nature or extent of any historic or ongoing costs arising from the presence of the pipeline on Ngāti Kinohaku land. We thus make no findings on that particular aspect of the claim. However, we suggest that the Crown engage with the claimants to determine the extent of any incidental costs incurred, now or in the past, as a result of the pipeline’s presence and also to consider appropriate forms of redress through consultation.

244. Document A63, p 238–239.
Claim title
Ngāti Rereahu (Chamberlin) Claim (Wai 1599)

Named claimant
Pani Paora-Chamberlin (2008)²⁴⁵

Lodged on behalf of
Ngāti Wharekōkōwai, a hapū of Rereahu²⁴⁶

Takiwā
Te Kūiti–Hauāuru²⁴⁷

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges Ngāti Wharekōkōwai have been prejudicially affected by the Crown’s actions, which alienated them from their land, resources, culture, and language in Te Rohe Pōtae. The alleged sources of the prejudice they have experienced include various acts of Parliament, the Native Land Court, surveys, the introduction of and failure to control pest vegetation, and the declaration of Māori land to be Crown land or Māori freehold land.²⁴⁸

The amended statement of claim sets up seven causes of action: loss of identity; failure to protect land base; the Native Land Court; Crown and private purchasing; public works; loss of tikanga, taonga, and wāhi tapu; and environmental degradation. The claimant alleges the Native Land Court unfairly dismissed his tupuna Te Putu’s evidence in the Pukeroa-Hangatiki block hearing.²⁴⁹

The claimant, Pani Sinclair Paora-Chamberlin, and his father Robson Chamberlin spoke at the Tribunal’s Ngā Kōrero Tuku Iho Hearings at Kotahitanga Marae on 1–2 March 2010. Their evidence and subsequent legal arguments connect loss of land to an obscuring of Ngāti Wharekōkōwai as an identity. Pani Paora-Chamberlin spoke about discovering his descent from Wharekōkōwai relatively late in life, having for a long time been unfamiliar with his ancestral lands and identity.²⁵⁰

In submissions, claimant counsel cite land loss associated with the operation of the Native Land Court, environmental damage, and the imposition of public works and other legislation, as contributing to a ‘cultural genocide’ suffered by

²⁴⁵. Submission 3.4.153; claim 1.1.147.
²⁴⁶. Submission 3.4.153; submission 3.4.153(a); final soc 1.2.79, pp 2–3.
²⁴⁷. Final soc 1.2.79, pp 3–4, 8.
²⁴⁸. Claim 1.1.147.
²⁴⁹. Final soc 1.2.79, p 8. The Pukeroa-Hangatiki block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.7, 9.8.7, 16.4.4.3, and 16.4.4.6.
Ngāti Wharekōkōwai. The hapū, they assert, has for all intents and purposes disappeared.\footnote{Submission 3.4.153.}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim is generally well founded. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

In regard to the allegation that the Crown was responsible for the diminishment of Ngāti Wharekōkōwai’s identity and should assist to restore it, we observe at section 23.6.2 that it is not the responsibility of the Crown to reinstate past hapū identities or restore certain kin groups to a more secure contemporary standing. Other claimants faced similar challenges related to kin-group identity. For example, Mrs Hohaia and Mr Herbert gave evidence about the loss of tribal identity for Ngāti Toa Tūpahau and Ngāti Rangatahi. We do not believe that either of them expected assistance in this respect from the Crown. By contrast, Mr Pāora-Chamberlin did believe that the Crown should assist in the reawakening or revival of Ngāti Wharekōkōwai. We do not have sufficient evidence before us to prove the disappearance of this hapū’s identity was caused by the Crown. Old hapū names could go out of use and new hapū names could appear as a result of particular events such as marriages, leadership changes, and conflicts, or as groups moved into new territories. Hapū might also use different names on different occasions, depending on the circumstances. What we were describing was a dynamic
and organic process, which the intervention sought by Mr Pāora-Chamberlin would entirely cut across. The evidence of Mr Meredith also suggests the possibility that Ngāti Wharekōkōwai could have been a name used for a specific purpose but not more broadly beyond that.
Claim title
Te Korapatū Marae Claim (Wai 1606)

Named claimant
Liane Ramari Green

Lodged on behalf of
Herself and on behalf of Ngāti Peehi and Ngāti Te Kanawa, and the trustees of the Te Korapatū Marae

Takiwā
Te Kūiti–Hauāuru. This claim relates to land interests in the Te Kumi, Pukenui, Te Uira, Pukeroa-Hangatiki, Hauturu East, Pehitawa, and other blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1606 claim encompasses a range of issues, although the closing submissions focus only on some (in particular the Waikato War, Mangaokewa Stream, and Te Anaureure cave). Starting with the grievances specific to the nineteenth century, the chief allegation in relation to the Waikato War is that Crown forces bombarded the undefended settlement of Te Rore, in the course of which they destroyed commercial enterprises that Ngāti Peehi and Ngāti Te Kanawa had invested in there. The Crown has submitted that there is no record that such a bombardment took place, but the claimant challenges this assertion, also arguing that the subsequent imposition of a troop encampment on the settlement would have damaged property too. It is also argued that the Waikato War pushed refugees on to Ngāti Peehi and Ngāti Te Kanawa’s lands.

In relation to the post-war period, the claim argues that the Crown had the North Island Main Trunk Railway route surveyed without consent, took too much land for the railway, did not pay adequate compensation for the land taken, did not fence the railway as promised, and did not provide Ngāti Peehi and Ngāti Te Kanawa with railway employment. The claim also alleges the Crown allowed alcohol sales in the area, contravening the Te Ōhākī Tapu agreement.

252. Submission 3.4.169(a). The claim was brought by Ratapu Kaa in 2008, and in 2010 Liane Green was added as a named claimant: claim 1.1.150; memo 2.2.121.
253. Final SOC 1.2.81. In the original statement of claim this was expressed as being made on behalf of ‘Te Korapatu Marae Ngati Peehi/Ngati Te Kanawa Hapu’: claim 1.1.150, p [2].
254. Final soc 1.2.81, pp [9]–[10].
255. Document 550(c), pp [4]–[5]; submission 3.4.169(a), pp [8]–[9].
256. Submission 3.4.316, pp [3]–[4].
257. Final soc 1.2.81, pp [17]–[18].
258. Final soc 1.2.81, pp [30]–[31].
259. Final soc 1.2.81, p [8].
The overarching land grievance is the Crown’s failure to protect a sufficient land base for Ngāti Peehi and Ngāti Te Kanawa. The claim argues that the introduction of the Native Land Court and the individualisation of land titles undermined tino rangatiratanga and tikanga. More specifically, the claim points to the loss of land at Ōtorohanga under the native townships legislation, and through lands being sold to pay for rent arrears. Public works takings are also highlighted, with the claim arguing that the site of Hangataiki School was taken without owner consent, and that Hauturu East block owners were compelled to sell by the knowledge that the Crown would otherwise have taken land for the Waitomo Caves. The claim also supports the Wai 1361 claim made about Te Kūiti aerodrome. Further, it is alleged the Crown failed to support the retention and commercial development of mineral resources (coal, limestone etc.); potential economic benefits have been lost through the alienation of the underlying land or through the resources themselves being disposed of for inadequate royalty payments, it is alleged.

This claim also raises a range of grievances about the environment. It alleges owners were pressured to destroy indigenous habitat through forest clearance, quarrying, and land drainage in order to meet economic demands, and the introduction of sport and pest fish (such as koi carp) adversely affected indigenous fish populations. More specifically, the claim highlights actions affecting the Mangaokewa Stream catchment, especially the historic discharge of wastes, and ongoing discharge of town sewage into that stream, which has spoiled it as a recreational and cultural resource for whānau and hapū. The claim also points to the physical modification of the stream for flood protection, and argues that all these actions have been enabled by the imposition of common law attitudes to the ownership of waterways and the right to pollute.

Detailed evidence is also given about the damage and pollution suffered by Te Anaureure (Maniapoto’s Cave). The claimant relates how the quarrying of limestone from the surrounding land has damaged the cave’s structure, despite the quarrying licence including a condition intended to keep such activities away from it. The royalties that landowners received were low, and land was sometimes damaged when it was returned. Further environmental damage has resulted from local authorities allowing waste discharge into the stream that runs through the cave and subsequently the damming of the stream. At the same time, the claimant says the authorities have failed to address consent breaches.

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260. Final SOC 1.2.81, pp [9]–[11].
261. Document S50(c), pp [8]–[9]; submission 3.4.316, p [4].
262. Submission 3.4.169(a), p [9].
263. Document S50(c), p [14]; submission 3.4.316, p [2].
264. Final SOC 1.2.81, pp [25]–[26].
265. Final SOC 1.2.81, pp [19]–[21].
266. Final SOC 1.2.81, p [22]; submission 3.4.169(a), p [19].
267. Submission 3.4.169(a), pp [14]–[17].
268. Submission 3.4.169(a), pp [19]–[22].
269. Submission 3.4.169(a), p [9].
270. Document S50(c), pp [11]–[12]; submission 3.4.169(a), pp [9]–[12].
The claim also addresses health and education issues. It argues that the Crown has failed to protect the health of Ngāti Peehi and Ngāti Te Kanawa against diseases such as tuberculosis and diabetes, or to ensure that they receive at least an equivalent level of health care as Pākehā. The claim notes the Crown’s acknowledgement that district rural high schools provided inferior educational opportunities, and also notes the lack of Māori immersion schooling until recently, the tendency for Māori to be directed into non-professional occupations, and the decline in te reo fluency. A final cultural issue the claimant raises is the lack of adequate protections for wāhi tapu sites.

The claimant adopts the generic claims for the North Island Main Trunk Railway, Te Ōhākī Tapu, the Native Land Court, tikanga, economic development, public works, environment, education, and health.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).
  Insufficient evidence was found to uphold the claim that Te Rore property was destroyed in a bombardment, but in section 6.7.5, we note the Crown acknowledgement that property was likely to have been damaged during its occupation by troops (see section 6.7.5).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part 11).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

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271. Final soc 1.2.81, pp [34]–[35].
272. Final soc 1.2.81, pp [33], [28]–[29]; doc 550(c), pp [21]–[22]; submission 3.4.169(a), pp [23]–[24].
273. Final soc 1.2.81, pp [28], [35].
274. Final soc 1.2.81, pp [7]–[8], [12], [16], [27], [29], [32].
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

There is a detailed discussion of Te Anaureure/Maniapoto’s Cave in section 21.5.1.2.2.3. In relation to the claimant’s allegations about the damaging effects of quarrying on it, we note in section 21.5.2.1 that the earliest mineral extraction leases often paid low rates of royalties and did not provide regular opportunities for review. We note in section 21.6 that ‘improvements to land use planning under RMA due to part 2 requirements and the enactment of the New Zealand Historic Places Trust Act 1993’ came too late for Maniapoto’s Cave and other taonga sites of significance.

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Huiaio (Tapara) Claim (Wai 1762)

Named claimant
Waehapera Tapara (2008)\textsuperscript{275}

Lodged on behalf of
Puke Tapara and the hapū Ngāti Huiaio\textsuperscript{276}

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
1386, 1762. The claimants affiliate to Ngāti Huiaio. They also have close associations and whakapapa with Ngāti Kinohaku and Ngāti Te Kanawa.\textsuperscript{277}

Summary of claim
The claim alleges Ngāti Huiaio have been prejudicially affected by Crown actions which are inconsistent with its duties under the Treaty of Waitangi. It states that Ngāti Huiaio, Ngāti Apakura, and Ngāti Rangiwehiwehi were falsely accused of supplying flour to Waikato tribes during the conflict with the Crown in the early 1860s. It is alleged that the hapū were subsequently expelled from Aotea after a dawn attack by Crown forces. Their property, commercial livelihood, and wāhi tapu were destroyed during this event and up to a thousand people forced to take refuge in Te Rohe Pōtae, it is claimed. The claim further alleges that, prior to their expulsion to the King Country, the claimant’s tūpuna were knowingly detained by Crown forces with hapū members who had smallpox.

The amended statement of claim (made with the Wai 1762 claimants) lists six causes of action: war and raupatu; failure to protect land base; public works and compulsory takings of land; Crown administration of Māori owned land; and vested lands. It gives more detail of the Ngāti Huiaio claim area, saying it encompasses the Taumatatotara, Pukeroa-Hangatiki, and Mangarapa blocks; parts of the Hauturu East and West, Kinohaku East and West, and Kakepuku and Rangitoto–Tuhua blocks; and many others. The claimants alleges numerous breaches of the Treaty by the Crown in these and other blocks which have left Ngāti Huiaio landless or unable to support themselves from the land they retain.

The amended statement of claim refers to two petitions to Parliament by the claimants’ tupuna in 1892 and 1912 for the return of a urupā. The claimants were eventually successful in 1922, with the return to them of the burial ground.\textsuperscript{278}

\textsuperscript{275} Claim 1.1.164.
\textsuperscript{276} Final SOC 1.2.126. The claimant also filed this claim ‘for and on behalf of those Māori soldiers who served as members of Whiskey 3 company in the Vietnam War between 1969 to 1970 and is inclusive of all associated whanau members’: claim 1.1.164(a), p 2.
\textsuperscript{277} Final SOC 1.2.126, p 3.
\textsuperscript{278} Document A79 (Husbands and Mitchell), pp 436–439.
The claim states the Crown breached its duties under the Treaty by the compulsory acquisition of nearly 500 acres land for scenery purposes in land blocks in which they held interests. It alleges the Waitomo Caves claims settlement breached the Crown’s duty of active protection by failing to ensure all beneficiaries were included. It also alleges the Crown took more land than it needed for the Tokanui mental hospital.

It is also alleged that the Crown forced thousands of acres of the claimants’ land into the Maniapoto consolidation scheme. The forced involvement in the scheme prevented them for years from utilising their land. They allege that, in breach of its duties, the Crown acquired land from them for costs associated with the scheme.

The group’s claim further alleges that land was alienated from the claimants through local government mechanisms. This involved the vesting of lands in the Māori Trustee, without their consent. Some of their land was compulsorily sold because of noxious weeds. One block was Europeanised. In addition, some Ngāti Huiaio were made landless by the compulsory vesting of their land in Rangitoto–Tuhua 26A in the Māori land board.

Lastly, the claimants allege the Crown failed in its duty of care to soldiers exposed to Agent Orange in the Vietnam War and, specifically to a claimant whānau.

The claimants adopt the generic pleadings on war and raupatu, Te Ōhākī Tapu, the Native Land Court, land alienation, railways, Crown purchasing, native townships, Māori land development schemes, environment, local government and rating, economic development, tikanga, and health and education. Six causes of action against the Crown are listed: war and raupatu; failure to protect land base; public works and compulsory takings of land; Crown administration of Māori owned land; vested lands; and health and education.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

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279. The Rangitoto–Tuhua 26A block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 13.3.8, 13.3.7.1, 13.5.1, and 3.5.7.

280. Final SOC 1.2.126, pp 14, 25, 27, 30.
In our discussion of confiscation at section 6.10.8.3, Ngāti Huiao is identified as one of the affected hapū. We note there that ‘the extent to which land bases were diminished by confiscation needs to be taken into account when considering the prejudice arising through later alienations by other means’. In section 6.11 we find that the Crown breached the article 2 guarantee of tino rangatiratanga, the Treaty principles of partnership and autonomy, and the duty of active protection when it confiscated land north of the Pūniu where Ngāti Maniapoto and Ngāti Maniapoto-affiliated hapū had interests.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhaki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

In specific findings on the Ōtorohanga native township, we found that the owners’ consent to Ōtorohanga being proclaimed as a native township was conditional on the nature and identity of the third-party entity charged with administering it.

We do not have sufficient information to come to a general conclusion on the success or otherwise of the leasing regime in Ōtorohanga. As in other townships, many leases in Ōtorohanga were perpetually renewable. These leases not only depressed the income flowing to owners, but also made it much more difficult for the owners to regain direct control of their lands. Rather than being leased, a significant proportion of Ōtorohanga was ultimately sold. From the evidence presented to the Tribunal, it is clear that for far too long, the Crown’s emphasis was on pushing Māori to sell.

We found that the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit and it failed in its article 2 guarantee of tino rangatiratanga and its duty of active protection over the tino rangatiratanga of Te Rohe Pōtae Māori and of the land itself. Furthermore, in bowing to lessee pressure to acquire the freehold of their leased lands, and at times actively intervening to assist lessees to purchase their sections, the Crown breached the duty of active protection of the land, and the article 3 principle of equity.

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

With specific reference to the Maniapoto consolidation scheme, section 16.8 concluded that the level of consultation prior to the initiation of the Maniapoto Consolidation Scheme fell short of what was required in order for the Crown to obtain the informed consent of the affected owners.

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

Land in which the claimants have interests became part of the Ōparure and Pirongia land development schemes, two of the 17 land development schemes.
schemes established in Te Rohe Pōtae. While we do not directly discuss these two schemes in section 17.6, our conclusions are relevant to this claim:

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  With specific reference to the Tokanui Mental Hospital taking, section 20.4.3 states that the Crown conceded a Treaty breach with the taking in that a lack of ‘sufficiently detailed planning’ in 1910 resulted in the Crown acquiring more Māori land than was needed for the mental hospital. In agreeing that the taking involved an ‘excessive amount’ of land, the Crown also acknowledged that it caused ‘significant prejudice to the Māori owners, whose land base had already diminished as a result of raupatu and extensive Crown purchasing’ and therefore the taking of land for the Tokanui hospital breached the Treaty and its principles.

  In section 20.9, we find the general public works regime applied in this inquiry district is in breach of article 2 and Treaty principles of partnership, active protection and protection of tino rangatiratanga, in particular by failing to require compulsory takings of Māori land for public works to be a last resort in the national interest.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies,
and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).

**Any additional Tribunal findings on local allegations or claims**

This claim raises issues about the Crown’s alleged failure to protect Māori veterans of foreign wars during and following military service. Claim allegations specific to the health, status, and recognition of late twentieth century military veterans are not encompassed by the general findings presented in chapters 4–24 of the report, as the issues they raise are being addressed in the Waitangi Tribunal’s ongoing kaupapa inquiry into Māori military veterans.
Claim title
Ruapuha Uekaha Hapū Trust Claim (Wai 1805)

Named claimant
Josephine Huti Anderson (2008)\textsuperscript{281}

Lodged on behalf of
The Ruapuha Uekaha Hapū Trust and the hapū of Ruapuha and Uekaha in respect of Hauturu East 8\textsuperscript{282}

Takiwā
Te Kūti–Hauāuru. This claim relates to the Hauturu East 8 block at Waitomo.\textsuperscript{283}

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1805 claim deals with land vested in the Ruapuha Uekaha Hapū Trust (RUHT), as part of the settlement of Wai 51 between the Ruapuha and Uekaha hapū and the Crown. This claim does not address the historical grievances that led to the Wai 51 settlement, nor the adequacy of the settlement. Rather, the claim is solely concerned with the implementation of the Wai 51 settlement, which is set out below.\textsuperscript{284}

\begin{itemize}
  \item In 1988, the hapū of Ruapuha and Uekaha filed claim Wai 51 with the Waitangi Tribunal.\textsuperscript{285} The claim sought the return of lands taken by the Crown under the Public Works Act 1905 and the Public Works Act 1908.\textsuperscript{286}
  \item In 1989–90, following a mediation process, parties to the claim reached an agreement in principle that the land should be returned to a hapū trust. This settlement was formally recorded by Wai 51 counsel in a joint memorandum to the Tribunal, six years later.\textsuperscript{287}
\end{itemize}

\textsuperscript{281} Submission 3.4.132; claim 1.1.176.
\textsuperscript{282} Submission 3.4.132. In the statement of claim this was expressed as being made on behalf of the ‘Ruapuka Uekaha Hapu Trust and the Ngati Maniapoto hapu of Ruapuha and Uekaha at Waitomo’; claim 1.1.176, p [2].
\textsuperscript{283} Submission 3.4.132, p 1; Ruapuha Uekaha Hapū Trust, ‘Our History’, https://ruht.co.nz/about/history/, accessed 19 August 2020.
\textsuperscript{284} Memorandum 2.5.132, p [14].
\textsuperscript{285} While the claim was intially made just on behalf of Ruapaha, it was later amended to include Uekaha and other lands. Josephine Huti Anderson, brief of evidence, Wai 898, s015(b), p [4].
\textsuperscript{286} Wai 51, claim 1.1(a), pp [1]–[4].
\textsuperscript{287} Attachments to the brief of evidence of Josephine Huti Anderson, Wai 898, s015(a), at JA44–JA56.
In 1990, the settlement was effected by an order in the Māori Land Court, pursuant to sections 436 and 438(2) of the Maori Affairs Act 1953. The land – renamed Hauturu East 8 – was vested in the original 22 owners (who were by then deceased), subject to the terms of settlement of claim Wai 51.\(^{288}\)

Since then, there has been considerable litigation in the Māori Land Court and the Māori Appellate Court as to what the 1990 settlement intended, and its effect. The main issues in dispute have been whether the settlement excluded a right of succession to the interests of the original owners, whether the settlement imposed an express trust on the original owners, and who were the beneficiaries of the settlement.

In 2010, the Maori Appellate Court held that:

(a) The settlement did not contemplate or provide for successions to the interests of the original 22 owners but that such entitlement arose from the effect of the s 436 order;
(b) The s 436 order did not impose a trust on the original 22 owners – the trust arose by reason of the s 438 order;
(c) The ‘beneficiaries’ as defined in the trust order are the beneficiaries for the purposes of s 244 and in general . . .\(^{289}\)

The court also held that the class of beneficiaries could be varied, although any such variation would be ‘difficult to achieve’.\(^{290}\)

In 2008 and 2015, the Māori Land Court also issued reserved decisions on applications for a review of the trust under part 12 of the Te Ture Whenua Māori Act 1993. In its final decision – released after the filing of closing submissions for Wai 1805 – the Māori Land Court determined that the RUHT was a comprehensive trust with full powers and discretions to administer Hauturu East 8 in the interests of beneficiaries. The Māori Land Court directed that the RUHT consult with its beneficiaries to develop a new trust order, which the Māori Land Court then approved in 2016.\(^ {291}\)

This claim, Wai 1805, was therefore filed in light of the ongoing litigation and instability arising out of the Wai 51 settlement. The claimant submits that the Crown failed to keep a proper record of the settlement which had been agreed to and, when returning the Hauturu East 8 land to its original owners, did not make vesting applications consistent with the settlement.\(^ {292}\) The claimant also

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289. 2010 Maori Appellate Court MB 547, para 142; attachments to the brief of evidence of Peter Te Matakahere Douglas, Wai 898, S017(a), at PD 130.
290. Attachments to the brief of evidence of Peter Te Matakahere Douglas, Wai 898, S017(a), at PD 128.
292. Submission 3.4.132, [pp 5–8].
submits that the Crown was not bound to use either section 267 or section 436 of the Māori Affairs Act 1953 to vest the land in the RUHT, and that the Crown failed to explore other, more robust options for the implementation of Wai 51. The claim also states that the Crown’s application for a vesting order (−allowing successions to the original owners) has generated legal disputes about whether the returned land should be managed for the benefit of the successors of the original owners, or for the hapū as a whole.293

In response, Crown counsel submits that the Crown’s original plan had been to apply for a trust under section 267, which would have allowed vesting in a trust according to the settlement (that is, without successions to individual shareholdings). Counsel states that the Minister of Lands would not approve this plan, as it was not in keeping with the Crown policy for returning lands set out in section 40 of the Public Works Act 1981. However, counsel explained in his evidence to the Trust review in 2008 that this policy was discretionary.294

Is the claim well founded?

This claim is part of the Te Rohe Pōtae District Inquiry. Having considered all the evidence presented to us, we find the claim to be well founded.

Under Section 9C of the Second Schedule of the Treaty of Waitangi Act, the mediator to whom the Tribunal refers a claim has primary responsibility for recording, in writing, the terms of the settlement, and then giving the terms of settlement to the Waitangi Tribunal.295 Nevertheless, the expectation of the Wai 1805 claimant that the Crown should have kept a record of the terms of settlement was not an unreasonable one, given that representatives of both parties were required to sign the written settlement.296 The Crown’s failure to keep such a record prejudiced the claimants.

When it came to the vesting of the returned land, the Wai 51 claimant also expected that the land would be vested in a trust which would manage the land on behalf of the hapū of Ruapuha and Uekaha at Waitomo.297 Instead, the Crown privileged government policy over what was agreed as part of a Treaty settlement – namely, it decided to apply for a trust not under section 267 (which would at least have allowed a vesting application consistent with the Wai 51 settlement), but under section 436. Even if this action was unavoidable, a Treaty-compliant partner would have first consulted with the Wai 51 claimants. In not applying for a trust under section 267, and in not considering other alternatives outside the Māori Affairs Act 1953 to implement Wai 51, the Crown caused significant prejudice to the hapū of Ruapuha and Uekaha who have been embroiled in legal disputes for many years as a result.

293. Submission 3.4.132, [pp10–11].
295. Submission 3.4.31o, p 257.
We do note that in 2016 the Māori Land Court varied the terms of the RUHT to reflect what was originally intended, thus mitigating the impact of any prejudice.298

Claim title
Ngāti Maniapoto (Ingley) Claim (Wai 1806)

Named claimant
Albert Ingley (2008)

Lodged on behalf of
Himself and descendants of original owners in the Pukenui, Te Kūiti Township, Rangitoto, and Rangitoto–Tuhua blocks

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges he and descendants of the original landowners have been prejudicially affected by the Crown’s land takings in the Pukenui, Rangitoto, and Rangitoto–Tuhua blocks, and in Te Kuiti Native Township. It is alleged that the sources of the prejudice they have suffered include land loss, the Harbour Acts, and the desecration of wāhi tapu.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the...
railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

  With specific reference to Te Kuiti Native Township, we concluded in section 15.6.4 that the Crown acted in a manner inconsistent with the Treaty principles of partnership, reciprocity, and mutual benefit with respect to the manner with which the township was administered, and it failed in its article 2 guarantee of tino rangatiratanga, and its duty of active protection over the tino rangatiratanga of Te Rohe Pōtae Māori and of the land itself. Furthermore, in bowing to lessee pressure to acquire the freehold of their leased lands, the Crown breached the principle of equity.

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori.
from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Descendants of Wharona Paterangi and Rama Rihi Claim (Wai 1820)

Named claimant
George Ngatai (2008)

Lodged on behalf of
Himself and the descendants of Wharona Paterangi and Rama Rihi

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
556, 616, 1377, 1820

Summary of claim
The original Wai 1820 claim (2008) concerns the Crown’s acquisition of lands in the Te Pukenui block, where the claimant holds customary interest and associations, and the subsequent partitioning and alienations of those lands. The claim specifically alleges that the imposition of native lands legislation, the Maori Affairs Act 1953, and the Native Land Court facilitated the fragmentation and alienation of the lands. It alleged that when the Crown acquired the lands, or allowed private purchasers to acquire them, it failed to ensure the descendants of Wharona Paterangi and Rama Rihi retained sufficient lands for their present and future needs. Moreover, it is alleged the Crown failed to provide any adequate land development assistance to them.

The claim alleges that the Crown’s actions and omissions have caused prejudice to the descendants of Wharona Paterangi and Rama Rihi. In particular, they have been prejudiced by their loss of, and dislocation from, their lands and taonga. The destruction of the traditional land tenure system and of their social organisation and traditional leadership structures is another source of alleged prejudice.

These allegations are developed in the closing submissions filed by the Ngāti Rōrā group (Wai 556, Wai 616, Wai 1377, and Wai 1820). There, counsel expands on alleged historical Crown breaches related to Ngāti Rōrā hapū, which they categorise into four themes: Rangatiratanga and Kāwanatanga, Te Whenua, Te Taiao, and Toi Ora Toi Tangata.

The first discusses alleged breaches related to the impact of the Waikato War and raupatu, the Crown’s failure to uphold the terms of Te Ōhāki Tapu, the detrimental effects of the introduction of alcohol, the impacts of the main trunk
railway line, the delegation of authority to local government agencies within the inquiry district, and the Crown’s failure to respect tikanga and taonga.

‘Te Whenua’ discusses alleged breaches related to land alienations between 1840 and 1865, land purchasing during the aukati, the imposition and impacts of the Native Land Court and native lands legislation, land alienation ‘during the period of Pre-emption’ (1885–1909), native townships, land development schemes, public works legislation and takings, partitioning, vesting, ratings, survey costs, and alienation processes.

‘Te Taiao’ and ‘Toi Ora Toi Tangata’ discuss ‘the continuing marginalisation of Ngāti Rōrā in their heartlands.’ In particular, they allege Crown Treaty breaches related to Ngāti Rōrā environment, waterways, resources, tikanga, culture, and well-being (for example, education, housing, racial discrimination, and employment).308

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

  The specific experience of Ngāti Rōrā is discussed throughout sections 6.10.5 to 6.10.7.

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

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308. Submission 3.4.279, pp 55–63; claim 1.2.77, pp 1–2.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The Crown’s railway takings from the Pukenui block and the compensation arrangements it made with owners are of particular concern to this claimant group. They are discussed in sections 9.4.3, 9.4.4, 9.4.6, 9.5.3, 9.8.11, and 9.8.12.

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The impact of court-related costs (especially surveys) on the owners of Pukenui lands is discussed throughout sections 10.6.2 and 10.6.3.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Ururumia and Ngāti Ngutu (Rangitaawa-Schofield) Claim (Wai 1823)

Named claimant
Michaela Rangitaawa-Schofield (2008)\(^{309}\)

Lodged on behalf of
Ngāti Ururumia and Ngāti Ngutu, hapū of Ngāti Maniapoto\(^{310}\)

Takiwā
Te Kūiti–Hauāuru. The claim relates to land interests in the Hauturu–Waipuna A and Kawhia E2B2A blocks.\(^{311}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1823 statement of claim addresses Crown action during the 1880s relating to the Te Ōhākī Tapu agreements, and the arrival in the district of the North Island Main Trunk Railway.\(^{312}\) The claim alleges that despite the 1883 petition submitted by Te Rohe Pōtae Māori, the Crown introduced legislative enactments to ‘open up’ Te Rohe Pōtae for land purchasing and development.\(^{313}\) The claim asserts that the consequences of the Crown’s actions include the loss of Ngāti Ururumia and Ngāti Ngutu’s land, and prejudicial impacts on local Māori welfare, waterways, wāhi tapu, and other taonga within their rohe.\(^{314}\)

In an amended statement of claim, the claimant alleges that Crown action undermined the tino rangatiratanga of Ngāti Ururumia and Ngāti Ngutu over their lands, and led to the transformation of title and the subsequent alienation of those lands.\(^{315}\) The claim points to the Crown’s enactment of native land legislation, the Native Committees Act 1883, the Native Land Alienation Restriction Act 1884, and the Maori Affairs Act 1953.\(^{316}\) In particular, it is claimed that the Native Land Court’s operation led to the alienation of Ngāti Ururumia and Ngāti Ngutu’s lands as a result of Crown purchasing.\(^{317}\) In her evidence in support of this claim, Michaela Rangitaawa-Schofield says that the alienation of land required her

\(^{309}\) Submission 3.4.178; claim 1.1.182.
\(^{310}\) Submission 3.4.178; final SOC 1.2.83.
\(^{311}\) Submission 3.4.178, p 3.
\(^{312}\) Claim 1.1.182, p[2].
\(^{313}\) Claim 1.1.182, pp [2]–[3].
\(^{314}\) Claim 1.1.182, p[3].
\(^{315}\) Final SOC 1.2.83, p 3.
\(^{316}\) Final SOC 1.2.83, p 15.
\(^{317}\) Final SOC 1.283, p 6.
people to migrate to cities, participate in an education system that discouraged te reo Māori, and exposed them to alcohol and gambling. The claim also makes specific local allegations concerning the Crown’s acquisition of Ngāti Urunumia and Ngāti Ngutu’s Hauturu lands. It is alleged that following the survey of the block in 1889, Crown purchasers acquired the interests of individual owners as a means of obtaining a considerable area within the block. It is further alleged that when the Crown enacted the Maori Affairs Act 1953 to deal with the fragmentation of interests in land, the Māori Trustee was empowered to acquire Urunumia and Ngāti Ngutu’s interests in the Hauturu West block. The claimant alleges that the amalgamation of titles in the Hauturu–Waipuna A block and the Kawhia E2N2A block caused her tupuna, Te Aoterangi Pareteuenga Te Tata, to have her shares in the land acquired by the Māori Trustee as uneconomic interests.

One further local claim relates to the Hauturu West 2B4c block. The claimant asserts that the block was partitioned by the Māori Trustee and leased to a Pākehā; in 1972, the lessee purchased freehold title for part of the block without the Māori Trustee seeking instruction from the landowners. However, this matter was not pursued in closing submissions.

The claim also alleges that the imposition of the Emissions Trading Scheme from 2005 has meant that Māori landowners have become burdened with increased risks and costs associated with the use of their land. It is claimed that the Crown did not effectively consult with wider Te Rohe Pōtae Māori on the operation of the Emissions Trading Scheme and did not consider how land ownership under Te Ture Whenua Maori Act 1993 allegedly prejudices Māori when adopting and implementing the Emissions Trading Scheme. However, this aspect of the claim was not pursued in closing submissions.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

We address Ngāti Ururumia and Ngāti Ngutu’s claim regarding the Hauturu–Waipuna block in section 16.5.1.2.

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships
with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

**Any additional Tribunal findings on local allegations or claims**

We note the decision of the presiding officer, dated 6 September 2012, that ‘the issues of climate change/global warming and the Emissions Trading Scheme will not be inquired into as part of this inquiry’. It was the conclusion of the presiding officer that ‘climate change/global warming and the Emissions Trading Scheme are kaupapa issues that are more suited to be heard as part of a separate kaupapa inquiry than this district inquiry’.

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325. Decision 2.5.132, para 5.36.
326. Decision 2.5.132, para 5.34.
Claim title
Rawiri Whānau Claim (Wai 1824)

Named claimant
Glennis Ngawai Rawiri (2008)\textsuperscript{327}

Lodged on behalf of
Herself and her whānau. Their iwi affiliations include Ngāti Tamainupō, Ngāti Wairere, and Ngāti Maniapoto.\textsuperscript{328}

Takiwā
Te Küiti–Hauāuru. The claim area includes the Puketarata, Pukenui, Rangitoto A, Turoto, Tokanui, and Waikeria land blocks.\textsuperscript{329}

Other claims in the same claim group
2102. The claimants in this group share interests in Rangitoto A60B.\textsuperscript{330}

Summary of claim
The original Wai 1824 statement of claim addresses the compulsory acquisition of 1,600 hectares of the Rawiri whānau’s land in the Rangitoto block in 1904.\textsuperscript{331} The claim alleges that the Crown introduced a public works regime that empowered local authorities to compulsorily acquire land without adequate consultation or compensation. The claim further alleges that the Crown failed to ensure that land surplus to public works requirements was returned to the Rawiri whānau. As a result of these alleged breaches, it is claimed that the Rawiri whānau has been left with insufficient lands and resources for their present and future needs.\textsuperscript{332}

An amended statement of claim expands on this allegation, broadly claiming that the Crown failed to protect the Rawiri whānau’s rangatiratanga in respect of land, forests, fisheries, and other taonga. The claim adopts the generic pleadings filed on a number of claim issues including war and raupatu, Te Ōhākī Tapu, the North Island Main Trunk Railway, the Native Land Court, Crown purchasing, public works, native townships, health, education, economic development, land development and the consolidation of uneconomic interests, local government and rating, tikanga, and the environment.\textsuperscript{333}
As further particulars to these generic pleadings, the claim identifies the lands where the Rawiri whānau has interests and the Native Land Court made partition orders, including the Rangitoto A, Tokanui, Turoto, Waitomo, Pukenui, and Puketarata blocks. The claim points to the impact of survey liens charged against these subdivided blocks, and alleges that costs associated with the Native Land Court resulted in the further alienation of the Rawiri Whānau’s land. Once lands passed through the Native Land Court, the claim alleges, the Crown adopted unfair purchasing practices to acquire them ‘without obtaining the agreement of the owners as a community’. The claim asserts that the Crown acquired seven of the 44 subdivisions within the Puketarata block in their entirety. It further asserts that the Crown acquired interests in half of the Puketarata subdivisions, and purchased the interests from a minority of the shareholder. In addition to these purchases, the claim alleges, the Crown acquired land within the Puketarata and Turoto subdivisions using the North Island Main Trunk Railway Loan Act. The claim also points to additional land taken by the Crown in the Pukenui block for railway purposes.

The claim provides further details of the Crown’s public works takings. It identifies multiple instances of the Crown acquiring Rawiri whānau lands in the Puketarata, Pukenui, Tokanui, Turoto, and Waitomo blocks for public works. A specific allegation is that the Crown acquired a significant area of the Pukenui 2M limestone deposit. Another allegation is that the Crown acquired further parcels of land in the Pukenui blocks for the Te Kuiti Native Township. According to the claim, the Rawiri whānau has interests in areas of surplus land within the Te Kūiti township that was disposed of between 1982 and 1994.

The Wai 1824 and Wai 2102 claimants agreed that they had analogous claims about the Rangitoto A60B block and sought the same outcome. Consequently, counsel for Wai 2102 notified the Tribunal that they would adopt the Wai 1824 closing submissions and rely on those submissions in relation to the Rangitoto A60B block specifically.

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtāe iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtāe (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtāe Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

  In section 9.8.11, we set out our findings on land taken from the Pukenui blocks for the establishment of the railway.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtāe Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  In section 10.5.2, we consider the impact of partitioning and title fragmentation on the Puketarata lands, while section 10.6.2.1.1 discusses the impacts of survey costs on the Puketarata block. Our broader findings on the cumulative impact of survey costs in Te Rohe Pōtāe are set out in section 10.6.2.1.2. In section 10.6.2.3, we consider the specific impact of survey costs on the Rangitoto–Tūhua block as a case study.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtāe Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

  For our findings on Crown purchasing of inalienable lands in the Rangitoto–Tūhua blocks, see section 11.4.6. In section 11.4.8, we discuss how the partition of land allowed Crown purchasers to acquire title to lands within the Puketarata block.

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).
Crown and private purchasing and leasing of Te Rohe Pōtē Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtē under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

For our discussion of the Te Kuiti Native Township, see section 15.4.4.1. Our Treaty analysis and findings on this native township are at section 15.4.4.5 and section 15.6.4.

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtē Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

In section 20.4.1.1, we also consider in greater detail the allegation concerning the Crown’s acquisition of land in the Pukenui 2M block for use in commercial limestone quarrying. See also section 20.4.3 for our discussion of the Crown’s use of public works legislation to acquire land for the establishment of the Tokanui Mental Hospital and Waikeria Prison.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtē: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtē Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtē Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtē from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Rereahu (Dyall) Claim (Wai 1894)

Named claimant
Gary Dyall (2008)\(^{343}\)

Lodged on behalf of
Himself and all descendants of Ngāti Rereahu\(^{344}\)

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim relates to the taking of Ngāti Rereahu land for a scenic reserve under public works legislation.\(^{345}\) It is alleged that the hapū have been prejudicially affected by the acts and omissions of the Crown and that their land and resources, specifically the Mangaokewa Gorge lands, were taken by the Crown in breach of the Treaty.\(^{346}\) The amended statement of claim provides evidence that more than 500 acres of land in the gorge was taken under the Public Works Act in 1912 for a scenic reserve before being re-designated as a quarry in 1919. Part of the land was purchased by the Te Kuiti Borough Council in 1924, with the remainder being vested to the council by the Crown.\(^{347}\) Closing submissions expand on these allegations, arguing that the Crown took an excessive amount of land, failed to notify Ngāti Rereahu of the taking and its purpose, paid Māori less compensation than it had valued the land at, and took the land without considering the overall land holdings of those affected.\(^{348}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

\(^{343}\) Submission 3.4.145; claim 1.1.188.
\(^{344}\) Submission 3.4.145; claim 1.1.188, p 2.
\(^{345}\) Final SOC 1.2.31, pp 5–8; submission 3.4.145, pp [7]–[11].
\(^{346}\) Claim 1.1.188, p 2.
\(^{347}\) Claim 1.2.31, pp 5–8.
\(^{348}\) Submission 3.4.145, p [12].
Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  The taking of land for the Mangaokewa Gorge scenic reserve is discussed in sections 20.4.4 and 20.4.4.2. We cite it as an example of the Crown compulsorily taking land for future use rather than immediate need, commenting that ‘the Crown had advice such a large area was not required, and shortly after parts of the reserve were given over for quarry purposes’ (section 20.6).
Claim title
Ngāti Maniapoto Natural Resources (Davis) Claim (Wai 1977)

Named claimant
Piko Davis (2008)\textsuperscript{349}

Lodged on behalf of
The tangata whenua of Ngāti Maniapoto and the 23 marae of Ngāti Maniapoto\textsuperscript{350}

Takiwā
Te Kūiti–Hauāuru. The claim area ‘includes Karewa Island to the West and 20 miles out to sea, [and] extends as far north as the boundary for Pirongia, across to Waihaha and Urakia blocks in the east, and south to Te Kau marae.’\textsuperscript{351}

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1977 claim addresses six themes. First, it argues that the Crown sought to undermine the Kingitanga in various ways, including by failing to recognise the independence of Pōtatau Te Wherowhero, and not dealing with Tāwhiao when trying to open up Te Rohe Pōtae in the 1880s.\textsuperscript{352} On the theme of war and raupatu, the claim contends that Ngāti Maniapoto were forced into the Waikato War by the Crown's invasion of their lands. It is claimed that they were never compensated for the casualties they suffered and the lands confiscated from them; moreover, Ngāti Maniapoto were left to provide shelter for refugees from the war and its aftermath.\textsuperscript{353} Another war-related allegation is that the Crown intentionally let Ngāti Maniapoto prisoners escape from Kawau Island in order that they might spread smallpox among Ngāti Maniapoto communities. The claim asserts that the smallpox outbreak led directly to 150 deaths among Ngāti Taratutu and the loss of entire whanau groups among Ngāti Urunumia. It also says the families of the survivors suffered ongoing ill-health and economic losses, such as the sacrifice of the old Ōtorohanga village which was torched as a decontamination measure.\textsuperscript{354}

The claim then addresses the role of the Native Land Court in alienating Ngāti Maniapoto from their land base. It argues that the court was not impartial, given the lack of independent legal counsel, and that biased judges were appointed (such as Gilbert Mair, who had fought against Ngāti Maniapoto). It is also alleged that court processes allowed for the distortion and destruction of Ngāti Maniapoto’s

\textsuperscript{349}. Submission 3.4.48; claim 1.1.202.
\textsuperscript{350}. Submission 3.4.48.
\textsuperscript{351}. Claim 1.1.202, p 3.
\textsuperscript{352}. Final SOC 1.2.127, pp 5–6.
\textsuperscript{353}. Final SOC 1.2.127, pp 6–7.
\textsuperscript{354}. Final SOC 1.2.127, p 7.
traditional history and whakapapa. The claimant says the court sought to undermine hapū who had supported the Kingitanga and were adherents of Pai Mārire by not recognising their interests, and also sought to relocate hapū from the Waitomo and Haurua areas in order to make it easier for the Crown to purchase there. In support of this argument, the claim cites numerous instances of hapū having to register under different names in order to be included in block ownership. An additional contention is that traditional place names were obliterated as a result of the court accepting evidence which wrongly located or named them.

Turning to the environment, the claim asserts that the Crown passed legislation to usurp Ngāti Maniapoto rights to mineral and hydrocarbon resources, which in turn denied them the chance to benefit from economic development. Much the same assertion is made about the resources of the seabed and foreshore, with the claim noting that the Crown’s actions contravened Judge Fenton’s 1884 acknowledgement of Ngāti Maniapoto having interests up to 20 miles offshore. Finally, the claim alleges that the Crown went ahead with the survey of the North Island Main Trunk Railway in spite of the objections of many Ngāti Maniapoto hapū, and then failed to take action to contain another outbreak of smallpox introduced by the surveyors. The claim states that this led to hundreds of deaths and also compelled the destruction of villages and the desertion of other significant sites. It is also noted that railway route forced the relocation of the ancient site of Hangatiki.

The claim adopts generic pleadings on war and raupatū, Te Ōhākī Tapu and constitutional issues, Native Land Court, land alienations and protection of land base, the railway, pre-1865 alienations, Crown purchasing and private purchasing, native townships, vested lands, Māori land development and administration, environment and harbours, local government and rating, economic development, tikanga, and health and education.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

357. Final soc 1.2.127, pp 10–12.
359. Final soc 1.2.127, pp 14–16.
360. Final soc 1.2.127, p 16.
Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

While accepting that the conditions Māori prisoners were kept in would have made them more susceptible to disease and illness, the Tribunal did not find the claim that the Crown intentionally allowed the spread of smallpox to be well founded; it was not convinced that the Crown had the means or understanding to execute a targeted outbreak of the disease at that time (see section 6.7.3.5).

The formation and enforcement of the aukati – the border area on the edges of Kīingitanga territories which Te Rohe Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

We note the relevance of these findings to the allegation that the Crown failed to recognise Ngāti Maniapoto’s relationship with the foreshore and seabed, despite Judge Fenton’s 1884 ruling that they had interests up to 20 miles offshore. That decision endorsed what Ngāti Maniapoto and others had said in the Four Tribes petition of 1883, where they described their boundaries as extending ‘twenty miles out to sea’ (see appendix 1 to chapter 8). Their petition also stated that Parliament’s laws tended ‘to deprive us of the privileges secured to us by the second and third articles of the Treaty of Waitangi, which confirmed to us the exclusive and undisturbed possession of our lands’. Thus, the petitioners were expressing the same desire to exercise mana whakahaere that Te Rohe Pōtae Māori were also seeking through the Te Ōhākī Tapu negotiations underway in this period. We found in section 8.11 that the Crown’s failure to fulfil the promises it made in the Te Ōhākī Tapu agreements, and the many Treaty breaches that followed, ‘seriously damaged’ the ability of Te Rohe Pōtae Māori to exercise their tino rangatiratanga and their mana in respect of their ancestral lands, waterways, and associated resources – including the relationship with the foreshore and seabed referred to in the Wai 1977 claim.

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the
railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  In section 10.4.5, the Tribunal noted that the Crown sometimes had an undue influence over the court. However, we made no finding on the partiality of the court towards particular claimant groups. We said that the lack of consistency in judicial positions (see section 10.4.3.8) did not indicate a preordained, systemic bias on the part of the court, although we did document apparent bias in some judicial commentary (section 10.5.1.5).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962: see chapter 17 and the findings summarised in section 17.6 (part III).
The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Tribunal makes no finding specific to property rights in oil and gas in Te Rohe Pōtae in this chapter. Here, however, we note the finding of the Wai 796 inquiry that Māori landowners possessed legal title to the oil and gas deposits under their land until the passage of the Petroleum Act 1937, and thereafter they had a Treaty interest. That inquiry also found that Māori had a Treaty interest in any deposits under land alienated before 1937 if the means of alienation had involved a breach of the Treaty.363

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

Any specific local allegations requiring additional Tribunal findings

Regarding the allegation that railway surveyors caused a smallpox outbreak, the Tribunal did not receive sufficient evidence to allow it to make any additional findings on this matter.
Claim title
Raukura Whānau Trust Lands Claim (Wai 2016)

Named claimant
Evelyn Rayner

Lodged on behalf of
The Raukura Whānau Trust, Waitomo Caves

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the Raukura Whānau Trust – who are ‘descendants of Pututu Hotukopa Te Kanawa, Kapetiu Hotukopa Te Kanawa, Te Kanawa te tangata, Uekaha iwi and Ngāti Maniapoto’ – have been prejudicially affected by Crown policies, practices, and omissions inconsistent with the terms and principles of the Treaty of Waitangi. This prejudice allegedly includes the failure to protect their cultural heritage, their customary rights to land and resources, and their guardianship of their sacred mountains, wāhi tapu, and communal estate through the operation of the Native Land Court and Māori Land Court.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction

364. Claim 1.1.211.
365. Claim 1.1.211.
366. Claim 1.1.211.
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
Claim title
Aranui Cave (Thompson) Claim (Wai 2017)

Named claimants
Tess Thompson, Lisa Docherty, Gina Kaio, Alexia Alderson, and Tiahuia Danielle Sukroo

Lodged on behalf of
Themselves and the descendants of Te Ruruku Aranui

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the claimants’ traditional rohe, which includes the Aranui caves and surrounding lands. The claimants allege the Crown failed to ensure Te Ruruku Aranui’s descendants retained their tino rangatiratanga in respect of their lands, taonga, resources, and tikanga. They say the Crown also failed to protect and uphold their ability to economically benefit from their lands and resources.

In the amended claim (2011), claimants assert the Aranui Caves rightfully belong to them but were acquired and nationalised under public works legislation. They allege that, as a result of the Crown’s Treaty breaches, Te Ruruku Aranui descendants have been dispossessed and displaced from their lands and resources; prevented from engaging in proper economic utilisation and development of these lands and resources; left with fragmented holdings insufficient for their present and future needs; and prevented from or hampered in exercising tino rangatiratanga over their lands and resources.

In closing submissions, the claimants explain that the reserve land blocks where the Aranui Caves are situated were acquired and nationalised under the Public Works Act 1905, the Public Works Act 1908, and the Scenery Preservation Act 1903. They allege the Crown’s introduction of scenery preservation legislation breached the Treaty on two accounts: the Crown failed to consult with Māori about the Scenery Preservation Act 1903 and its subsequent amendment acts; and failed to translate the 1903 Act into te reo Māori. They say that they were prejudiced as a...
result of the Act, as once the land had been taken, they were unable to benefit from any tourism or other commercial developments on the land.\textsuperscript{371}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings. Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised at section 20.9 (part IV).

  In section 20.6, we comment that ‘many of the compulsory takings of Māori land for public works in this district, whatever the taking authority, do not meet the test of a last resort in the national interest . . . Some kinds of takings, such as for scenery preservation were undertaken according to policy requirements that recognised other uses were possible and therefore were never a last resort.’

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

  The Scenery Preservation Act 1903 and other acts by which Māori land was taken for scenic reserves are discussed in section 21.3.3.6.

\textsuperscript{371} Submission 3.4.188, p 11.
Claim title
Descendants of Parehuiroro Hohepa Land Claim (Wai 2020)

Named claimants
Hinekopa Te Kanawa-Barrett and Maxine Ketu

Lodged on behalf of
Themselves and ngā uri o Huihana Parehuiroro, me ngā hapū o Ngāti Kinohaku me Ngāti Maniapoto

Takiwā
Te Kūiti–Hauāuru. Ngāti Kinohaku's mana whenua 'largely align with the Kinohaku East and West blocks, including strong coastal ties from Awakino to Waikawau then to Taharoa and Kāwhia'.

Other claims in the same claim group
586, 753, 1396, 1585, 2020, 2090. The amended statement of claim lodged jointly by the group in 2011 states that 'All of the current claimants are trustees and/or beneficiaries of the Ngāti Kinohaku Trust'.

Summary of claim
The original statement of claim alleges prejudice as a result of the Crown's taking of land for a quarry at Ōparure, Te Kūiti.

The group's amended statement of claim gives the claimants' background to the Treaty and the Ōhākī Tapu agreements. It states that at least two Ngāti Kinohaku rangatira signed the Treaty but understood that Ngāti Kinohaku would retain mana whenua. They remained in control of their lands when the aukati line was established in 1862. The claimants assert that their tupuna agreed to the Ōhākī Tapu agreements, having been promised by the Crown that the Native Land Court would not operate in Te Rohe Pōtae, their lands would be inalienable, and iwi and hapū would determine their boundaries. They allege that the Crown's breaches of the promises and guarantees of the Treaty and the Ōhākī Tapu agreements underlie the significant prejudices suffered by Ngāti Kinohaku.

The opening submissions (made jointly with the Wai 753 claimants) state that it is a comprehensive historical claim largely focused on the Kinohaku East and
West blocks. The claimants reiterate their key themes: the broken promises of Te Ōhākī Tapu, the Crown’s failure to protect their rangatiratanga, the Native Land Court process, the loss of land through survey costs, excessive Crown purchasing, compulsory acquisition, land consolidation and development schemes, and environmental degradation.

Closing submissions (made on behalf of the whole claimant group) emphasise that although Ngāti Kinohaku and other hapū have joined with Ngāti Maniapoto, or come under its banner, they remain a distinct group with their own mana. The submissions develop the claimants’ central allegations further, focusing on five themes: tino rangatiratanga, the ‘devastating’ loss of land and resources due to various Crown-led initiatives, twentieth century land administration and development schemes (including the Ōparure land development scheme which they say began as a direct result of requests by Ngāti Kinohaku landowners who ‘had no other options to deal with mostly fragmented units of land’ but did not succeed due to the Crown’s ‘lack of proper assessment and interest’), the depletion of their natural resources, and the loss of te reo through the imposition of Crown education policies. Among other examples of the Crown allegedly breaching its duty to protect Ngāti Kinohaku, counsel refer to two public works takings detailed in witness evidence. Wayne Jensen described the laying of gas pipelines beside Mōtītī marae and the lack of meaningful compensation, while Hinekopu Barrett spoke on the taking of shingle from Pakeho 18 block and the failure of the Crown agency to gain the owners’ consent or seek other alternatives.

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtæ iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

378. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.5.1.6, 10.6.2.1.1, 10.7.2.3.1, 11.4.3, 11.5.2.2, 13.3.4, 13.5.1, 14.3.2, 16.4.3.2.4, 20.4.4.3; tables 11.5, 11.6, 13.1, 13.3, 13.10, 14.2 (Kinohaku West); sections 10.4.3.1, 10.4.3.8, 10.4.4, 10.5.2, 16.3, 17.3.4.2.1.1; tables 11.4, 13.1, 13.2, 14.2 (Kinohaku East).
379. Submission 3.4.80, pp [3]–[4].
380. Submission 3.4.204, p 9.
381. Submission 3.4.204, p 45.
382. Submission 3.4.204, p 56.
The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtæ Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæ (1883–1903); the Crown’s actions in respect of land takings, land givings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtæ Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement
schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Ōparure land development scheme, which is the subject of Ngāti Kinohaku claimant allegations, is not discussed in detail but is referred to in sections 17.3.1.2 and 17.3.4

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

Particularly relevant to this claim is our discussion of the extent to which it was ‘tempting for taking authorities to resort to compulsory taking of Māori land’ for purposes that could be described as routine. As well as takings for rubbish dumps and recreation grounds, those for ‘many local quarries, shingle pits, scenic reserves, and local roads also appear either not to meet any national interest test or could have been located elsewhere or an alternative such as leasing (and paying royalties) was clearly available’ (section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Any additional Tribunal findings on local allegations or claims

The group’s amended statement of claim states that the construction of the Kapuni and Maui natural gas pipelines in the late 1960s affected many Ngāti Kinohaku blocks and sites of significance, including an urupā located on part of the Tapuiwahine block in which they have interests. In summary, the claimants allege:

› the routes for the pipelines were secured by easement, and thus without the consent or agreement of the landowners;

› the landowners were not consulted on the routes of the pipelines, which pass through or near an urupā;

› the landowners were not properly compensated by the Natural Gas Corporation for costs incurred in the construction and ongoing presence of the pipelines; and

› today the Mōtītī marae is between the gas lines, and the pā trustees and beneficial owners are forced to meet actual and ongoing costs ‘incidental to the diversion of construction systems and to accommodate gas lines . . . without compensation and/or financial assistance’.

For the authority to lay the Kapuni and Maui gas pipelines across the Tapuiwahine block, the Crown relied on easement certificates issued under a 1962 amendment to the Petroleum Act 1937 and under Section 17 of the Natural Gas Corporation Act 1967. The effect of Section 17 of the Natural Gas Corporation Act 1967 was to allow for easement certificates to be issued requiring landowners to accommodate the pipelines while obviating ‘the prior necessity of reaching individual agreements on details etc of those easements’.

As the claimants point out, the Kapuni gasline passes close to the Ngāti Kinohaku urupā located on the Tapuiwahine A13 block. The Crown was aware of the existence of this urupā when the gasline routes were planned. In planning the routes, a Crown official determined that the urupā was located ‘approximately 100 foot’ in clearance from the pipeline and was therefore of acceptable proximity. The Crown made this determination without consulting the landowners. The claimants gave evidence at hearing that the urupā is in fact closer to the pipeline than the Crown official estimated, and the Crown records themselves do not record a precise distance.

The process of compensation for laying the pipelines was to offer landowners a payment ‘assessed at 50 per cent of a special Government valuation of the paddock.
value of the land contained in the easement.\textsuperscript{387} In addition, compensation could also be paid for disturbance and damage during construction and for loss of use.\textsuperscript{388} For the Tapuiwahine blocks, the Māori Trustee negotiated with the Crown on behalf of the owners, and apportioned the easement fees paid in compensation in favour of the lessees of the land at the time. The result was an inequitable outcome for the Māori landowners. This was despite the pipeline becoming a permanent feature of the lessor’s land, and the easement certificate being registered forever on the title. The evidence shows that the Māori Trustee attempted to rectify this error by writing to the Ministry of Works in 1972, but the ministry was unable to assist as the easement fees had already been paid out. We find that the Māori landowners of the Tapuiwahine blocks were denied appropriate compensation for the installation of the pipeline.\textsuperscript{389}

In all these respects, we find the claim to be well founded. We find that the Crown breached the Treaty principles of partnership, protection of tino rangatiratanga and active protection by:

\begin{itemize}
  \item failing to properly engage in full and genuine consultation with Māori over the appropriation of Māori land for the purposes of laying the Kapuni and Maui gas pipelines across the Tapuiwahine block;
  \item failing to ensure Māori landowners were fairly compensated for the easements;
  \item siting the pipelines insensitively; failing to protect a site of importance to Māori; and failing to engage in appropriate consultation over the routes.
\end{itemize}

This conclusion echoes findings we made in chapter 20 of this report relating to public works (see section 20.6).

Finally, we have insufficient evidence to determine the nature or extent of any historic or ongoing costs arising from the presence of the pipeline on Ngāti Kinohaku land. We thus make no findings on that particular aspect of the claim. However, we suggest that the Crown engage with the claimants to determine the extent of any incidental costs incurred, now or in the past, as a result of the pipeline’s presence and also to consider appropriate forms of redress through consultation.

\begin{itemize}
  \item \textsuperscript{387} Document A63, p 234.
  \item \textsuperscript{388} Document A63, p 233.
  \item \textsuperscript{389} Document A63, p 238–239.
\end{itemize}
Claim title
Ngāti Maniapoto Lands (Green) Claim (Wai 2085)

Named claimant
Tawhai Kohotu Green (2008)\(^{390}\)

Lodged on behalf of
Herself, her whānau, and Ngāti Maniapoto\(^{391}\)

Takiwā
Te Kūiti–Hauāuru. The claim relates to the Hauturu and Kiriwai land blocks, and the Waitomo Caves.\(^{392}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that Ngāti Maniapoto have been prejudicially affected by the Crown's land takings and the laws of succession, and through the desecration of wāhi tapu at the Waitomo Caves.\(^{393}\) It alleges that the iwi have suffered prejudice arising from land loss, the maladministration of Māori education, the inadequacy of health provision for Māori, the failure to facilitate Māori economic development, and the ‘constitutional illegitimacy’ of successive New Zealand governments.\(^{394}\)

The amended statement of claim adopts the generic statements on overall land alienation, Crown purchasing, the Native Land Court, public works takings, vested land, Māori land administration and development, and the environment. It specifically alleges the Crown breached the Treaty by public works takings in the Hauturu and Kiriwai blocks and by failing to protect the environment of the Waitomo Caves.\(^{395}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

\(\text{\footnotesize{\text{390. Final SOC 1.2.112; claim 1.1.221.}}}\)

\(\text{\footnotesize{\text{391. Final SOC 1.2.112.}}}\)

\(\text{\footnotesize{\text{392. Final SOC 1.2.112, p 4.}}}\)

\(\text{\footnotesize{\text{393. The Waitomo Caves are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.6, 11.4.4.1, and 23.5.1.}}}\)

\(\text{\footnotesize{\text{394. Claim 1.1.221.}}}\)

\(\text{\footnotesize{\text{395. Final SOC 1.2.112, p 4. The Hauturu block is discussed elsewhere in the report, including in sections 9.8.8, 11.4.9, and 11.7.5.}}}\)

871
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtāe: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtāe Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtāe from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Kinohaku East 4B1 Block (Wana) Claim (Wai 2088)

Named claimant
William Gene Wana

Lodged on behalf of
Himself and all beneficial owners of the Piopio A1B block

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns Piopio A1B block, formerly known as Kinohaku East 4 (Mairoa). It alleges the Crown compulsorily acquired part of the block in 1958 for a school at Piopio. It also alleges Māori land was taken for the school from Kinohaku East 4B1 in 1922 and Piopio A1A1B in May 1958.

A number of Crown failures relating to these acquisitions are alleged, including that the Crown failed to consult with Māori prior to the enactment of public works legislation. The claim also asserts that land acquisition under public works legislation was made easier by the Crown's failure to protect Māori lands against fragmentation and individualisation resulting from the Native Land Court processes. According to the claimant, public works legislation prior to 1960 failed to require the Crown to give notice of intention to take land, and also lacked sufficient mechanisms for consultation.

The claim contends that objections were made at the time regarding the existence of traditional kainga and burial sites, but the Crown ignored them. The Crown allegedly also failed to remove remains from a burial site.

The claim alleges that, in addition to these failures, the Crown failed to meet its obligation to ensure all practical alternatives had been exhausted before taking the land; nor did it consider alternatives to the monetary compensation offered. The

396. Submission 3.4.224. The Wai 2088 claim was brought in 2008 by Ngakawe (Gwen) Wana, and her son William Wana was added as a named claimant in 2010. Ngakawe Wana passed away in 2011:

397. Submission 3.4.224. In the statement of claim this was expressed as being made on behalf of 'herself [Ngakawe Wana] & Charlie Hauraki Wana being the successors to Mr T Kurukuru who died in 1987': claim 1.1.224, p 3.

398. The Piopio A1B block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 20.4.2.1 and 20.4.2.2.

399. Claim 1.1.224, p 1.

400. Claim 1.2.56, pp 4–5.

claim argues that the public works legislation, under which the Piopio A1B block was taken, afforded the beneficial owners no opportunity to negotiate compensation. It also alleges the Crown’s practices for offering land back were unfair and, because their land had been taken, the beneficial owners were not in a financial position to purchase it when it was offered back to them in 2011.402

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

We discuss the compulsory taking of Māori land for the Piopio school in section 20.4.2.1 and 20.4.2.2. We describe both the 1922 and 1958 takings as examples of ‘the continued insistence on replacing leasing opportunities for Māori with outright takings, the lack of consultation and the way one original taking for a work often resulted in a pattern of further takings’. We also note that in respect of the offer made to the Wana whānau to purchase their land back, the accredited agents for the Ministry of Education, Darroch Limited, provided no evidence as to why purchasing at less than market value was not advanced as an option, despite the 1981 amendments providing for this.

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Claim title
Haputanga and Ngā Tatai Tuhononga i a ia Lands (Jensen) Claim (Wai 2090)

Named claimant
Wayne Douglas Jensen

Lodged on behalf of
Himself and Ngā uri o Iriaka Puhia me Rerehau Haupokia, Ngāti Ururumia, Ngāti Rangatahi, Ngāti Hari, Ngāti Waiora me ngā hapū katoa o Ngāti Kinohaku

Takiwā
Te Kūiti–Hauāuru. Ngāti Kinohaku’s mana whenua ‘largely align with the Kinohaku East and West blocks, including strong coastal ties from Awakino to Waikawau then to Taharoa and Kāwhia’.

Other claims in the same claim group
586, 753, 1396, 1585, 2020, 2090. The amended statement of claim lodged jointly by the group in 2011 states that ‘All of the current claimants are trustees and/or beneficiaries of the Ngāti Kinohaku Trust’.

Summary of claim
The original statement of claim concerns hapū lands and other resources (including caves) that the Crown took or failed to protect at Ōtorohanga, Waitomo, Tawarau, Kinohaku West, Taumata:tōtara, Waipuna, Waiharakeke, Taharoa, Harihari, Ahuahu, Rangiora, the west coast of Te Rohe Pōtae, and elsewhere. Other alleged Crown breaches relate to the operation of the Native Land Court, the Maōri Trust Office, the Department of Conservation and local authorities; mining and extraction from the Taharoa and Kāwhia regions; public works and local government legislation; restrictions on the hapū’s commercial activity; and the foreshore and seabed legislation. The claim also makes allegations about the impacts of raupatu on the hapū, specifically ‘refugee displacement and the tikanga of tuku whenua’, and says that the Crown has failed to actively protect their tino rangatiratanga.

The group’s joint amended statement of claim gives the claimants’ background to the Treaty and the Te Ōhākī Tapu agreements. It states at least two Ngāti Kinohaku rangatira signed the Treaty, but they would have understood that Ngāti Kinohaku would retain mana whenua. Ngāti Kinohaku remained in control of their lands when the aukati line was established in 1862. The claimants assert their tūpuna agreed to the Ōhākī Tapu, having been promised by the Crown that

403. Claim 1.1.225.
404. Final SOC 1.2.102, p 3. The original statement of claim was lodged by Mr Jensen on behalf of himself and ‘Hapūtanga & Ngā Tatai Tuhononga i a ia, both past & present’: claim 1.1.225.
405. Submission 3.4.204, pp 5, 12.
406. Final SOC 1.2.102, p 3.
the Native Land Court would not operate in Te Rohe Pōtae, their lands would be inalienable, and iwi and hapū would determine their boundaries. They allege the Crown’s breaching of the promises and guarantees in the Treaty and the Ōhākī Tapu underlies the significant prejudices suffered by Ngāti Kinohaku. 408 The statement then lists 10 causes of action.

Closing submissions (made on behalf of the whole claimant group) emphasise that although Ngāti Kinohaku and other hapū have joined with Ngāti Maniapoto, or come under its banner, they remain a distinct group with their own mana. 409 The submissions develop the claimants’ central allegations further, focusing on five themes: tino rangatiratanga, the ‘devastating’ loss of land and resources due to various Crown-led initiatives, twentieth century land administration and development schemes (including the Ōparure land development scheme which they say began as a direct result of requests by Ngāti Kinohaku landowners who ‘had no other options to deal with mostly fragmented units of land’ but did not succeed due to the Crown’s ‘lack of proper assessment and interest’ 410 ), the depletion of their natural resources, and the loss of te reo through the imposition of Crown education policies. 411 Among other examples of the Crown allegedly breaching its duty to protect Ngāti Kinohaku, counsel refer to two public works takings detailed in witness evidence. Wayne Jensen described the laying of gas pipelines beside Mōtītī marae and the lack of meaningful compensation, while Hinekopu Barrett spoke on the taking of shingle from Pakeho 18 block and the failure of the Crown agency to gain the owners’ consent or seek other alternatives.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, the general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part i).

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected

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408. Final soc i.2.102, p16.
409. Submission 3.4.204, p 9.
410. Submission 3.4.204, p 45.
411. Submission 3.4.204, p 56.
against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ūhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of
settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Ōparure land development scheme, which is the subject of Ngāti Kinohaku claimant allegations, is not discussed in detail but is referred to in sections 17.3.1.2 and 17.3.4.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  Particularly relevant to this claim is our discussion of the extent to which it was 'tempting for taking authorities to resort to compulsory taking of Māori land' for purposes that could be described as routine. As well as takings for rubbish dumping and recreation grounds, those for 'many local quarries, shingle pits, scenic reserves, and local roads also appear either not to meet any national interest test or could have been located elsewhere or an alternative such as leasing (and paying royalties) was clearly available' (section 20.6).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Any additional Tribunal findings on local allegations or claims

The group’s amended statement of claim states that the construction of the Kapuni and Maui natural gas pipelines in the late 1960s affected many Ngāti Kinohaku blocks and sites of significance, including an urupā located on part of the Tapuiwahine block in which they have interests. In summary, the claimants allege:

- the routes for the pipelines were secured by easement, and thus without the consent or agreement of the landowners;
- the landowners were not consulted on the routes of the pipelines, which pass through or near an urupā;
- the landowners were not properly compensated by the Natural Gas Corporation for costs incurred in the construction and ongoing presence of the pipelines; and
- today the Mōtītī marae is between the gas lines, and the pā trustees and beneficial owners are forced to meet actual and ongoing costs ‘incidental to the diversion of construction systems and to accommodate gas lines . . . without compensation and/or financial assistance’.412

For the authority to lay the Kapuni and Maui gas pipelines across the Tapuiwahine block, the Crown relied on easement certificates issued under a 1962 amendment to the Petroleum Act 1937 and under Section 17 of the Natural Gas Corporation Act 1967. The effect of Section 17 of the Natural Gas Corporation Act 1967 was to allow for easement certificates to be issued requiring landowners to accommodate the pipelines while obviating ‘the prior necessity of reaching individual agreements on details etc of those easements’.413

As the claimants point out, the Kapuni gasline passes close to the Ngāti Kinohaku urupā located on the Tapuiwahine A13 block. The Crown was aware of the existence of this urupā when the gasline routes were planned. In planning the routes, a Crown official determined that the urupā was located ‘approximately 100 foot’ in clearance from the pipeline and was therefore of acceptable proximity.414 The Crown made this determination without consulting the landowners. The claimants gave evidence at hearing that the urupā is in fact closer to the pipeline than the Crown official estimated, and the Crown records themselves do not record a precise distance.415

The process of compensation for laying the pipelines was to offer landowners a payment ‘assessed at 50 per cent of a special Government valuation of the paddock

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412. Final soc 1.2.102, para 44.3(d).
414. Final soc 1.2.102, para 44.3(d).
value of the land contained in the easement.'\textsuperscript{416} In addition, compensation could also be paid for disturbance and damage during construction and for loss of use.\textsuperscript{417} For the Tapuiwahine blocks, the Māori Trustee negotiated with the Crown on behalf of the owners, and apportioned the easement fees paid in compensation in favour of the lessees of the land at the time. The result was an inequitable outcome for the Māori landowners. This was despite the pipeline becoming a permanent feature of the lessor’s land, and the easement certificate being registered forever on the title. The evidence shows that the Māori Trustee attempted to rectify this error by writing to the Ministry of Works in 1972, but the ministry was unable to assist as the easement fees had already been paid out. We find that the Māori landowners of the Tapuiwahine blocks were denied appropriate compensation for the installation of the pipeline.\textsuperscript{418}

In all these respects, we find the claim to be well founded. We find that the Crown breached the Treaty principles of partnership, protection of tino rangatiratanga and active protection by:

- failing to properly engage in full and genuine consultation with Māori over the appropriation of Māori land for the purposes of laying the Kapuni and Maui gas pipelines across the Tapuiwahine block;
- failing to ensure Māori landowners were fairly compensated for the easements;
- siting the pipelines insensitively; failing to protect a site of importance to Māori; and failing to engage in appropriate consultation over the routes.

This conclusion echoes findings we made in chapter 20 of this report relating to public works (see section 20.6).

Finally, we have insufficient evidence to determine the nature or extent of any historic or ongoing costs arising from the presence of the pipeline on Ngāti Kinohaku land. We thus make no findings on that particular aspect of the claim. However, we suggest that the Crown engage with the claimants to determine the extent of any incidental costs incurred, now or in the past, as a result of the pipeline’s presence and also to consider appropriate forms of redress through consultation.

\textsuperscript{416} Document A63, p 234.
\textsuperscript{417} Document A63, p 233.
\textsuperscript{418} Document A63, p 238–239.
Claim title
Descendants of Manganui Ngaamo Lands Claim (Wai 2102)

Named claimant
Bessie May Thocolich (2008)

Lodged on behalf of
Herself and the descendants of Manganui Ngaamo and Ngāti Wairere and Te Ihingarāngi Takiwā

Te Küiti–Hauāuru. The focus of this claim is the Rangitoto A6OB block. The claim area also includes the Rangitoto–Tuhua, Te Akau, Te Kopua, Te Rape, and Whaanga blocks.

Other claims in the same claim group
1824. The claimants in this group share interests in Rangitoto A6OB.

Summary of claim
The original Wai 2102 claim relates to the Rangitoto A6OB block. The claim alleges that land in this block was taken by the Crown for the purposes of constructing a road. It further alleges that no compensation was paid to the owners, and that the land was sold to a Pākehā following the road’s completion.

These pleadings are developed in an amended statement of claim. The amended claim focuses on the subdivision of the Rangitoto–Tuhua block, alleging that it imposed heavy survey costs and led to the alienation of 34,340 acres of the original block. In the years following the Native Land Court’s partition order, the claim alleges, the Crown purchased 102,251 acres of land in the Rangitoto–Tuhua block. The claim broadly alleges that Native Land Court processes damaged rangatira-tanga and existing social structures, and facilitated the alienation of land. The claim contends that the descendants of Manganui Ngaamo, Ngāti Wairere, and Te Ihingarāngi have been prejudiced by the Crown’s native land legislation, which has disconnected them from their lands, and rendered them virtually landless today.

Regarding the lands they did retain, it is alleged that the Crown failed to provide

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419. Submission 3.4.229.
420. Final soc 1.2.80, p.2.
421. Final soc 1.2.80, pp 2–3. Many of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.3.7, 10.7.2.1.2, 10.8 (Rangitoto–Tuhua); 10.5.2 and 11.5.3 (Rangitoto A); 5.4.3.1, 5.4.4.4, 10.7.2.1.2, 22.5.5 (Te Akau); 5.4.5.2.1, 11.3.3.5, 20.5.3.2 (Te Kopua); 5.4.5.2.2 (Whaanga).
422. Submission 3.4.229, p 3; submission 3.4.181, pp 33–35.
424. Final soc 1.2.80, p 5.
425. Final soc 1.2.80, p 5.
426. Final soc 1.2.80, pp 12–13.
427. Final soc 1.2.80, pp 4–6.
them with equal opportunities for economic development. The claim further states that the Crown failed to protect the lands from being exploited for mineral resources, and additionally, failed to ensure that the descendants of Manganui Ngaamo, Ngāti Wairere, and Te Ihingarāngi could participate in the mining and quarrying industries on their own lands.

Finally, the claim introduces a cause of action concerning hapū autonomy. It asserts that the Crown failed to ‘actively acknowledge [the] tino rangatiratanga’ of the descendants of Manganui Ngaamo, Ngāti Wairere, and Te Ihingarāngi and their ‘right to decide how they represent themselves.’ The claim takes issue with the Crown’s ‘Large Natural Grouping’ policy, alleging that it denies hapū the right to decide how they represent themselves. As a result, the claim argues, the rights of smaller autonomous hapū to redress are not protected.

In closing submissions, counsel for the claimant commented that this claim concerning the Rangitoto A60 block had been dealt with comprehensively in submissions produced for the Wai 1824 claim. Furthermore, both the Wai 2102 and 1804 claimants agreed their claims were analogous and sought the same outcome. Consequently, counsel notified the Tribunal that they would adopt the submissions made by counsel for the Wai 1824 claimant, and rely on those submissions in relation to the Rangitoto A60B block specifically.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

428. Final soc 1.2.80, p.9.
429. Final soc 1.2.80, p.7.
430. Final soc 1.2.80, p.15.
431. Final soc 1.2.80, p.16.
432. Submission 3.4.229, p.3.
We refer to the subdivision of Rangitoto A in section 10.5.2 as an example of ‘family partitioning’. In section 10.6.2.3, we consider the specific impact of survey costs in the Rangitoto–Tuhua blocks as a specific case study.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
  
  For our findings on Crown purchasing of inalienable lands in the Rangitoto–Tuhua blocks, see section 11.4.6.

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
  
  For our discussion of mining in Te Rohe Pōtae, see section 21.5.2.
Claim title
Ngāti Tahinga, Ngāti Tanetinorau, Ngāti Te Whatu and Others Lands and Resources (Walsh) Claim (Wai 2117)

Named claimant
Stephen Rewi Walsh (2008)

Lodged on behalf of

Takiwā
Te Kūiti–Hauāuru. The claim is made on behalf of ‘a number of hapū and iwi with interests along the West Coast, north and south of Marokopa’ and relates particularly to the Kinohaku West and Taharoa B blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 2117 statement of claim concerns hapū interests in the Kinohaku West and Taharoa B blocks and ‘everything tangible and intangible upon them.’ It is alleged that the Crown has acted inconsistently with a number of statutes, declarations, and pacts including the 1835 Declaration of Independence of New Zealand; New Zealand Constitution Act 1846; 1846 British Crown’s Royal Charter and Instruction; New Zealand Constitution Act 1852; Native Districts Regulations Act 1858; Native Circuit Courts Act 1858; Tāwhiao’s Declaration of Independence; Te Rohe Pōtae Sacred Compact; Imperial Laws Application Act 1988; Te Ture Whenua Māori Act 1993 and Te Ture Whenua Māori Incorporation Constitution Regulation Amendment Act 1995; and the Crimes Act 1961.

The final statement of claim contends that the processes of the Native Land Court were unfair. It is alleged that the court issued title for the Kinohaku West block and partitioned it into 10 unequal blocks. From 1892, the Crown allegedly reinvestigated the title and made further partitions: Kinohaku West A to Kinohaku

434. Submission 3.4.161; claim 1.1.229.
435. Ngāti Rārua and Ngāti Haumia were also mentioned: final soc 1.2.75, pp [1]–[2].
436. Submission 3.4.161, p [2].
438. Claim 1.1.229, p 5.
The claim asserts that the bulk of Kinohaku West H and Kinohaku West K was sold to the Crown. In relation to Taharoa B1B2B, the claim alleges that the great-grandfather of the claimant’s grand uncle, Taiki Kawhe (an owner of the block), was not included in the minute book list of owners. The claim further alleges that, in 1933, an order was made granting succession to a person unrelated to the Taiki Kawhe’s iwi or hapū in Taharoa B1B2B. In submissions, claimant counsel raise an allegation that the Native Land Court awarded Kinohaku blocks to Ngāti Kinohaku rather than to those hapū who traditionally occupied the area and who continued to do so at the time of the investigation.

The claim also alleges the Crown failed ‘to ensure the claimant iwi and hapū retained sufficient land for their future needs’. It contends that only 10 to 15 per cent of land in Te Rohe Pōtae remained in Māori ownership, with much of the land retained being ‘often inaccessible’, ‘land-locked’, ‘difficult to farm’, and ‘fragmented’. According to the claim, Crown failures have estranged iwi and hapū from their land, traditional forests, fishing grounds, and wāhi tapu, and also destroyed their social cohesion with their whanaunga.

A further allegation is that wāhi tapu have not been protected in the Kinohaku West rohe. In particular, it is alleged that the Native Land Court knew that ‘Kinohaku West E, section 1H, a 4-acre block’ was wāhi tapu – being a burial ground – but took no action to protect it. The claim alleges that farmers have allowed campers to cook, eat, and sleep on wāhi tapu sites.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected.
against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  We discuss the subdivision of the Kinohaku West lands in section 10.5.1.1. At section 10.6.2, we discuss the impact of survey costs, and refer to the survey of the Kinohaku West block, along with others, as particularly expensive. The alienation of Kinohaku West land by subdivision is set out in table 11.6.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
Claim title
Ngāti Maniapoto and Ngāti Uekaha Lands and Other Issues (Tane) Claim (Wai 2128)

Named claimant
Ben Tinorau Tane (2008)

Lodged on behalf of
Ngāti Maniapoto and Ngāti Uekaha and descendants in the Hauturu West, Hauturu East, and Waitomo blocks

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the Crown’s actions in the Hauturu West G2 section 2B2 land block have prejudicially affected those with interests there, causing land, waters, and resources to be alienated from them. The claim names the affected groups as Ngāti Maniapoto, Ngāti Uekaha, and descendants in the Hauturu West, Hauturu East, and Waitomo blocks.

The sources of this prejudice allegedly include harbour acts, survey liens, public works takings, desecration of wāhi tapu, local body rates, landlocked Māori lands, land development schemes, land boards, and Crown lands re-designated as Department of Conservation lands. The claim alleges that ‘legislation in all its various forms has been used by the Crown to alienate and confiscate Tangata Whenua of their lands and resources.’

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations of issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

448. The Hauturu West G2 section 2B2 land block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 13.3.7.4, 13.5.9, and 14.4.2.1.1.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

The vesting of Hauturu West g2 section B2 in 1910 is referred to in sections 13.3, 13.4, and 13.5.9. We cite it as an example of blocks taken from their owners under the vested lands scheme ‘on the pretext that they were unproductive’ and were then ‘locked up under board or trustee control for 50 years or more while all pleas for their return were dismissed . . . [They] were finally returned when the Trustee could find no better use for them’ (section 13.5.9).

Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III). Crown purchasing in Hauturu West g2 section B2 is referred to in section 14.4.2.

The establishment of native townships in Te Rohe Pōtæ under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Waitomo and Other Lands (Tapara) Claim (Wai 2129)

Named claimant
Doug Tapara (2008)\(^{450}\)

Lodged on behalf of
Himself and descendants of original owners of the Pukeroa-Hangatiki, Waitomo, Orahiri, Tahaia, Hauturu East, Pehitawa, and Marokopa blocks\(^{451}\)

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant asserts that the Crown used survey liens, public works takings, and the non-payment of rates to legally justify the alienation of lands and resources. Likewise, it is claimed that harbour acts were used to deprive tūpuna of their coastal waters.\(^{452}\) The claim also argues that vesting areas in Māori land boards and including them in Māori land development schemes led to similar alienations. Other grievances include the desecration of wāhi tapu, the creation of landlocked blocks, and the redesignation of Crown lands as Department of Conservation lands.\(^{453}\) The claim also argues for customary ownership of the foreshore and seabed out to the 20-mile limit laid down to Judge Fenton by Wahanui in 1884, as well as customary ownership of all rights to minerals and hydrocarbons (oil and gas).\(^{454}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\(^{450}\) Claim 1.1.238.
\(^{451}\) Claim 1.1.238.
\(^{452}\) Claim 1.1.238, pp 1–2.
\(^{453}\) Claim 1.1.238, p 2.
\(^{454}\) Claim 1.1.238, p 2.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhaki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

Section 10.5.2 is particularly relevant to the assertion that ‘the Crown has failed, and continues to fail, by not providing legal access to landlocked lands that remain in the claimants’ ownership’. There, we state that ‘a particularly damaging outcome of the court’s ad hoc approach to partitioning was that land could end up with restricted access or, in the worst-case scenario, no access at all (“landlocked land”).’

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962: see chapter 17 and the findings summarised in section 17.6 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Tribunal makes no finding specific to property rights in oil and gas in Te Rohe Pōtae in this chapter. Here, however, we note the finding of the Wai 796 inquiry that Māori landowners possessed legal title to the oil and gas deposits under their land until the passage of the Petroleum Act 1937, and thereafter they had a Treaty interest. That inquiry also found that Māori had a Treaty interest in any deposits under land alienated before 1937 if the means of alienation had involved a breach of the Treaty.455

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note the finding relative to harbours that ‘the Crown acted in a manner contrary to the principles of the Treaty of Waitangi from 1840 to 1991, namely the principles of good governance in article 1 and rangatiratanga in article 2. It did so because it did not legislate to recognise and provide for the rangatiratanga or manawhakahaere, values, and tikanga of Māori associated with the harbours that are taonga of the district so they could be integrated into its legislative management regime’ (see section 22.6.1).

Any specific local allegations requiring additional Tribunal findings

Regarding the claimant’s allegation about the re-designation of Crown lands as Department of Conservation lands, the Tribunal did not receive sufficient evidence to allow it to make any additional finding on this matter.

Claim title
Ngāti Maniapoto Land and Other Issues (Reid) Claim (Wai 2130)

Named claimant
Dolly Rangi Reid (2008)

Lodged on behalf of
Herself and Ngāti Waiora descendants of the original owners of the Arapae, Kawhia, Marokopa, and Te Hape blocks

Takiwā
Te Kūiti–Hauāuru. The claim relates to the Arapae, Kawhia, Marokopa, and Te Hape blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges that the Crown has alienated, confiscated, or marginalised lands, waters, and resources of Ngāti Waiora people descended from the original owners of the Arapae, Kawhia, Marokopa, and Te Hape blocks. In particular, the claim refers to the prejudicial impact of harbour acts, survey liens, public works takings, desecration of wāhi tapu, non-payment of local body rates, landlocked land, land development schemes, land boards, and the re-designation of Crown land as Department of Conservation land. The claim also alleges that past grievances caused by the Crown and colonial settlers have resulted in generations of socio-economic decline.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

456. Claim 1.1.239.
457. Claim 1.1.239.
458. Claim 1.1.239.
460. Claim 1.1.239, p 2.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the
areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Kinohaku and Others Lands (Nerai-Tuaupiki) Claim (Wai 2131)

Named claimant
Taane Steven Nerai-Tuaupiki (2008) 462

Lodged on behalf of
Himself and descendants of original owners in the Ototoika, Kinohaku West, Taharoa, and Kawhia blocks 463

Takiwā
Te Kūiti–Hauāuru. The claim relates to the Ototoika, Kinohaku West, Taharoa, and Kawhia land blocks. 464

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the Crown has alienated, confiscated, or marginalised lands, waters, and resources of people descended from the original owners of the Ototoika, Kinohaku West, Taharoa, and Kawhia blocks. In particular, it refers to the prejudicial impact of harbour legislation, survey liens, public works taking, desecration of wāhi tapu, non-payment of local body rates, landlocked land, land development schemes, land boards, and the redesignation of Crown land as Department of Conservation land. 465 The claim also alleges that past grievances caused by the Crown and colonial settlers have resulted in generations of socio-economic decline. 466

The claim further alleges the wrongful taking of the foreshore and seabed. It submits that ‘Riparian water rights’ remain with Māori, extending to the seabed and foreshore, and 20 miles out to sea parallel with the coastline. It also submits that all mineral rights on or beneath the land remain the possession of Māori. In addition, the claim alleges that all mineral rights on or beneath the land remain the possession of Māori. 467

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

462. Claim 1.1.240.
463. Claim 1.1.240.
466. Claim 1.1.239, p 2.
467. Claim 1.1.239, pp 2–3.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Maniapoto and Others Lands (Tohengaroa) Claim (Wai 2132)

Named claimant
Wally Hauauru Tohengaroa (2008)468

Lodged on behalf of
Himself and descendants of original owners of the Karu o te Whenua, Mahoenui, Mangaawakino, Ongarue Township, Orahiri, Otiao, Puketarata, Puketiti, Pukehua, Pura Pura, Rangitoto–Tūhua, Reu Reu, Onutai, and Waipuna blocks469

Takiwā
Te Kūiti–Hauāuru.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the Crown has alienated, confiscated, or marginalised the lands, waters, and resources of the descendants of the original owners of several blocks (Karu o te Whenua, Mahoenui, Mangaawakino, Ongarue Township, Orahiri, Otiao, Puketarata, Puketiti, Pukehua, Pura Pura, Rangitoto–Tūhua, Reu Reu, Onutai, and Waipuna blocks).470 In particular, it refers to the prejudicial impact of harbour legislation, survey liens, public works takings, desecration of wāhi tapu, non-payment of local body rates, landlocked land, land development schemes, land boards, and the redesignation of Crown land as Department of Conservation land.471 The claim also alleges that past grievances caused by the Crown and colonial settlers have resulted in generations of socio-economic decline.472

The claim further alleges the wrongful taking of the foreshore and seabed. It submits that ‘Riparian water rights’ remain with Māori, extending to the seabed

469. Claim 1.1.241.
470. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in section 11.3.4.3 and table 11.5 (Te Karu o te Whenua); sections 5.3.4.2, 11.3.4.5, 11.4.5.3, 11.5.2.3, 16.4.5.1, 16.6.2, 17.3.4, 22.3.4, and 22.3.7.2 and tables 11.5 and 14.2 (Mahoenui); sections 13.5.3 (fn 385), 13.5.4, and 20.4.4 and tables 13.3 and 13.11 (Mangaawakino); sections 9.4.4, 9.8.6, 10.6.3, 11.3.3.1 (fn 145), 11.4.5.1, 13.5.1, 15.4.3.3, and 15.4.3.4 and tables 9.1, 9.3, 9.4, 11.5, 13.3, 13.8, and 15.2 (Orahiri); sections 5.3.3.6 and 5.3.4.4 and table 5.2 (Otiao); sections 9.4.4, 9.4.7, 9.8.4, 10.5.1.1, 10.6.2.1.1, 11.4.4.1, 11.4.6, 11.4.7, 11.4.8, and 11.5.4 and tables 9.1, 9.3, and 11.5 (Puketarata); sections 10.5.2 and 11.3.4.5 (Puketiti); and table 11.5 (Pukehua); sections 10.4.3.7, 10.7.2.1.2, and 10.8 and table 11.7 (Rangitoto–Tūhua); and sections 5.3.3.3, 5.3.4.2.1, and 17.3.4 and table 5.2 (Waipuna).
472. Claim 1.1.239, pp 2.
and foreshore, and 20 miles out to sea parallel with the coastline. It also alleges that all mineral rights on or beneath the land remain the possession of Māori.\(^{473}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource

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\(^{473}\) Claim 1.1.239, pp 2–3.
sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Descendants of Pohe Paki Titi (Paki) Lands Claim (Wai 2133)

Named claimants
Arlene Teresa Paki, Mere Isobel Hapimarika, Rina Adelaide Paki and Tiemi Matiu Bose Ahu (2008)

Lodged on behalf of
Descendants of Pohe Paki Titi

Takiwā
Te Kūiti–Hauāuru

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege prejudice from changes to government legislation that resulted in the loss of lands owned by their tupuna Pohe Paki Tiki. They allege that increases in penalties and fees on land rates further contributed to land loss.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Descendants of Charles Hone Takerei Campbell Lands (Campbell) Claim (Wai 2168)

Named claimant
Benjamin Koneke Charles Campbell (2008)\textsuperscript{477}

Lodged on behalf of
Himself and the descendants of Charles Hone Takerei Campbell\textsuperscript{478}

Takiwā
Te Kūiti–Hauāuru. The claim relates especially to the Arapae A6A2 block, originally part of Kinohaku East.\textsuperscript{479}

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges he and other descendants of Charles Hone Takerei Campbell have been prejudicially affected by the Crown’s actions in the Arapae A6A1 and A6A2B blocks. The claimant states he was not informed of the sale of these blocks and never gave away authority to act on his behalf. He also alleges the violation and desecration of the mana of Maniapoto by the incorrect interpretation of the Treaty.\textsuperscript{480} In addition, the claim includes land in the Kinohaku East and wider Arapae blocks.\textsuperscript{481}

The amended statement of claim extends the claim to include all land and resources of the Urunumia hapū within the Te Awamutu and Te Kūiti area, and within all areas of their traditional base. The claim alleges the hapū’s interests in land, and specifically in certain urupā, have been eroded and eliminated by the Crown, contrary to the principles of the Treaty. It alleges they are likely to have been prejudicially affected by any Act of the Crown passed since 1840. According to the claimant, the Crown’s breaches of article 2 of the Treaty include failure to recognise Urunumia associations and interest with land covered by purchase agreements, and failure to consult with them. It is also alleged that breaches of the Treaty by the Crown include the unlawful alienation of Urunumia lands, by confiscation and other means, and the imposition of European land tenure concepts.\textsuperscript{482}

\textsuperscript{477} Claim 1.1.247.
\textsuperscript{478} Claim 1.1.247. The final statement of claim was made on behalf of ‘himself and the descendants of his grandfather and other members of the whanau hapu Urunumia’; final soc 1.2.51.
\textsuperscript{479} Claim 1.1.247; doc Q28 (Campbell), p.3.
\textsuperscript{480} Claim 1.1.247.
\textsuperscript{481} Claim 1.1.247, p.3.
\textsuperscript{482} Final soc 1.2.51, pp 10, 13–14.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

  The vesting of land within the Kinohaku East block, whose owners petitioned Parliament alleging they had not been consulted over the vesting, is discussed throughout section 13.3.8

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised
at section 14.8 (part III). Crown purchasing within the Kinohaku East block in the 1930s is referred to in section 14.4.1.

- The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

  The after-effects of consolidation for the Arapae block, which was consolidated in 1936, are discussed in section 16.4.4.2 and highlighted in Table 16.4.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  The establishment, degree of success, and long-term implications of the Arapae Land Development Scheme (1951–88) are discussed in section 17.3.4.2.1.

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of
accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Ururnumia and Ngāti Hari (Herbert) Claim (Wai 2271)

Named claimant
Casey Taupiri Herbert (2008)

Lodged on behalf of
Herself, her whānau, Ngāti Ururnumia, and Ngāti Hari hapū

Takiwā
Te Kūiti–Hauāuru. This claim relates to the ‘Hauturu and Waipuna Blocks, Kāwhia, Patahi Reserve, Whareroa Stream, Kowhai Flat, Rangitukoia block, and Whareroa stream reserve’.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the claimant's whānau and hapū, Ngāti Ururnumia and Ngāti Hari, have been prejudicially affected by the Crown's land takings and other actions in Te Rohe Pōtae. These actions include the operations of the Native Land Court, the compulsory acquisition of land, and the Crown's environmental policies and practices. The claim alleges the prejudice suffered relates particularly to the Hauturu and Waipuna blocks, the Patahi reserve at Kāwhia, the Hauhungaroa 1C and 1D2D3 blocks, Kowhai Flat, the Rangitukoia block, the Hauhungaroa and Whareroa Streams, and the Whareroa Stream Reserve.

The amended statement of claim alleges the Crown breached the articles and principles of the Treaty by causing land loss to Ngāti Ururnumia and Ngāti Hari. It states this loss occurred in the Hauturu and Waipuna blocks, Kāwhia, Patahi Reserve, Kowhai Flat, Rangitukoia, and the Whareroa Stream Reserve.

The claim states that in 1840, Te Rohe Pōtae Māori – including Ngāti Ururnumia and Ngāti Hari – held nearly two million acres of land. By 2010, the amount of Māori-owned land in the district had been reduced to 233,204 acres, it is alleged. This remnant was divided into 1916 blocks, with an average area of 121.57 acres. The claim contends this loss was caused by Crown purchasing policy and its Native Land Court legislation. It alleges the Crown breached Article 2 of the Treaty by failing to ensure Ngāti Ururnumia and Ngāti Hari retained ownership of their ancestral land and resources, and by failing to consult with them in respect of these lands. The claim alleges the Crown adopted a policy which alienated these

484. Submission 1.2.110, p.2.
485. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.4.7, 9.8.8, 10.4.3.1, 10.4.4, 10.6.2.2.2, 11.3.4.3, 11.4.9, 11.7.5, 13.3.4, and 16.4.3.2.3 and tables 9.1, 9.3, 11.5, 13.3, and 13.10 (Hauturu) and sections 5.3.3.3, 5.3.4.2.1, 16.5.1.2, and 16.5.3 and table 5.2 (Waipuna).
hapū from their land, and was more concerned with the interests of settlers than with its obligations to Te Rohe Pōtae Māori.  

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations of issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

  Land in the Hauturu block that was taken and gifted for the railway is identified in the appendix to chapter 9; see especially section 9.8.8.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  The subdivision of the Hauturu blocks is referred to in sections 10.4.3.1, 10.4.3.3, and 10.4.4.

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

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486. Final soc 1.2.110, p [5].
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Rarua Marokopa Waikawau Region Claim (Wai 2304)

Named claimants

Lodged on behalf of
Ngāti Rarua Iwi Trust

Takiwā
Te Kūiti–Hauāuru. This claim relates to land in the Marokopa-Waikawau area.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by the actions of the Crown in the Marokopa–Waikawau region. This prejudice took the form of their effective prevention from returning to their traditional lands in the Te Rohe Pōtae inquiry district.

The claimants state that they were living at Mohua, Motueka, and Wairau in Te Tau Ihu. In the 1860s, they received a message from Ngāti Kinohaku saying they could return to their former lands if they became adherents of the Kingitanga. They allege that due to its opposition to the Kingitanga, the Crown conspired to prevent their return and misled them about Ngāti Kinohaku’s intentions. This, they allege, prevented their return to their previously occupied land and left them in overcrowded conditions in Te Tau Ihu.

The claimants allege that in conspiring to prevent their return, the Crown breached its Treaty duties and the result has been their severance from traditional lands, the loss of mana and rangatiratanga, and social and economic loss.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae District Inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

487. Claim 1.1.257.
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

**Any additional Tribunal findings on local allegations or claims**

In respect of the claimants’ specific allegation about the circumstances preventing their return in the 1860s to the Te Rohe Pōtae lands they had previously occupied, we find this aspect of the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or

- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.
6.1 **Ngā Whenua**

Situated in the south-east of the inquiry district, this takiwā encompasses the southern subdivisions of the vast Rangitoto–Tuhua block. Lands in this block – and others such as Ketemaringi, Hurakia, and Maraeroa – are the subject of claims in this takiwā.

An 1884 map suggests that around half of these blocks (notably those towards the east) were in an area the surveyor-general’s office regarded as ‘3rd Class (Broken Country)’. The Māori view of the land’s worth was very different, however. Much of it was hilly, covered in forest and home to many species of native birds which were an important food source. The forest also provided rongoā and was a prime source of timber for canoe making.

The rivers and streams of the area offered other food resources, with tuna being particularly prized and plentiful. Waterways of significance to the claimants include the Waimiha, Ōngarue, Maramataha, Waione, Waikoura, Mangatukutukuku, Mangakahu, Taringamutu, Ōhura, and Otunui rivers and streams. Some important maunga of the area are Tuhua, Pureora, Ngariha, Kawakawa, Hurakia, Ketemaringi, Tihikāreaarea, and Te Úranga.

6.2 **Ngā Iwi me ngā Hapū**

Claimants in Waimiha–Ōngarue acknowledge the shared customary interests of its many whānau, hapū, and marae. The takiwā’s marae are Te Ihingārangi at Waimiha, Te Kōura Putaroa at Te Koura, and Te Rongoroa at Ōngarue. Slightly more distant are Te Miringa Te Kakara, the former whare wānanga discussed in chapter 24 (see section 24.3.1) and Te Hape in the Benneydale area. Several of these marae, as well as urupā, are shared between hapū. At Ōngarue, for instance,

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2. Document A119, pl 59(i).
3. Submission 3.4.184, p 3.
there is an urupā significant to Ngāti Te Ihingārangi, Ngāti Tūtakamoana, and Ngāti Hopu.\(^5\) Similarly, Te Hape Marae is shared by Ngāti Ngutu, Ngāti Rereahu, Ngāti Te Ihingārangi, and three other hapū.\(^6\)

### 6.2.1 Ngāti Urunumia

As noted earlier, Ngāti Urunumia see themselves as a border people whose rohe was ‘the contested zone between Maniapoto and Whanganui’. They have strong links with Ngāti Hari, whose eponymous ancestor Hari was a warrior chief descended from Urunumia. Together, Ngāti Urunumia and Ngāti Hari shared a network of pā and kāinga in the Tūhua area, ‘stretching from the Taringamotu River back up into the Pureora Forest and over to the Upper Mokau River’.\(^7\) Traditionally, they were known for their skills in waka-building, relying on the forests to source the totara trees that were their raw material.\(^8\) But counsel for Ngāti Urunumia claimants told the Tribunal that by 1908, they had become virtually landless and these days have ‘no hau kāinga, no marae and no papakāinga lands’\(^9\).

The marae in Waimiha–Ōngarue with which Ngāti Urunumia associate most strongly is Te Kōura Putaroa (near Ōngarue). They also have associations with several marae in Ōtorohanga and in other parts of Te Rohe Pōtāe.\(^10\) Ngāti Urunumia’s customary land interests, located largely in the south-east, included land from the Maraeroa, Ketemaringi, and Hurakia blocks, and also some of the Rangitoto–Tuhua blocks. Claimants also mentioned interests in Maraeataua (further north), Taunangi (further west), and in Ōhura South extending down into the Whanganui inquiry district.\(^11\) Of particular importance to Ngāti Urunumia is the peace accord between the Maniapoto and Whanganui people, Te Horangapai o Hikairo, which they played a role in securing. The Horangapai area came to be known by the Native Land Court appellation of Ōhura South A (Taringamutu).\(^12\)

### 6.2.2 Ngāti Pahere

Ngāti Pahere are closely related to Ngāti Urunumia,\(^13\) and say they also share the same tupuna as Ngāti Te Ihingārangi.\(^14\) They describe their rohe as lying ‘south of the hilly ranges of Te Ihingārangia and Ngāti Raerae’.\(^15\) Their marae is Te Kōura Putaroa at Ōngarue. Of particular importance to Ngāti Pahere is a stretch of water

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5. Submission 3.4.220, p. 4.
7. Submission 3.4.199, pp 5–6; doc A44 (Tuwhangai), pp 2, 5; doc R20 (Tuwhangai), p. 3.
15. Submission 3.4.176, p 17.
known to them as Te Waimārama, part of the Ōngarue River which flows between the bends above and below the marae. It is home to the kaitiaki Te Ikaroa.\(^{16}\)

6.2.3 Ngāti Raerae

Ngāti Raerae describe themselves as the ‘dominant resident hapū’ of the Ōngarue district, with a rohe that encompasses Ōngarue and the southern Rangitoto–Tuhua blocks.\(^{17}\) Witness Harry Kereopa told the Tribunal at Taumarunui: ‘Now coming down the Ōngārue River you reach the realm of Ngāti Raerae where there were also eel weirs and springs.’\(^{18}\) They have also described themselves as the ‘gatekeepers to Te Rongoroa.’\(^{19}\)

According to John Rata and his daughter Eliza, Ngāti Raerae had many kāinga throughout the rohe, including Kawakawa, Ruakuau, Te Maire, Kopuha, Tangitu, Orongokoekoea, and Otehinga. Another was Katiaho, located near the confluence of the Ōngārue River and Mangakahu Stream. Ngāti Raerae were active supporters of the Kingitanga, and hosted poukai at which they were renowned for their ability to provide an abundance of birds from the forest.\(^{20}\) Today, their only marae is Te Rongoroa, across the river from Ōngarue. They have close connections with Ngāti Rōrā and Ngāti Te Ihingārangi.

6.2.4 Ngāti Tūtakamoana and Ngāti Hopu

The tupuna Tūtakamoana was a son of Maniapoto by his second wife, Hine Whatihua.\(^{21}\) The marae of the Ngāti Tūtakamoana and Ngāti Hopu claimants is Te Kōura Putaroa.\(^{22}\) Other sites important to the hapū are the Ōngārue urupā (along with Ngāti Te Ihingārangi) and Mangapehi Marae (with Ngāti Te Ihingārangi and Rereahu).\(^{23}\) Both hapū have traditional interests in the lands and resources of Rangitoto–Tuhua, and particularly mention issues in relation to Rangitoto–Tuhua 77 (Tangitū).\(^{24}\) Ngāti Hopu are particularly linked with Rangitoto–Tuhua 74 (Te Ūranga), Taringamotu, and Rangitoto–Tuhua 73 (Ōtamakahi).\(^{25}\)

6.2.5 Ngāti Te Ihingārangi

Te Ihingārangi’s rohe is in the south-east of the inquiry district.\(^{26}\) Consequently, they (along with others) have an association with Maraeroa.\(^{27}\) The Maraeroa A and B Blocks Claims Settlement Act 2012 marked the final settlement of historical

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\(^{16}\) Submission 3.4.176, pp 3–5.
\(^{17}\) Submission 3.4.175, p 4.
\(^{18}\) Transcript 4.1.4, p 131 (Harry Kereopa, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
\(^{19}\) Submission 3.4.175(b), p 4.
\(^{20}\) Document Q10 (Rata), pp 3–8.
\(^{21}\) Document A110, pp 71, 123, 197.
\(^{22}\) Submission 3.4.156, p 8.
\(^{23}\) Submission 3.4.220, pp 4–6.
\(^{24}\) Submission 3.4.156, pp 2–3.
\(^{25}\) Document 1.22 (Wi), p 4.
\(^{26}\) Submission 3.4.220, pp 2, 3–6.
\(^{27}\) Document A110, p 325.
claims concerning Maraeroa A and B (although not the remainder of the block) and Ngāti Te Ihingārangi was included in this settlement.28

The hapū is named for the tupuna Te Ihingārangi, eldest son of Rereahu and the elder brother of Maniapoto, who was born at Pukepoto Pā on the hill above Te Kōura Marae. Claimants say that Ngāti Te Ihingārangi have a close relationship with Te Kōura Marae for that reason.29 Their main marae, however, is Te Ihingārangi Marae, sometimes known as Waimiha. They also have links with Te Hape (Benneydale) and Mangapehi Marae (Mangapehi). Another place significant to the hapū is the maunga Tihikārearea in the Waimiha Valley, which is both a wāhi tapu and former kāinga.30

6.2.6 Ngāti Rereahu

The tupuna Rereahu was the father of Maniapoto (and Te Ihingārangi). For some claimants, this means members of Ngāti Rereahu are not technically part of Ngāti Maniapoto unless they can claim descent from Maniapoto as well as Rereahu.31 Thus, they say, the group cannot be considered a hapū of Maniapoto and are instead an iwi in their own right, with distinctive mana and geographical interests.

As described by claimant Hardie Peni, Ngāti Rereahu’s rohe stretches from just above Te Ahoora Marae (near Te Kūiti) in the north, to just below Te Miringa Te Kakara (near Benneydale) in the south.32 Other marae with which Ngāti Rereahu is associated are Ötewa (also known as Te Hokingamai ki te Nehenehenui33) south-east of Ōtorohanga; Mangapehi, west of Benneydale; and Rāwhitiroa/Ōwairaka at Parawera, south-east of Kihikihi.34

Although these associations suggest Ngāti Rereahu’s core rohe might be further north than the Waimiha–Ōngarue takiwā, the iwi also has strong links further south. West of Waimiha, for example, is Tihikārearea, a maunga and wāhi tapu which was once the location of a kāinga where their ancestor Rereahu lived.35 Witnesses also referred to associations with Pukepoto maunga (near Te Kōura) and key waterways, including the Waimiha and Ōngarue Rivers, which are central to the Ngāti Rereahu landscape. Harry Kereopa noted the significance of the Pureora springs, which flow into the Waimiha River and depict Ngāti Rereahu hapū: ‘Ka heke mai tērā wai kei roto o ngā maunga, ā, ka puta mai he puna. Ka rere mai tērā wai i roto o tēnā puna o ngā hapū o roto o Rereahu’ (That water falls from the mountains and springs form and the waters flow from one spring, from another spring, representing the hapū of Rereahu). He also told us that Rereahu is personified in a taniwha that lives in Waimiha and Ōngarue Rivers; this taniwha

31. See, for example, doc S40 (Peni), pp 2–3.
34. Document L18(a) (Piripi Crown), pp 17–18.
is the father of Rangiānewa who married Rereahu.\(^{36}\) In present times, the hapū shares in the management and use of kai from the west-flowing rivers of Hurakia, Hauhungaroa, Pureora, and Titiraurangi.\(^{37}\)

The Tribunal also heard about Rereahu’s interests in the Maraeroa block, in the south-eastern corner of the inquiry district.\(^{38}\) The Tribunal was told it was ‘an abundant pātaka kai’, with ‘thousands’ of kererū and tūi. Kai was also collected from miro, maire, and other trees.\(^{39}\) An old settlement known as Tāpororoa is at Maraerao, where the Waipā River commences. According to Piripi Crown, it is home to Waiwaia, a taniwha that looks like a dragon with large teeth and is said to have been brought there from Maketū by Kahupekerere.\(^{40}\)

### 6.2.7 Ngāti Whakatere ki te Tonga

The ancestor Whakatere was a son of Raukawa, and he and his brother Rereahu had hunting grounds in the forests of Pureora and the Waimihia Valley.\(^{41}\) In the early 1800s, Ngāti Whakatere occupied a pā named Pātokotaka ki Tiroa, near Maraeroa.\(^{42}\) Like Ngāti Rereahu, Ngāti Whakatere ki Te Tonga were included in the final settlement of historical claims concerning Maraeroa A and B that passed into law in 2012.\(^{43}\)

### 6.2.8 Ngāti Rōrā

The marae of Ngāti Rōrā are Te Rongoroa (Ōngarue), Kaputuhi (Hangatiki), Te Kawau papatūanga (Mōkau), Petania (Taumarunui), Te Kumi, Te Piruru papakāinga, Te Tokanganui-ā-Noho, and Tomotuki (all at or near Te Kūiti). Ngāti Rōrā and Ngāti Apakura are the primary hapū at Te Tokanganui-ā-Noho Marae.\(^{44}\) Pukepoto maunga is significant to the hapū and an important resource-gathering area. Important waterways are the Ōngarue, Mangakahu, Waimihia, Waitangi, and Whanganui Rivers, and the Ōhura Stream.\(^{45}\)

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36. Transcript 4.1.4, p 130 (Harry Kereopa, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
37. Transcript 4.1.4, p 74 (Napa Otimi, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
38. In 2010, Ngāti Rereahu said their interests in Maraeroa amounted to 13,000 acres; they were included in the final settlement of historical claims concerning Maraeroa A and B (but not the rest of the block) that passed into law in 2012.
39. Transcript 4.1.6, p 348 (Harry Kereopa, Ngā Kōrero Tuku Iho hui, Te Tokanganui-ā-Noho Marae, 11 June 2010).
40. Transcript 4.1.6, p 363 (Piripi Crown, Ngā Kōrero Tuku Iho hui, Te Tokanganui-ā-Noho Marae, 11 June 2010). The transcript records Mr Crown as having identified ‘Kahupekerere’ here, although it seems possible it have been either Kahurere or Kahupeke. [Kahupekaxxx?]
42. Document A110, p 328, 331.
43. Maraeroa A and B Blocks Claims Settlement Act 2012, s 12(2).
45. Transcript 4.1.4, pp 93–94 (Gail Bell, Ngā Kōrero Tuku Iho hui, Ngāpūwaiwaha Marae, 26 April 2010).
As well as Waimiha–Ōngarue, Ngāti Rōrā are also strongly represented in the Taumarunui and Te Kūiti–Hauāuru takiwā.

6.2.9 Ngāti Ngutu

Ngāti Ngutu have marae at Te Miringa Te Kakara and Te Hape (Benneydale), Mangatoatoa (Te Awamutu), Kakepuku papakāinga (Te Mawhai), and Ōtewa and Te Keeti (Ōtorohanga).46 One witness also mentioned Hiiona Marae, on the Waiwhakaata block near Pirongia, as the ‘Ngāti Ngutu whanau marae’.47 The hapū has interests at Te Māwhai, Te Kōpua, Kakepuku, Te Awamutu, and Hamilton.48 Ngāti Ngutu also has a strong association with Kāwhia.49

A 1947 Gazette notice locates Ngāti Ngutu (along with Ngāti Paretekawa) in the Pūniu district. However, the Waikato Raupatu Claims Settlement Act of 1995 deemed them a Waikato hapū.50 After the Waikato War, Ngāti Ngutu – like Ngāti Apakura and Ngāti Paretekawa – had to seek refuge further south.51 In 2005, they were listed as one of the Maniapoto Māori Trust Board’s 47 constituent hapū.52

46. Transcript 4.1.6, p 291 (George Nelson, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
47. Document R17 (Matthews), p 5.
48. Transcript 4.1.6, p 291 (George Nelson, Ngā Kōrero Tuku Iho hui, Te Tokanganui-a-Noho Marae, 11 June 2010).
49. Transcript 4.1.2, p 157 (John Kaati, Ngā Kōrero Tuku Iho hui, Waipapa Marae, 30 March 2010); transcript 4.1.1, p 12 (Rovina Maniapoto, Te Kotahitanga Marae, 2 March 2010).
6.3 WAIMIHA–ÔNGARUE: NGĀ KERĒME

Claim title
Te Rongoroa Forest Farm Trust Claim (Wai 399)

Named claimants
Jennifer Roslynd Rata, Jennifer Rata, Daniel Haki Rata, Louise Rae Rata, and Te Hika Daniel Te Rata

Lodged on behalf of
Te Hika Daniel Te Rata

Takiwā
Waimihia–Ôngarue. The claimants describe having interests in the Te Rongoroa A7 block and the Mokau–Mohakatino 1 block. They say their waterways include the Ôngarue River, Mangakahu Stream, Mangatukutuku Stream, and Mōkau River.54

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege that various Treaty breaches by the Crown have resulted in loss of their lands, damage to their waterways and the environment, the loss of te tino rangatiratanga, and the diminution of their mana.55

Specifically, they cite breaches regarding the aggregation of Te Rongoroa A7; the Native Land Court and the Mokau–Mohakatino block; the Waikato-Maniapoto District Maori Land Board and its role in the alienation of the Mokau–Mohakatino 1 block;56 Crown acts resulting in the degradation of waterways, soil erosion, mass deforestation, the depletion of the tuna fishery, wetland drainage, use of pesticides and herbicides; and the Crown’s active failure to protect claimants’ wāhi tapu from desecration and/or destruction.57

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

53. The claim was initially lodged by Poutama Lewis Te Rata (deceased) in 1993. Jennifer Rosalynd Rata and Jennifer Rata were registered as claimants in 2013: submission 3.3.566. In 2014, counsel requested that Daniel Haki Rata and Louise Rae Rata be added as claimants: claim 1.1.11(b). In 2014, counsel stated that ‘Te Hika Daniel Te Rata’ was also a claimant: submission 3.4.159.
54. Claim 1.1.11(a), p 43.
55. Claim 1.1.11(a), p 41.
56. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 7.4.4.2, 7.4.4.5, 8.9.1.6, 8.10.2.4, 11.6 (especially 11.6.6), 20.4.4.1, and 21.3.3.6.
57. Claim 1.1.11(a); submission 3.4.159; submission 3.4.159(a)–(c).
affecting Te Rohe Pōtē Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtē Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtē Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

  As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That Act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones’s lease – namely, that the Crown also failed to protect the owners in exempting Jones’s lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled Jones to pursue a 56-year term over the whole block), and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones’s original lease had no legal validity (see section 11.6.6).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtē Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- The Crown’s policies and legislations for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtē Māori: see chapter 16 and the findings summarised in section 16.8 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtē Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Koromiko and Tarata Claim (Wai 424)

Named claimants
Titoko Hohepa and Dean Houpapa (1994)

Lodged on behalf of
Tarata Trust, Ngāti Te Ihingarangi, Ngāti Rereahu

Takiwā
Waimiha–Ōngarue. This claim relates to Kokomiko Station, south of Waimiha.

Other claims in the same claim group
Not applicable.

Summary of claim
The claim concerns the Crown’s actions relating to the Kokomiko Development Scheme. The claimants allege that the Crown acquired part of the Kokomiko block through the purchase of shares from owners while it was subject to Crown pre-emption, and further land (Maramataha 1) in satisfaction of survey liens. They say that the Crown persuaded the owners to sell at a bargain price on the understanding that the Crown would develop the land in accordance with part I of the Native Land Amendment Act 1936, and settle 10 Māori farmers on it. The claim states that the Department of Māori Affairs and the Tarata owners also agreed in the 1980s on the development of Tarata under the terms of part xxiv of the Maori Land Act 1953, with a view to the amalgamation of Tarata and Kokomiko into a single large property which was a better economic prospect for farming. The claimants say that Crown undermined the plans of the Tarata Trust (comprising the owners) by divesting itself from the development of both Tarata and Kokomiko at the end of the 1980s, and failing to advance the amalgamation of the two blocks, while also allowing the unnecessary deterioration of the farm improvements that had been made to the properties.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

58. Claim 1.1.12, p [2].
59. Claim 1.1.12.
60. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 16.4.4.3 and 20.4.1.1.
61. Claim 1.1.12, pp [2]–[4].
62. Claim 1.1.12, pp [2]–[5].
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
Claim title
Pukepoto Farm Trust Claim (Wai 478)

Named claimants
Roy Matengaro Haar (1994), Jade Cherie Moir Haar, Marise Louise Haar-Winthrop, Gail Bell, and Lia Haar (2010)

Lodged on behalf of
Himself and the owners/shareholders of Pukepoto Farm Trust

Takiwā
Waimiha–Ōngarue

Other claims in the same claim group
Not applicable.

Summary of claim
The initial statement of claim specifically concerns the Pukepoto A6 block which was partitioned from Rangitoto-Tūhua A60. The amended statement of claim sets out several alleged Crown Treaty breaches regarding the lands in and around Pukepoto A6, including surrounding Rangitoto–Tuhua A60 lands. Specifically, the claimants say that owners of the lands were prejudicially affected by Native Lands legislation and Native Land Court processes, which resulted in portions of their lands being alienated to cover associated costs. They also allege that the actions of the Native Land Court were in breach of Te Ōhākī Tapu and that the Crown unjustly took and compulsorily acquired lands, without compensation and often without consultation, through public works and other legislation. Further, they submit that the Crown usurped kaitiakitanga over Pukepoto maunga, lands, forests, fisheries, waterways, and other taonga within their customary lands and has failed to recognise the ongoing role of the customary owners as kaitiaki.

In submissions, counsel say the claim relates to the ‘original land block known as Rangitoto Tuhua 60’. It is submitted that the imposition of survey costs, the vesting of lands, and land development schemes resulted in Māori owners losing control over their own lands. Counsel also submit that the Crown failed to provide for Māori interests by not providing royalties from timber milling on leased lands.

63. Roy Matengaro Haar lodged the claim in 1994. Jade Cherie Moir Haar, Marise Louise Haar-Winthrop, Gail Bell, and Lia Haar added as claimants in 2010; memo 2.2.107.
64. Rangitoto–Tuhua 60 is located in the Tangitu survey district. Large blocks of the lands were alienated and in 1978 the few blocks that remained in the hands of the claimants were amalgamated and renamed the ‘Pukepoto A6 Block’. The Pukepoto Farm Trust blocks are located within this: submission 3.4.83, pp 2, 4.
65. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.6.2.3, 14.4.2.4, and 16.4.4.4 and table 10.3.
66. Claim 1.1.17(b); claim 1.2.1.
67. Submission 3.4.83, p 2.
and that it took land under public works legislation for the Mangatūpoto School without offering compensation. Further, when the school was no longer required, they say the Crown failed to offer the land back. 68

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  In section 10.5.2, we refer to the claimants’ evidence concerning the partition and of the Rangitoto–Tuhua 60 block. At section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs.

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtai: see chapter 21 and the findings summarised in section 21.8 (part iv).
Claim title
Rangitoto–Tuhua Rohe Claim (Wai 729)

Named claimant
Hardie Peni

Lodged on behalf of
Himself and on behalf of Rangitoto Tuhua Inc, Ngāti Rereahu–Maniapoto iwi

The claim was initially developed by the Rangitoto–Tuhua Incorporated Research Management Committee. This group’s founding members came from whānau whose tūpuna settled on and near the Rangitoto Ranges, Mangaokewa, Waipā Valley, and surrounding districts.

Takiwā
Waimiha–Ōngarue

Other claims in the same claim group
Not applicable.

Summary of claim
This claim concerns the loss of lands, forests, and resources in the Rangitoto–Tūhua rohe. Specifically, it alleges the Crown breached the Treaty through the operations of the Native Land Court, and various policies and acts leading to the individualisation, fragmentation, unauthorised surveying, and purchasing of land within this rohe.

Claimant counsel expanded on these allegations in closing submissions, specifically in relation to the Mangaokewa and Pureora Forests (located within the Rangitoto–Tūhua rohe). In the claimant’s view, the Crown failed to secure the consent of owners to survey the land and imposed the individualisation of title; moreover, when the Crown purchased land, its purchase price was inadequate. As a result of the Crown’s actions and the subsequent establishment of forestry on the land in question, some hapū were left landless and others confined to ‘reserves of unsold and inhospitable lands away from their turangawaewae’. They were excluded from accessing the area’s economy and resources. Overall, the claim

69. Claim 1.1.33, p 1.
70. Claim 1.1.33, p 1.
71. Document s40 (Peni), p 2; doc s41 (Anderson), p 2.
73. In closing submissions, claimant counsel note that part of the claim relating to the Maraeroa C block has been resolved by the Maraeroa A and B Block Settlement. Thus, ‘[t]his portion of the claim is now statute barred, and has not been revisited in the Te Rohe Potae Inquiry by this claimant’: submission 3.4.240, p 2. The Mangaokewa and Pureora forest area is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.5.6, 10.6.2.3, 20.4.4.2, 20.6, 21.4.5–21.4.6, and 21.4.6.3.

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Te Mana Whatu Ahuru
alleges that the disruption to titles caused Te Rohe Pōtae 'to be destroyed, in a tikanga Maori sense, for all time.'

The closing submissions also allege that the Crown's acts and omissions prejudicially affected the rangatiratanga of Ngāti Rereahu me ona hapū. The submissions refer again to the individualisation of title; the landlocking of Ngāti Rereahu’s remaining lands; the health impacts on people relocated from their traditional pā; the construction of roads within the rohe to support forestry, the railway and military activity; the imposition of war on the peoples of Te Rohe Pōtae; the taking of lands for soldiers’ settlements; the alienation of Rangitoto–Tuhua land to settlers; Ngāti Rereahu’s limited access to wāhi tapu and urupā as a result of their land becoming privately owned; the dislocation, disenfranchisement, and inter-generational alienation brought about by the landlessness that followed Mangaokewa and Pureora forestry land takings; and the appropriation of the intellectual property and traditional knowledge of the people of Te Rohe Pōtae.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

75. Submission 3.4.240, pp 4–6.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

In section 10.5.2, we refer to the claimants’ evidence concerning the partition and of the Rangitoto–Tuhua 60 block. At section 10.6.2.3, we discuss the Rangitoto–Tuhua block as a case study for the impact of survey costs.

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II). The alienation of land within the Rangitoto–Tuhua blocks is outlined in table 11.7 by subdivision.

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Waimihia River Eel Fisheries (King Country) Claim (Wai 762)

Named claimants
Rangi Harry Kereopa (1998)\textsuperscript{76} and Te Urunga Evelyn Kereopa (2010)\textsuperscript{77}

Lodged on behalf of
Te Ihingārangi\textsuperscript{78}

Takiwā
Waimihia–Ōngarue. The claimants outline their boundary as 'Mai Rangitoto ki Tuhua, Tuhua Te Wharepuhunga, Te Wharepuhunga ki Wairaka, Te Wairaka ki Kakepuku'.\textsuperscript{79}

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 762 claim encompasses a wide range of issues, with a major focus on the waterways and environment within Te Ihingārangi’s rohe. The claim stresses the importance of the tuna (eel) fishery to Te Ihingārangi, and describes how the combined effects of deforestation, the runoff of silt, nutrients, and agricultural chemicals from pastoral farms, the drainage of wetlands, and fishery management practices which favoured introduced fish, have harmed both this fishery and the wider environment. The claimants argue that the Crown has consistently passed legislation and adopted policies which permitted or even promoted such ecological modifications, even though it knew the negative consequences which would arise from them.\textsuperscript{80} They furthermore say that the Crown continues to allow harm to occur by setting eel catch quotas at an unsustainable level.\textsuperscript{81} This approach, the claimants say, fails to recognise that tuna are a taonga for Te Ihingārangi or provide for their ongoing customary use of the fishery.\textsuperscript{82}

With respect to the Native Land Court, the claimants allege that the imposition of English laws of succession has resulted Te Ihingārangi lands becoming excessively fragmented, and ultimately uneconomic and/or difficult to manage.\textsuperscript{83} The claimants point to the progressive acquisition of parts of the Rangitoto–Tuhua 60,

\textsuperscript{76.} Claim 1.1.35.
\textsuperscript{77.} Memorandum 2.2.124.
\textsuperscript{78.} Final SOC 1.2.82. In amended statements of claim this was expressed as being made on behalf of 'the Ngati Maniapoto hapu of Te Ihi Ngarangi': claim 1.1.35(a); claim 1.1.35(b).
\textsuperscript{79.} Final SOC 1.2.82, p 3.
\textsuperscript{80.} Final SOC 1.2.82, pp 5–10; submission 3.4.170(c), pp 2–6. The impacts on the wider environment are discussed in more detail on pages 14 to 28 of the final statement of claim.
\textsuperscript{81.} Final SOC 1.2.82, pp 11–13; submission 3.4.170(c), pp 7–10.
\textsuperscript{82.} Submission 3.4.170(c), pp 10–11.
\textsuperscript{83.} Final SOC 1.2.82, pp 62–63.
66, 77, and 78 blocks by the Crown. 84 Similarly, the claimants say that there was private purchasing of their lands within the Rangitoto–Tuhua 52, 60, 66, and 67 blocks. 85 The claimants say that the Crown, in allowing the cumulative loss of Te Ihingārangi lands, failed to ensure that they were able to retain a sufficient land base. 86 The claimants further asserts that the Crown did not have adequate safeguards in place to ensure that owners were informed and generally supportive of the alienations that occurred. 87 Finally, the claimants allege that the Crown has aggressively applied the Public Works Act within Te Ihingārangi’s rohe, and detail more than 30 takings for roads (mostly less than 10 acres, but up to 100 acres) for which no compensation was paid, together with one of more than three acres for a school, for which no compensation was paid, and three smaller takings for gravel pits, for which it is asserted that the compensation has been inadequate. 88

The claim also raises a number of grievances in relation to the North Island Main Trunk Railway, principally the desecration of the wāhi tapu at Tihikārearea. Similarly, the claimants allege that a Te Ihingārangi urupā at Waimiha had to be moved to make way for the railway (and has since been moved for a road). 89 The claim states that Te Ihingārangi should have been paid for the land taken for the railway 90 and that the Crown established quarries for the railway without prior agreement. It alleges that the Crown cut stone from these quarries without paying royalties, failed to fence the railway line as agreed, and did not ensure that the railway provided Te Ihingārangi with promised economic opportunities. 91

The claim also states that the chiefs of Te Rohe Pōtāe felt betrayed by the Crown for not abiding by the terms of the Te Ōhākī Tapu agreements. The claimants say that the Crown’s disregard for Te Ōhākī Tapu compounded pressure Te Rohe Pōtāe had been put under during the period of the aukati. 92

The claim details the history of the Waimiha Development Scheme, 93 and the claimants allege that the Crown’s actions in relation to the scheme failed the Te Ihingārangi landowners in a number of ways. The claim states that the land was unsuited to the planned development, and the failings of the scheme were made worse by the deficiencies in its administration. 94 The claimants say that the scheme’s debt progressively grew, so that it did not deliver any economic benefit to Te Ihingārangi landowners. At the same time, the Crown allegedly provided these landowners with little input into the running of the scheme. 95 Lastly, the claim-

84. Final soc 1.2.82, pp 58–61.
85. Final soc 1.2.82, pp 87–89. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.8.16, 9.8.17, 9.8.19, 10.5.1.4, and 10.6.2.3 and tables 9.3 and 13.9.
86. Final soc 1.2.82, pp 58, 87.
87. Final soc 1.2.82, p 87.
88. Final soc 1.2.82, pp 89–91.
89. Final soc 1.2.82, p 56.
90. Final soc 1.2.82, p 55.
91. Final soc 1.2.82, pp 48–49.
92. Final soc 1.2.82, pp 63–84.
94. Submission 3.4.170(a), pp 156–157, 172–175.
ants allege that the development scheme was not quick to return improved lands to owners’ control, but instead placed them under Crown control for more than three decades.\textsuperscript{96} The claimants say that the development blocks included in the subsequent Whenuatupu-Ohinemoa land development scheme remained under Crown management for almost six decades.\textsuperscript{97}

The claim contains an array of allegations related to education. Some of the alleged failings are general, such as the longstanding lack of support for the speaking of te reo within an assimilationist curriculum, the discriminatory use of corporal punishment against Māori, the steering of Māori away from academic pathways, and the lack of powers for Native School committees.\textsuperscript{98} Other grievances include the particular effects in Te Rohe Pōtae of the conversion of native schools to board schools, which claimants allege occurred at the expense of Māori students,\textsuperscript{99} difficulties accessing secondary schooling,\textsuperscript{100} and shortcomings in the quality of education provided.\textsuperscript{101} Another issue the claimants raise was the imposition of the Tohunga Suppression Act. The claim argues that this legislation eroded spiritual leadership in Māori communities,\textsuperscript{102} together with the retention of mātauranga about rongoā and other health practices, at a time when Te Ihingārangi were still largely dependent on the services provided by traditional practitioners.\textsuperscript{103}

The claimants adopt generic pleadings on tikanga, Te Ōhāki Tapu, the North Island Main Trunk Railway, Crown purchasing, Māori land administration, land development schemes, land alienation, and public works.\textsuperscript{104} Generic submissions for forestry, Te Ōhāki Tapu, the North Island Main Trunk Railway, Crown purchasing, the Waimihia land development schemes, land alienation, and public works are also adopted, to the extent that they complement the claimants’ submissions.\textsuperscript{105}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

96. Submission 3.4.170(a), pp 156–157, 175.
97. Final soc 1.2.82, pp 84–87.
98. Final soc 1.2.82, pp 92–100, 105–106, 112–113; submission 3.4.170(c), pp 15–19.
99. Final soc 1.2.82, pp 109–112.
100. Final soc 1.2.82, pp 102–103.
102. Final soc 1.2.82, pp 28–30, 35.
103. Final soc 1.2.82, pp 31–36.
104. Final soc 1.2.82, pp 28, 54, 58, 63, 87, 89.
105. Submission 3.4.170(a), pp 20, 93, 117, 156, 177, 187.
The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gittings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

We note in particular the finding at section 9.5.7 that ‘the Crown failed to ensure that sites of significance to Te Rohe Pōtae Māori were avoided.’

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).
The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown's operation of settlement schemes for returned Māori servicemen, and the Crown's operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

No finding is made with respect to timeframes for returning control of the Waimiha scheme blocks, although the Tribunal did conclude at section 17.3.4.1.2 that the Crown 'should have been able to return the land to owners in an improved state'. In addition the Tribunal made the finding specific at section 17.6 to the Waimiha scheme that 'Crown mismanagement resulted in a degree of wastage, and the Crown failed to accept culpability for flaws in its development plan, to the detriment of many ‘unit’ farmers'.

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note in particular the Tribunal finding at section 22.6.10 that the Crown 'failed in its duty to actively protect their taonga species and their fishing places, leading to a decline of a number of species caused by commercial fishing, over-exploitation, and environmental effects on habitat'.

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

We note the Tribunal finding that 'the Crown's actions in enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and the article 3 principle of options in terms of healthcare' (see section 23.3.6).

The Crown's support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
The Tribunal findings at section 24.7.6 support the claim regarding the adverse impacts on te reo of assimilationist education policies, the concentration of power over native schools, including their conversion to board schools, within Education Boards (at section 24.6.4), and the lack of provision for secondary schooling in Te Rohe Pōtae before the 1970s (at section 24.4.3). In addition, while the Tribunal did not find the Crown at fault for the weaknesses of native schooling in its formative years, we did find at section 24.3.4 the Crown failed to correct inequities which emerged over time as the standard of education provided to Pākehā students improved.
**Claim title**
Makotuku Block IV Claim (Wai 836)

**Named claimants**
Patricia Matthews and Vivienne Matthews (1999)\(^{106}\)

**Lodged on behalf of**
Themselves and Te Puawaitanga Mokopuna Trust, Ellen Anaru Whanau Trust, and the descendants of Te Tira Taurerewa\(^{107}\)

**Takiwā**
Waimiha–Ōngarue. The claim relates to land in the Rangitoto–Tuhua 36, Hauturu West G, and Waiwhakaata 3E blocks, and the Maraeroa C Incorporation. The claim lies across the Te Rohe Pōtæa, Whanganui, and National Park inquiry districts.\(^{108}\)

**Other claims in the same claim group**
Not applicable.

**Summary of claim**
The original and amended statements of claim raise allegations against the Crown with respect to Makotuku block IV, Maraeroa C block, Rangitoto–Tuhua 36A, 37, and 54 blocks, the Hauturu West blocks, and Waiwhakaata 3E blocks.\(^{109}\)

The original statement of claim (1999) alleges the Crown confiscated Makotuku block IV. Claimants also say they have been misinformed by Crown legislation and policy, and information has been withheld ‘by Ati Hau Corporation or persons.’ The claimants do not advance this aspect of the claim in amended statements of claim or submissions.\(^{110}\)

Claimants allege in the final amended statements of claim (2011) that the Crown has failed to protect their interests in Maraeroa C block. They allege the Crown incorrectly surveyed the boundary by significantly enlarging it and that the block was vested in the Waikato-Maniapoto District Maori Land board without consent or consultation of the owners. They say the board ‘failed to lease a significant portion of the Maraeroa C block, reducing the economic return for owners.’ They also say the Crown failed to properly regard whānau and hapū petitions regarding the boundaries of Maraeroa C block.\(^{111}\)

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\(^{106}\) Submission 3.4.131; claim 1.1.274.

\(^{107}\) Submission 3.4.131, p1.

\(^{108}\) Submission 3.4.131, pp 1, 4, 5.

\(^{109}\) Claim 1.1.274; claim 1.1.274(a); claim 1.2.94, p3; submissions 3.4.131, p4. These blocks are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 10.6.2-3, 13.3-7, 13.3-7.4, 13.3-8, 13.3-10, 14.4.2-4, 14.6.3, and 21.4.3 and in the tables in the appendices to chapters 13 and 21.

\(^{110}\) Claim 1.1.274, p3.

\(^{111}\) Claim 1.1.274, pp 3-4.

\(^{112}\) Claim 1.1.274, p4.
In regard to the Rangitoto–Tuhua 36A, 37, and 54 blocks, the claimants allege the Crown acquired them in the early twentieth century without consent. They say the loss of these lands is extremely prejudicial as they provided sustenance for the claimants’ whānau.  

In closing submissions, claimants focused on the impact of the Native Land Court and land incorporations – in particular, the Maraeroa C incorporation – in the twentieth century. They allege both institutions caused land fragmentation and alienation of claimants’ land, and the loss of tūrangawaewae and an estrangement from whakapapa connections. They also raise causes of action against the Crown covering health, social, and cultural issues. In particular, claimants emphasise the negative impact of alcohol and the interconnectedness of social problems with health issues. Claimants say that negative health effects, including substance abuse, can be considered outcomes of the land loss suffered.

Closing submissions also address environmental issues. They allege the mauri of rivers has been degraded by the extraction of gravel, and by animal pollution and human waste. Claimants say they are concerned about the environmental impacts of intensive farming in Te Rohe Pōtæ.

Is the claim well founded?
This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtæ Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtæ iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

114. Submissions 3.4.131, pp 3, 5.
115. Submissions 3.4.131, pp 6–9.
116. Submissions 3.4.131, p 10.
117. Submissions 3.4.131, pp 10–11.
The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Óhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Pahere and Ngāti Rae Rae (Taumarunui) Claim (Wai 928)

Named claimants
Michael Tangahoe Burgess and Jane Crown

Lodged on behalf of
Themselves and the hapū of Ngāti Raerae. Ngāti Raerae is a hapū of Maniapoto with ‘close connections to Ngāti Rora, Te Ihingarangi and Te Uri o Ngarue’.

Takiwā
Waimiha–Ōngarue. Ngāti Raerae’s rohe ‘is in the area now known as Ongarue in the southern Rangitoto–Tuhua blocks’ and they are kaitiaki of Te Rongoroa.

Other claims in the same claim group
Not applicable.

Summary of claim
The main focus of this claim is land alienation. It first considers Te Ōhākī Tapu, alleging the Crown contravened the understandings reached with Te Rohe Pōtae chiefs about railway and surveys in three stages: first by passing the Native Land Alienation Restriction Act 1884 and the Railways Authorisation Act 1884 (which expedited the alienation of Te Rohe Pōtae lands), then by commencing large scale purchasing in Te Rohe Pōtae in 1889, and finally by granting licences to sell alcohol within Te Rohe Pōtae following a dubious referendum.

Regarding the allegedly landless status of Ngāti Raerae, the claim argues that the Crown failed to ensure that the hapū retained sufficient lands for their needs, instead passing legislation to individualise land ownership and implementing purchasing policies designed to alienate as much Māori land as possible. As of 2011, the claimants note that Ngāti Raerae had no land in hapū ownership.

Turning to Native Land Court issues, the claim argues that the court primarily sought to facilitate alienation, and stresses that the court’s individualisation of title subverted efforts to deal with lands on a collective basis. It observes that hapū trying to keep lands out of court risked being cut out of interests by rival claimants. They could also lose the potential benefits the railway might provide, since any

118. The claim was brought by John Wi in 2001. Mr Wi and Pauline Stafford were replaced as named claimants in 2008 by Raymond Tawhaki Wi, Michael Burgess, and Jane Crown. In 2014 Raymond Wi resigned as a named claimant: claim 1.1.49; claim 1.1.49(b); claim 1.1.49(c); submission 3.4.175(b).

119. Submission 3.4.175(b), p 3. In the statement of claim, John Wi expressed this as being made on behalf of ‘himself and Ngati Rae Rae and Ngati Pahere’: claim 1.1.49, p 2.

120. Submission 3.4.175(b), p 4.

121. Submission 3.4.175(b), pp 4, 8.

122. Final SOC 1.2.47, pp 8–9.

123. Final SOC 1.2.47, pp 10–11.
leasing or sales required a court-generated title.\(^{124}\) The claimants also submit that the Crown, while agreeing to allow some collective arbitration via the Kawhia Native Committee, crucially denied it the power to grant legal title to lands.\(^{125}\) The claim further argues that the court failed to properly recognise the customary interests of Ngāti Raerae.\(^{126}\) To this end, it summarises the key court orders for the blocks in which these interests were held, and gives examples of where Ngāti Raerae's interests were lost – such as the tui hunting grounds of Rangitoto–Tuhua 76.\(^{127}\) It is alleged that the court process encouraged witnesses to obscure competing interests from whakapapa and block histories, and that additional problems were caused by disputes over the relative jurisdictions of the Tauponuiatia or Te Rohe Pōtæe hearings.\(^{128}\) Lastly, the claim highlights the Crown's alleged failure to protect owners against having to alienate lands to pay for surveys. It notes that 80,000 acres were lost in this way between 1892 and 1907, and further asserts that it was unfair to ask the owners to pay for surveys of their own land (which were necessary to defend the title to it), and then for the survey of the portion being alienated to pay for the larger survey.\(^{129}\)

The claim next describes how, in the early twentieth century, most Ngāti Raerae lands not already alienated by the Crown were vested in the Waikato-Maniapoto District Maori Land Board.\(^{130}\) The claim argues that the board alienated most of this land without proper consent, and that the Crown's ongoing purchasing paid little regard for the sufficiency of lands retained by Ngāti Raerae.\(^{131}\) It is also asserted that the Crown did not offer the fair market value to owners.\(^{132}\) The claim goes on to record numerous public works takings in the blocks in which Ngāti Raerae had interests,\(^{133}\) and alleges the Crown exploited discriminatory legislative provisions which allowed it to compulsorily take Māori land with minimal notice or consultation, and often without compensation.\(^{134}\) The lack of adequate protections for wāhi tapu from such works is also noted, as is the failure of the Crown to return lands which were no longer needed – such as the case of a police station that was turned into a domain.\(^{135}\) The closing submissions for Ngāti Raerae describe similar desecration of wāhi tapu sites by the North Island Main Trunk Railway.\(^{136}\) As for local government and rating, the claimants' allegations include the failure of

\(^{124}\) Final soc 1.2.47, pp 12–16.  
\(^{125}\) Final soc 1.2.47, pp 18–19.  
\(^{126}\) Final soc 1.2.47, p 19.  
\(^{127}\) Final soc 1.2.47, pp 22–33. The Rangitoto–Tuhua 76 block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 14.4.3, 14.4.3.2, and 21.4.3.  
\(^{129}\) Final soc 1.2.47, pp 39–42.  
\(^{130}\) Final soc 1.2.47, p 46.  
\(^{131}\) Final soc 1.2.47, pp 46–48.  
\(^{132}\) Final soc 1.2.47, p 55.  
\(^{133}\) Final soc 1.2.47, pp 58–63.  
\(^{134}\) Final soc 1.2.47, pp 56–57.  
\(^{135}\) Final soc 1.2.47, pp 57, 59, 62–63.  
\(^{136}\) Submission 3.4.175(b), pp 14–15.
the Crown to require local bodies to abide by Treaty principles, and the treatment of Māori land as no different to general land when it came to rating.\textsuperscript{137}

The remainder of the claim focuses on socioeconomic and environmental issues. The claimants argue that the Crown failed to provide adequate schooling, health services, or employment initiatives to Ngāti Raes.\textsuperscript{138} and suppressed both the use of te reo (by excluding it from the school curriculum) and mātauranga as it applied to health and rongoā, through the Tohunga Suppression Act.\textsuperscript{139} Numerous environmental failings are also alleged, with the general theme being the Crown’s failure to recognise hapū ownership and management rights with respect to natural resources. In the absence of that recognition, the claimants allege the Crown allowed these resources to become depleted or degraded.\textsuperscript{140} In particular, the claimants allege the Crown’s failure to properly manage introduced species resulted in damage to indigenous forests.\textsuperscript{141} A more detailed account of how environmental changes led to the degradation of the Ōngarue River is provided in the closing submissions.\textsuperscript{142}

The claimants adopt generic pleadings on Te Ōhākī Tapu, protection of land base, Native Land Court, Crown purchasing, vested lands, public works, local government, rating, health, economic development, education, tikanga, and environment.\textsuperscript{143}

\section*{Is the claim well founded?}

This claim is part of the Te Rohe Pōtæe district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæe Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part 11).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtæe (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the
railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

▷ The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The high cost of surveying the subdivisions of the massive Rangitoto–Tuhua block, highlighted in this claim and others, is discussed in detail in section 10.6.2.3. We also discuss the alienation of the Rangitoto–Tuhua 76 block – which the claimants cite as an example of the court’s failure to properly recognise the customary interests of Ngāti Raerae – in section 21.4.3.

▷ The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

▷ The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

▷ The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

▷ Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

▷ The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

▷ The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

▷ The institutions and structures the Crown put in place to allow Te Rohe Pōtæ Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).
Of particular relevance to this claim is the discussion at section 18.4.3 of the limitations that legislation and resourcing arrangements imposed on the ability of the Kawhia Native Committee to determine title and exercise other self-government functions. The ultimate unfulfillment of the Kawhia Committee’s potential as a self-government entity, the Tribunal found, reflected both ‘hopes that government structures could be harnessed to advance self-determination, but also that under-investment, relatively weak statutory powers, and changing political exigencies prevented these expectations being realised in the long term’.

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

The following finding from section 23.3.6 is especially relevant to the claim’s allegation about the Tohunga Suppression Act 1907:

We agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
**Claim title**
Whānganui River Crown Negotiations Claim (Wai 998)

**Named claimant**
John Manunui

**Lodged on behalf of**
Ngāti Manunui of Ngāti Tūwharetoa

**Takiwā**
Waimiha–Ōngarue. Claimants submitted that the Ngāti Manunui rohe includes core lands within the Maraeroa block.

**Other claims in the same claim group**
Not applicable.

**Summary of claim**
Claimant counsel advised the Waitangi Tribunal on 9 August 2012 that this claim would no longer be participating in the Te Rohe Pōtae inquiry due to the settlement of historical claims in relation to the Maraeroa A and B blocks. However, it is recorded here as it remains a registered claim in the inquiry.

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144. The original claim (2001) was lodged on behalf of ‘Ngāti Hikairo and Ngāti Manunui hapū of Tūwharetoa and with the support of Te Rūnanga o Tutetawha Tapuwae Board’: claim 1.1.58. In 2008, the claim was particularised to the Te Rohe Pōtae inquiry; the amended statement of claim notes that the claim is on behalf of ‘Ngāti Manunui of Ngāti Tūwharetoa’: claim 1.1.58(b).


146. Memorandum 3.1.544; see also memo 3.1.522.
Claim title
Te Anapungapunga Lands Claim (Wai 1255)

Named claimants
John Wi and Pauline Kay Stafford

Lodged on behalf of
Themselves and the hapū of Ngāti Urunumia

Ngāti Urunumia is a hapū of Ngāti Maniapoto ‘descended from Urunumia, the daughter of Rangatahi and the great-granddaughter of Maniapoto,’ and ‘close kin with Ngāti Hari.’

Takiwā
Waimihā–Ōngarue. Ngāti Urunumia’s customary interests in the south-eastern part of the inquiry district stretch ‘from Taurangi to Maraetaua across to Maraeroa, Ketemaringi and Hurakia’ and include a ‘large component of the Rangitoto–Tuhua block and down into the Ohura South block.’ They also claim customary interests in the Central North Island and Whanganui inquiry districts.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by acts and omissions of the Crown in the Ohura South A1 block under the Native Land Court legislation and the Public Works Act 1908. The acts and omissions they identify include the taking of land for returned servicemen, compulsion to remove their dead from an urupā on a part of the parent block, and the loss of their papakāinga known as Te Anapungapunga.

A second amended statement of claim (2011) makes 11 allegations of Crown breaches of the Treaty of Waitangi affecting Ngāti Urunumia. They concern the Te Rohe Pōtae compact [Te Ōhākī Tapu], the hapū’s landlessness, the alienation of Māori land and the Native Land Court, surveys and survey costs, public works takings, local government, rating issues, deprivation of economic and social position, taonga tuku iho, and resource management and environmental issues.

147. Submission 3.4.199. The original statement of claim was lodged in 2004 by John Wi. In 2007, Thomas Leslie Te Nuinga Tuwhangai was added as a claimant. Thomas Tuwhangai was removed as a named claimant in 2010, with Hone Titari Turu and Mere McGee replacing him: claims 1.1.89, 1.1.89(a), (c); memos 2.2.47, 2.2.118.
148. Submission 3.4.199, p 3. The original statement of claim said it was being lodged on behalf of ‘my whanau and my hapu, Ngati Urunumia of Ngati Maniapoto’: claim 1.1.89.
149. Final SOC 1.2.48, p 4.
150. Submission 3.4.199, p 3.
151. Claim 1.1.89(b), p 3; final SOC 1.2.48, p 3.
152. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in section 13.3.2.
claimants allege Crown Treaty breaches brought about the rapid alienation of most of their land base; the loss of mana and rangatiratanga; the loss of customary systems of land tenure; marginalisation; the desecration of wāhi tapu and taonga; and damage to the spirit, wairua, mana, and ihi of the hapū and its members.153

The claimants’ opening submissions develop the allegation that Crown Treaty breaches are responsible for Ngāti Urunumia landlessness. Those breaches are identified as the creation and imposition of the Native Land Court, survey costs, public works takings, the lack of compensation, and the Crown’s failure to protect tribal structures by requiring the individualisation of Māori land.154 In closing submissions, counsel submit that the location of the claimants’ traditional lands on the borderlands between Maniapoto and Whanganui was an issue that the Crown attempted to grapple with through the Native Land Court and which it ultimately failed to understand, to the detriment of the claimants. They submit that the Crown’s failure to protect Ngāti Urunumia’s economic and tribal land base meant the remaining land in the hapū’s ownership is insufficient for their present and the future economic (and other) needs.155

The claims of Wai 1255 (Ngāti Urunumia) and Wai 987 (Ngāti Hari) were filed separately but presented to the Tribunal jointly; the rohe of these hapū overlap and the claimants assert that the Crown’s alleged Treaty breaches affect both jointly. The key issues for the joint closing submissions have a close resemblance to those of the second amended statement of claim but add a particular concern for the Taringamutu River and its tributaries.156

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

153. Final SOC 1.2.48, pp 2, 97.
154. Submission 3.3.4.60, p 6.
155. Submission 3.4.199, p 3.
156. Submission 3.4.295, p 5.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Te Ihingarangi Claim (Wai 1309)

Named claimants
Takinga Wharekoka (deceased) and Jack Te Reti

Lodged on behalf of
Themselves and the whānau and hapū of Te Ihingārangi

Takiwā
Waimiha–Ōngarue. This claim relates to the following blocks: Ketemaringi, Rangitoto–Tuhua 38 (Rangiahua), Rangitoto–Tuhua 41 (Te Ana-kinakina), Rangitoto–Tuhua 66 (Ngapuketurua), Rangitoto–Tuhua 67 (Huhutirau), Rangitoto–Tuhua 72 (Otamati), Rangitoto–Tuhua 78 (Waimiha), Rangitoto–Tuhua 79 (Tapuwae), Rangitoto–Tuhua 80 (Te Tarata), Ketemaringi, and Maraeora A and B. Ngāti Te Ihingārangi also have interests in the Central North Island inquiry district.

Other claims in the same claim group
Not applicable.

Summary of claim
The claimants allege they have been prejudicially affected by the actions of the Crown in the Ketemaringi and Rangitoto–Tuhua 38, 41, 66, 67, 72, 78, 79, and 80 blocks, and by the Crown's land legislation and other acts. The claimants assert that the Crown breached its duty under article 2 of the Treaty by failing to protect their lands, forests, rivers, fisheries, and other property and taonga.

The amended statement of claim makes broad allegations of prejudice caused by Crown actions and omissions. It sets out seven causes of action: misappropriation, excessive acquisition and purchasing of land; the alienation of land by grant of precedent consent under the Native Land Court Act 1909; sales of land with more than 10 owners by meetings of the assembled owners (provided for under the same act); the adverse effects of Crown policies and practices on forests, flora and...
fauna; public works takings; consolidation and amalgamation schemes; carbon emission trading schemes; and restriction on the use of Māori land.\textsuperscript{161}

The opening submissions for the claim focus on the alienation of Te Ihingārangi’s traditional lands and the usurpation of their tino rangatiratanga. The claimants assert that they have suffered severe and long-lasting impacts as a result of the Crown breaching the aukati and terms of Te Ōhākī Tapu, imposing the railway line through the district, and disregarding Te Ihingārangi’s tikanga and wāhi tapu.\textsuperscript{162}

The closing submissions develop these allegations further, alleging that the Crown’s legislative scheme resulted in Te Ihingārangi lands being alienated through a cycle of public works takings, sales, leases, and increasing debt including from survey costs, liens, court costs, mortgages, foreclosures, in addition to other dealings not conducted in good faith.\textsuperscript{163}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part i).

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part ii).

\textsuperscript{161} Final soc 1.2.92, pp 5, 9, 12, 13.

\textsuperscript{162} Submission 3.4.23, p 2.

\textsuperscript{163} Submission 3.4.220, p 24.
The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtē (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtē Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtē Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtē Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part II).

The Crown’s scheme requiring Te Rohe Pōtē Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtē Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtē Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The establishment and operation of Māori land development schemes in Te Rohe Pōtē between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

With specific reference to the Tohunga Suppression Act 1907, we agree with the Wai 262 Tribunal that the Act was ‘fundamentally unjustified’ and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare (see section 23.10.1). We find that the Crown’s actions in enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga and, from article 3, the principle of options in terms of healthcare.
**Claim title**
Ngāti Tutakamoana Lands and Resources Claim (Wai 1455)

**Named claimants**
Hoane Tītare John Wi, Lamia Mere Rata, Antonio Tipene, Erina Rata, Te Aroha Hemana, and Raewyn Wi

**Lodged on behalf of**
Ngāti Tūtakamoana and Ngāti Hopu. The claimants also describe themselves as ‘hapū descendants of Rereahu with connections to Maniapoto’ and linked with ‘their whanaunga Te Ihingārangi, from whom most of the claimants also descend’.

**Takiwā**
Waimiha–Ōngarue. This claim concerns the Rangitoto–Tuhua 77 (Tangitu) land block.

**Other claims in the same claim group**
Not applicable.

**Summary of claim**
The claimants allege that alienation from their land has usurped their rangatiratanga. Specifically, they allege they have been prejudiced by the Crown’s actions in Rangitoto–Tuhua 77 (Tangitu). Originally containing 47,725 acres, only 2,098 acres (or 4.4 per cent) of the block remains Māori land. The claimants allege the Native Land Court’s individualisation of title led to this loss of land and to the erosion of their tribal society.

The amended statement of claim states the Crown failed to protect the claimants and their land. The claimants allege they have been prejudiced by Crown actions and omissions including the alienation of Rangitoto–Tuhua 77; the actions and legislation of the Native Land Court; the breach of the Te Rohe Pōtae compact (Te Ōhākī Tapu); the desecration of wāhi tapu; the treatment of forestry interests and the Crown-imposed Emissions Trading Scheme; and the Crown’s failure to ‘genuinely support’ the United Nations Declaration of the Rights of Indigenous

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164. Final SOC 1.2.66; memo 3.3.122. The claim was originally brought in 2007 by Hoane Wi and Lamia Mere Rata, and in 2009, Tony Tipene, Erina Mata, Te Aroha Hemana, and Raewyn Wi were added as named claimants. Kahu Etana was listed as a claimant in 2011 but counsel clarified the claimants’ names in 2013, and Kahu Etana was removed as a named claimant: claim 1.1.114, p [1]; claim 1.1.114(a); final SOC 1.2.66, p 2; memo 3.3.122.

165. Submission 3.4.156.

166. Submission 3.4.22, p 2.

167. Submission 3.4.156; claim 1.1.114.

168. Claim 1.1.114.

169. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.8.17, 10.6.2.3, 14.4.2.4, and 14.3.3 and in the tables in the appendices to chapters 9 and 13.

Peoples.\textsuperscript{171} The amended statement sets up three causes of action: the alienation of Te Rohe Pōtae Māori land; the breaching of the Te Rohe Pōtae compact; and the failure [of the Crown] to permit the practice of Māori sovereignty.\textsuperscript{172}

The closing submissions refer to the claimants’ evidence on matters beyond land alienation that have caused them prejudice, including the ‘desecration of wāhi tapu, urupā, te taiao; and [t]he systematic suppression of tikanga.’ Counsel also submit that the introduction of the Tohunga Suppression Act ‘attacked and destroyed the essence of the claimants’ tipuna tohunga practices.’ Overall, they contend ‘that the Crown has breached its solemn duties to act in the utmost of good faith by its failure of actively protecting the whenua, tikanga tapu, taonga and tino rangatiratanga of Ngāti Tūtakamoana and Ngāti Hopu.’\textsuperscript{173}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

  With specific reference to Te Ōhākī Tapu, section 8.12 states that Te Rohe Pōtae Māori suffered prejudice from these Treaty breaches through; damage to relationships between hapū and iwi of Te Rohe Pōtae, which undermined their ability to act collectively to preserve their mana whakahaere; the loss of control over the title determination process, when the land subsequently went through the Native Land Court; the loss of control over their ability to determine the management and disposition of their land interests, particularly whether their land should be alienated or not; and the loss of control over certain social issues that affected them.

\textsuperscript{171} Claim 1.2.66, pp 3–11.

\textsuperscript{172} Final SOC 1.2.66, p 11.

\textsuperscript{173} Submission 3.4.156, pp 3, 9–10.
The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

In section 14.3.3, we refer to the Crown's purchase of the vested 6,333-acre Rangitoto–Tuhua 77 A2B block – which the Crown bought outright in response to persistent calls from lessees – as its largest purchase in the 1930s.

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
• The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

• The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

• The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

With specific reference to the Tohunga Suppression Act 1907 in section 23.10.1, we agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.
Claim title
Ngāti Pahere Claim (Wai 1480)

Named claimant
Noeline Henare174

Lodged on behalf of
Ngāti Pahere, hapū of Ngāti Maniapoto175

Takiwā
Waimihia–Ōngarue. This claim is centred on Te Waimarama, a stretch of the Ōngarue River near Te Kōura Putaroa Marae. The principal marae of Ngāti Pahere, Te Kōura sits on the boundary of the Rangitoto–Tuhua 60 and 77 blocks.176

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that Ngāti Pahere have been prejudicially affected by the Crown’s land takings in their rohe. It alleges they have suffered prejudice relating to the desecration of wāhi tapu sites, the Te Rohe Pōtæ compact, and ‘constitutional issues’ (with reference to the alleged denial of Māori sovereignty and self-determination, in breach of the Treaty).177

The second amended statement of claim refers to Rangawhenua, a renowned tohunga who continues to influence Ngāti Pahere, and is ‘concerned with the meagre state of [Ngāti Pahere’s] political and spiritual well-being’. It advances six causes of action: constitutional issues; Te Ōhākī Tapu; environmental issues (such as the declining state of the Ōngarue River at Te Kōura Marae); health; education; and tikanga and the Tohunga Suppression Act. The claimant also adopts the generic pleadings on Te Ōhākī Tapu, environmental issues, health, and tikanga. Regarding education, the claim alleges that, in breach of the Treaty principle of active protection, the Crown sought to assimilate Māori and decimated Māori language and culture.178

The claimant’s closing submissions expand on these allegations, arguing the Crown breached Treaty principles through polices that reduced the health of the river, were detrimental to the health of Ngāti Pahere, and failed to uphold their

174. Submission 3.4.176; final SOC 1.2.76. This claim was brought by Te Tawhana Henare in 2008. Mr Henare passed away in 2012 and his niece Noeline Tanya Nola Rangitaiaapo Potts (née Henare) was added as the principal claimant: submission 3.4.176, p 3.
175. Submission 3.4.176.
176. Final SOC 1.2.76, p 3; submission 3.4.176, p 4. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 9.8.17, 10.6.2.3, and 14.4.2.4 and in the tables in the appendix to chapter 13.
177. Claim 1.1.119.
178. Final SOC 1.2.76, p 26.
kaitiakitanga in their rohe. The claim alleges that the Tohunga Suppression Act breached the Treaty principle of partnership and active protection, and failed to distinguish between harmful and beneficial tohunga.\(^{179}\)

In reply submissions on constitutional issues, counsel replies to the Crown’s argument that, through the Treaty, the signatories agreed to establish a government with full authority by stating that the evidence suggest only a minority of rangatira signed the Treaty and no hapū leader was bound by any collective will.\(^{180}\)

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

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\(^{179}\) Submission 3.4.176, p120.

\(^{180}\) Submission 3.4.406, pp11–13.
The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown's support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

With specific reference to the Tohunga Suppression Act 1907, in section 23.10.1 we agree with the Wai 262 Tribunal's findings – first, that the Tohunga Suppression Act was 'fundamentally unjustified'; and, secondly, that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown's actions in enacting the Tohunga Suppression Act were inconsistent with the principle.
of partnership, the guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Ngāti Whakatere ki te Tonga Claim (Wai 1640)

Named claimants
Te Meera Hyde, Te Huihuinga Sprott, Ngaroi Gilman, Peta Ann Kohika, Moana Mannsell, Robyn Kararaina Kohika, Huhana Susan Anderson, Ani Rauhihi, Tracey Robinson, Heemi Te Peeti, Rhea Hyde, and Amira Lena Tita Wikohika

Lodged on behalf of
Ngāti Whakatere ki te Tonga. Ngāti Whakatere have close links with Ngāti Raukawa, descending ‘primarily from Raukawa’s children Whakatere, Takihiku and Kurawari.’

Takiwā
Waimiha–Ōngarue. This claim relates to Ngāti Whakatere interests in Maraeroa A, B, C, and Rangitoto blocks in Te Rohe Pōtae (they also have land interests in the Porirua ki Manawatū inquiry district).

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 1640 claim addresses Crown action impacting the claimants’ lands within the Manawatu–Kukutauaki block, which falls within the Porirua ki Manawatū inquiry district. In 2010, the claimants filed a further amended statement of claim addressing their interests in the Maraeroa C block and the Rangitoto block inside the Te Rohe Pōtae district.

The claimants broadly allege that they were deprived of land in these blocks as a result of Crown action concerning the Native Land Court. They claim that the Crown undertook insufficient consultation before the claimants’ land was advanced through the court. They point to the 10-owner rule introduced by native land legislation and allege that it failed to protect their interests, and that the Crown failed to ensure the claimants retained sufficient lands. The claimants

181. Submission 3.4.191. The claim was brought by Te Meera Hyde in 2008. He was joined by Te Huihuinga Sprott, Ngaroi Gilman, Peta Ann Kohika, Moana Mannsell, Robyn Kohika, Huhana Anderson, Ani Rauhihi, Tracey Robinson, Heemi Te Peeti, Rhea Hyde, and Amira Wikohika as named claimants in 2010: claim 1.1.156; claim 1.1.156(a); memo 2.2.106.
183. Final SOC 1.2.121, p 3; submission 3.4.191, p 3; claim 1.1.156(b), p 2.
184. Claim 1.1.156.
185. Claim 1.1.156(b), p 2. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.6.2.3, 13.3.7.3, 13.3.7.4, 13.3.8, 14.4.2.4, 14.3.3, 21.4.3, and 21.4.6.3 and in the tables in the appendices to chapters 9 and 13.
further address the introduction of alcohol, which they allege impacted their ability to participate in hearings after the Crown failed to ban alcohol from the district.  

In a final statement of claim, the claimants adopt the generic pleadings with respect to Crown purchasing and policy, the Native Land Court, the North Island Main Trunk Railway, public works, vested lands, local government and rating, tikanga, and the environment. They introduce further particulars concerning Crown-imposed rates and point to Māori resistance to the idea of rating, particularly over non-productive land. They claim that local bodies applied pressure to collect rates, and that they were prejudiced by having their land taken and sold in a mortgagee sale after failing to pay rates. Concerning their local government claim, they allege that early town planners sought to maximise the productivity of rural land areas through strategies that, in practice, resulted in the limited creation of subdivisions and provision of utilities for house building in rural areas. This in turn prevented the claimants from using their land for residential purposes, instead encouraging urbanisation and the development of existing townships.

They also develop their claim concerning their Maraeroa and Rangitoto lands. They claim to have been prejudiced by Crown purchasing in the Maraeroa, Rangitoto A, and Rangitoto–Tuhua blocks. In the twentieth century, they allege that Ngāti Whakatere were further deprived of land as a result of both the Rangitoto and Maraeroa A, B, and C blocks, which were allegedly vested in the Māori Trustee. They also say that within their lands there was ‘an inappropriate delegation of control and management to county and borough organisations.’ They point to the impact of Crown management on their forests, wetlands, and rivers, and claim that they were prejudiced by the declining availability of tuna (eel) and the decline of swamplands.

Finally, the claimants allege that Crown action to reform their land titles further deprived them of their lands and physical resources. In closing submissions, the claimants point to the Native Land Act 1931 and the Maori Purposes Act 1959, and argue that this legislation ‘provided for a unilateral and unchallenged alienation of Ngāti Whakatere land.’

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make
findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown's actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

  For our discussion of the vesting of the claimants' lands for settlement, see section 13.3.7. In section 13.3.8, we go on to describe the petitions put forward by owners of Rangitoto A18, Rangitoto A42B, and Maraeroa C blocks who claimed their lands had been vested without their consent. Our specific Treaty analysis and findings on these matters are set out in section 13.3.10.

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).
The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

Te extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngāti Rereahu (Emery) Claim (Wai 1704)

Named claimant
Edward Piriwiritua Emery (2008)\textsuperscript{195}

Lodged on behalf of
The hapū of Ngāti Rereahu, which ‘is a hapū of Raukawa, Maniapoto and Tuwharetoa and is also an iwi in its own right’. Ngāti Rereahu’s principal marae is Te Hape at Benneydale.\textsuperscript{196}

Takiwā
Waimiha–Ōngarue. Ngāti Rereahu’s primary interests are in the Waikato-Raukawa inquiry district but they also have interests in Te Rohe Pōtae and the Central North Island. This claim is concerned with lands ‘from Maunganui to Hurakia.’\textsuperscript{197}

Other claims in the same claim group
Not applicable.

Summary of claim
This claim, which was more fully developed in the claimant’s oral evidence at the Wharauroa hearing (March–April 2014), is chiefly concerned with public works and environment issues.

In terms of public works, the claim asserts that the Crown targeted Ngāti Rereahu lands for railway takings because of the backing they gave to the Kingitanga, Te Kooti, Ngatai, and Te Heuheu. Further, the claim alleges that the Crown failed to provide the owners with the railway services that had been promised.\textsuperscript{198} The Crown’s failure to fence the railway as promised is also seen as enabling the poaching of stock.\textsuperscript{199} The claim also asserts that Ngāti Rereahu battlegrounds have been desecrated by road construction, that line rentals from power companies have been introduced to financially penalise Ngāti Rereahu, and that phone lines were introduced for policing purposes.\textsuperscript{200}

The claim also includes two main economic grievances. First, it argues that the timber company Ellis and Burnand reneged on royalty agreements for timber and, secondly, that the Crown promoted land development schemes which left Ngāti Rereahu lands loaded up with debt.\textsuperscript{201} The claimant also objects to the imposition of rates on farm and forestry blocks and challenges the Crown’s record

\textsuperscript{195} Claim 1.1.157; submission 3.4.297.
\textsuperscript{196} Claim 1.1.157.
\textsuperscript{197} Claim 1.1.157; submission 3.4.297, p [1].
\textsuperscript{200} Submission 3.4.297, p [1] ; doc R31, pp1–2; transcript 4.1.17, p 1462.
\textsuperscript{201} Submission 3.4.297, p [1] ; doc R31, p 1; transcript 4.1.17, pp 1457–1459.
\textsuperscript{202} Submission 3.4.297, p [1] ; doc R31, p 1; transcript 4.1.17, pp 1456–1457.
of environmental management, in particular its failure to prevent the decline of tuna (eel) numbers. In subsequent evidence, the claimant also highlighted how the Crown supported the introduction of pests such as possums and deer which it now controls with poisons including 1080, and allowed restrictions to be applied to traditional fishing practices in local waterways (such as a ban on net fishing).

Another issue raised by the claim is the imposition of the Tohunga Suppression Act.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. To the extent that this claim concerns the Maraeroa A and B blocks, we note that the Maraeroa A and B Settlement Act 2012 removes the Tribunal’s jurisdiction to inquire into or make findings on historical claims relating to land within these two blocks. The following findings are attributable to this claim to the extent that it relates to lands outside Maraeroa A and B blocks.

Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

In section 9.5.8, the Tribunal finds that owners of Māori land adjacent to the railway suffered economic losses because of failures to fence the railway as promised. However, our analysis of the route of the railway in section 8.7.1 does not support the claim that the route targeted Ngāti Rereahu lands.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

203. Submission 3.4.297, p [1]; transcript 4.1.17, p 1471.
205. Submission 3.4.297, p [1]; doc R31, p 1; transcript 4.1.17, pp 1456–1457.
The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

We note in section 21.4.3 that, during the first half of the twentieth century, the firm of Ellis and Burnand was able to benefit from paying lower royalties for the timber on Rangitoto–Tuhua 36 and Maraeroa c than their market value, on account of their initial agreements having preceded the Forests Act 1921–22. However, we heard evidence showing that, in 1937 and 1942, redress was provided to the owners following arbitration and litigation over two other issues raised in this claim (reneging on royalties for uncut timber, and denial of owner rights to utilise the tramway).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We note in addition the Tribunal finding that tuna are a taonga to the iwi and hapū of Te Rohe Pōtae, and consequently that the Crown has an article 2 obligation to take reasonable steps to protect the species (see section 22.6.10).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

With specific reference to the Tohunga Suppression Act 1907, in section 23.10.1 we agree with the Wai 262 Tribunal that the Tohunga Suppression Act was ‘fundamentally unjustified’, and that the removal of the regulatory role of the Māori councils denied Māori a degree of autonomy over their own healthcare. We find that the Crown’s actions enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the

guarantee of rangatiratanga, and from article 3, the principle of options in terms of healthcare.

**Any additional Tribunal findings on local allegations or claims**

Having considered all the evidence presented to us, we determine that the allegations about road construction desecrating a Ngāti Rereahu battleground and the purposes behind the introduction of telephone lines and rental charges are not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.
Claim title
Ongarue, Ōhura, and Otunui River Areas Claim (Wai 1812)

Named claimants
Hoane Titari John Wi, Tame Te Nuinga Tuwhangai, Raymond Tawhaki Wi, Donna Tuwhangai, Mere McGee, Evelyn Kereopa, Greg Keenan, and Les Howe

Lodged on behalf of
The whanau and marae within the Ōngarue, Ōhura, and Otunui River area

Takiwā
Waimiha–Ōngarue. This claim focuses on the ‘tupuna awa – the Ongarue, Ohura and Otunui’. These awa are ‘part of the wider Whanganui River system’, and while mostly within the Te Rohe Pōtae inquiry district, ‘parts extend into the Whanganui inquiry’.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1812 claim is concerned with the Ōngarue, Ōhura, and Otunui Rivers and their tributaries. It argues that the Crown has failed to prevent their pollution or protect their wāhi tapu, and together these failings have been detrimental to these waterways’ physical and spiritual health. The claimants also argue that the Crown has failed to provide for customary ownership and use of the waterways and their resources, instead taking ownership of them itself through actions such as the passing of the Coal-mines Act Amendment Act 1903. Similarly, they say they the Crown has failed to provide for ‘the whanau, hapu and Marae of the Ongarue, Ohura and Otunui Rivers’ to exercise rangatiratanga and tikanga over the waterways and their resources. They say this has remained the case under the Resource Management Act, which they note the Tribunal has repeatedly found is not being applied in a way consistent with the principles of the Treaty.

207. Submission 3.4.184. The Wai 1812 claim was brought in 2008 by Hoane Wi, Tame Tuwhangai, Raymond Wi, Michael Tangahoe Burgess, Ngawai Tane, Christine Brears, Ruthe Cuthbertson, Lamia Rata, Te Aroha Hemana, Ameria Kereopa, and Robert Jonathan on behalf of ‘the whanau and Marae within the Ongarue, Ohura and Otunui River area’: claim 1.1.178. In 2011 the Tribunal was advised that Ameria Kereopa had passed away and the named claimants were now Hoane Wi, Tame Tuwhangai, Raymond Wi, Donna Tuwhangai, Mere McGee, Evelyn Kereopa, Greg Keenan, and Les Howe: claim 1.1.178(a).
208. Submission 3.4.184.
211. Claim 1.1.178, pp 3–4; submission 3.4.184, pp 6–8.
212. Submission 3.4.184, p 9.
213. Submission 3.4.184, pp 10–12.
The claim identifies the removal of the claimants’ access to fisheries and other resources, and the depletion of these resources under Crown management, as further Crown failings. Their submissions make particular reference to the declining tuna population, and cite reports by the Parliamentary Commissioner for the Environment and Dr Mike Joy criticising the Crown’s approach to managing the eel catch.214 The claimants’ remaining allegation is that the Crown interfered with traditional rights to travel along waterways with its application of the ad medium filum aquae rule.215 The claimants also adopt the generic submissions on tikanga and on environmental issues, and also support the submissions about tuna made by the Wai 762 claimant, the late Hare Kereopa.216

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

With respect to the ownership of waterways, in section 22.2.1 we note the finding of the Ika Whenua Rivers (Wai 212) inquiry that ‘reliance on this common law rule [ad medium filum aquae] was inconsistent with the principles and guarantees under the Treaty’.

216. Submission 3.4.184, pp 3, 11.
Note: this takiwā overview is the Tribunal’s synthesis of evidence presented by kuia, kaumatua, and other knowledge-holders at Ngā Kōrero Tuku Iho hui held across the inquiry district in March–June 2010. It should not be interpreted as a Tribunal comment on, or determination of, the validity of tribal evidence presented about places, people, and events. Some of the groups identified in this overview may also appear in other takiwā overviews, reflecting their widespread interests. However, for organisational purposes, each claim has been assigned to only one takiwā.

7.1 Ngā Whenua

The association between the Mōkau takiwā and the people of Te Rohe Pōtae stretches back to the arrival of the Tainui waka. As detailed in chapter 2, the relationship between the waka’s captain, Hoturoa, and navigator, Rakataura, turned sour during the voyage from Hawaiikii to Aotearoa, when Rakataura fell in love with Hoturoa’s daughter (variously known as Kahuere, Kahukeke, or Kahupeka).1 Upon making landfall at Tāmaki Makaurau, the two men went their separate ways: Hoturoa crossing the Auckland isthmus and continuing down the west coast of Te Ika a Māui aboard the Tainui, while Rakataura – along with Rōtū, Hiaroa, and others – travelled south on foot. It was at a beach north of Mōkau where Rakataura and company met up with the Tainui again and where Hoturoa and Rakataura finally made their peace.2 Before setting sail on the Tainui’s final voyage to Kāwhia, meanwhile, Hoturoa placed the waka’s anchor stone, Te Punga o Tainui, in the Mōkau River.3

Over the following generations, the people of the Tainui consolidated their relationship with the Mōkau takiwā. Upon making landfall at Kāwhia, many aboard the Tainui settled around the harbour. Others ventured further afield. Hiaroa, for example, occupied lands around Kahurewa, establishing a whare wānanga on the slopes of the maunga and placing a mauri stone there, appealing for the provision of plump birds in the area.4 His descendants, Ngāti Hia, came to occupy the lands around Kahurewa, while Hape’s descendants, Ngāti Rakei, established mana whenua over the Mōkau river mouth and inland.5

4. Transcript 4.1.5, p 45 (Jock Roa, Ngā Kōrero Tuku Iho hui, Maniaroa Marae, 17 May 2010); submission 3.4.136, pp 7–9.
As outlined in chapter 2, these early settlers were subsequently joined by distant descendants of the Tainui whānau. In particular, the descendants of Maniapoto extended their presence across much of the inquiry district through a mixture of inter-marriage and military expansion. Maniapoto’s grandsons, Rungaterangi and Tūkemata, married into Ngāti Tama and settled near the Mōkau river mouth. Meanwhile, Te Kanawa’s descendants, Waiora and Waikōrara, were among the Ngāti Maniapoto who married into the earlier Ngāti Hia, Ngāti Te Paemate, and Ngāti Rākei peoples. In this way, Ngāti Maniapoto extended their authority across the Mōkau takiwā and, in doing so, gained access to the region’s considerable economic and strategic benefits.

In earlier times, the Mōkau takiwā – which, for the purposes of this volume, is defined as stretching from Mōkau, north to Marokopa and inland to Piopio, Aria, and Māpū – was well-endowed with the fruits of the forest, the river, and the sea. The region’s wetlands supported populations of migratory wading birds and water-fowl, while the bush teemed with kererū and kākā. The rivers supported a variety of fish-life – including tuna and juvenile inanga, kōaro, and kōkopu – and the coastline was prized for its resources. The area’s economic significance was enhanced by its accessibility; the takiwā’s watercourses served as highways linking the west coast with the North Island’s vast interior. As the historian Cathy Marr explained:

iwi and hapū could travel from the Waikato River, the main highway of Waikato iwi, along the Waipa River, which gave access to northern Ngāti Maniapoto settlements. At Otorohanga, travellers could canoe further south along the Mangaorewa and Mangapu tributaries of the Waipa. After a portage of about 10 kilometres they could then join the Mokau River as it flowed through the Aria district. This required smaller canoes until about Totoro where travellers could then use larger canoes to the Mokau harbour mouth.

While Ngāti Maniapoto hapū occupied the lands around the Mōkau river mouth, the area south of the Mōhakatino River was the ancestral whenua of Ngāti Tama. The Mōkau takiwā thus served as a border zone between the broader Tainui-Maniapoto and Taranaki tribal groupings. As a result, both warfare and peace-making initiatives feature prominently in the region’s history and traditions. According to claimant William Wētere:

The Mōkau and Mōhakatino Rivers were a fluctuating tribal boundary for Maniapoto and Ngāti Tama for many generations. Far from being a black and white line it was a grey area that saw considerable inter-tribal conflict. In times of peace making tomo alliances, or marriages, would be common in an attempt to reduce

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existing and future tensions. Therefore, many of those from Mōkau can equally make whakapapa claims to Ngāti Tama and other Taranaki iwi.\footnote{Transcript 4.1.15(a), p 159 (William Wetere, hearing week 10, Maniaroa Marae, 3 March 2015).}

However, in the period immediately before the signing of the Treaty, conflict rather than peace characterised the relationship between these tribal groups. Tensions came to a head around Mōkau in the decades surrounding the turn of nineteenth century, reflecting a series of accumulated historic grievances and the involvement of some Taranaki iwi in an internal Waikato-Maniapoto conflict. As chapter 2 sets out, Ngāti Rākei were defeated by Ngāti Tama at Motutawa in 1812, fleeing to Ōtorohanga for a number of years. But in 1815, a joint Ngāti Rākei/Ngāti Hia taua led by Te Wharauroa then drove Ngāti Tama from Mōkau.\footnote{Document A110, pp 256–257.} In 1820, a force of Ngāti Urunumia and Ngāti Rōrā warriors then defeated Ngāti Tama at the battle of Tihimānuka, after which Ngāti Tama retreated south to around Parininihi.

The presence of Te Rauparaha loomed large throughout this period of fighting. Following Te Rauparaha’s defeat at the hands of the Waikato-Maniapoto coalition in 1820, the combined forces of Waikato and Ngāti Maniapoto engaged in a series of invasions into Taranaki, expelling Ngāti Tama from the Poutama region in the process. Much of their lands were subsequently occupied by Mōkau hapū under the mana of the Mōkau rangatira Tākerei Waitara. Over time, though, some Ngāti Tama were permitted to return to their ancestral lands as the growing influence of Pākehā missionaries curbed historic animosities; others returned at the invitation of Taonui Hīkaka.\footnote{Submission 3.4.246, p 6.}

## 7.2 Ngā Iwi me Ngā Hapū

The hapū of Mōkau include Ngāti Te Paemate, Ngāti Rungaterangi, Ngāti Waiora, Ngāti Tukawakawa, Ngāti Waikorara, Ngāti Tu (Tumae/Tumai), Ngāti Hineuru, Ngāti Rākei, Ngāti Wai, Ngāti Parekarau, Ngāti Waimauku, and Ngāti Hinerua.

Hapū are affiliated to three marae across the takiwā.\footnote{Transcript 4.1.5, pp 17–18 (Mark Bidois, Ngā Kōrero Tuku Iho hui, Maniaroa Marae, 17 May 2010).} Maniaroa Marae, which hosted both a Ngā Kōrero Tuku Iho hearing and a Tribunal hearing week, is associated with Ngāti Waiora, Ngāti Rungaterangi, and Ngāti Rākei. This marae is located immediately south of the Awakino River mouth, and the whakairo on the doors of the house – Maniaroa – speaks to the Mōkau region’s tribal complexity as well as local peoples’ efforts to work together. As claimant representative Mark Bidois explained, on one side of the doors is Taonui Hīkaka, Rewi Maniapoto and Tā-whana, all representing the Tainui side. On the other side are Raparapa, Tūpoki, and Wharepōuri, representing Aotea and Tokomaru.
Another Mōkau ki Runga marae is Te Paemate, located in the Aria district and associated with Ngāti Te Paemate. The marae is ancestrally connected to the Aorangi Maunga, an important marker in the traditions and navigational routes of Ngāti Maniapoto. According to claimant Jim Taitoko, Aorangi sits at ‘the intersection of the main tracks ... east [and] south across [the] King Country area’ and is on the traditional track to Mōkau from Whanganui, Taumarunui, and Waimiha.13 Ngāti Te Paemate connect with Ngāti Maniapoto through Rungeterangi’s half-brother, Tūkemata, and the hapū whakapapa to Tūwharetoa through their tūpuna Rewatu, who married a woman from the Te Heuheu family, Te Rohu.14

While Te Paemate was the original marae of Ngāti Te Paemate, the hapū ‘now go to Mōkau Kohunui, along with Ngāti Waiora and Ngāti Kinohaku.15 Located in the Piopio district, Mōkau Kohunui is ancestrally linked to the Kahuwera, Herangi, and Aorangi maunga, as well as the Mōkau River. Of particular significance is Kahuwera, where Hiaroa established a whare wānanga and placed a mauri stone.16 The maunga was historically cultivated by tangata whenua and parts of Kahuwera – including a cave near the summit – were traditionally used as burial sites.17

Napinapi Marae, which hosted hearing week 15 of our inquiry, is situated below Kahuwera in the Piopio district and is associated with Ngāti Paretekawa ki Napinapi. This branch of Ngāti Paretekawa is connected to Ngāti Paretekawa in Waipā through the ancestors Paretekawa and Momo o Irawaru. However, Ngāti Paretekawa ki Napinapi developed their own distinct tribal identity over the course of time.18 They descend specifically from Te Akanui, Peehi Tūkorehu’s brother, who left Waipā for Kāwhia and Marokopa following a dispute. On arriving at Mōkau, Te Akanui settled in Napinapi. He was described by witness Kaawhia Muraahi as ‘he tangata whai i te ara o Tūmatauenga’ (a true warrior) who fought in places as far afield as Ngāti Kahungunu, Taranaki, and Te Arawa. Te Akanui descended from Hore, a name that is still carried by members of current generations, and his son was Te Ngohi Kāwhia, also a warrior. According to Mr Muraahi, Te Ngohi frequently travelled between the Napinapi, Pūniu, and Kāwhia areas, and participated in a significant hui at Kāwhia associated with the signing of Te Tiriti o Waitangi in 1840. Ngāti Paretekawa ki Napinapi also featured among those who bore arms during the Waikato War, particularly the battle of Ōrākau.19

Alongside hapū of Ngāti Maniapoto, we also heard from Nga Hapū o Poutama and Te Iwi o Mōkau claimants, who claim interests to lands in the far south of the Mōkau takiwā and ancestral connections to a range of neighbouring hapū and iwi.

The claimants identified the Poutama rohe as beginning ‘at the Waikaramuramu stream, north to Onetai, inland east to the Herangi Ranges to Te Matai south across to Umukaimata then to Ohura, Tangarakau to Tahora and Paroa, and west to the sea at Waikaramuramu.’ Speaking to their whakapapa, Poutama acknowledged associations with ‘Ngāti Maniapoto to the north, Ngāti Hauā, Ngāti Rangatahi, and Ngāti Maru to the east and Ngāti Mutunga and Ngāti Tama to the south.’

20. Final soc 1.2.96, p 4.
21. Final soc 1.2.96, p 7.
7.3 Mōkau: ngā Kerēme

Claim title
Umukaimata and Waiaraia Blocks Claim (Wai 483)

Named claimant
Thomas Noel Bidois

Lodged on behalf of
The descendants of Te Rewatu Hiriako and Ngāti Te Paemate. Ngāti Te Paemate is a hapū of Ngāti Maniapoto.

Takiwā
Mōkau. The rohe of Ngāti Te Paemate is in the Aria district. They have interests in Umukaimata, Waiaraia, Taurangi, Taorua, Mangakahikatea, and Ratatatomokia blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 483 claim (lodged in 1995) concerns the Crown’s allegedly prejudicial actions in respect of the Umukaimata and Waiaraia blocks. The claim alleges that the Crown failed to adequately survey the Umukaimata block in 1892, instead allowing it to be part of the Waiaraia block survey. This led to the alienation of 11,000 acres of Umukaimata lands. The claim also asserts that, while some 2,500 acres of the Umukaimata block were later awarded to the Māori owners in 1915, 500 acres of the award were taken in lieu of payment of survey costs. Further, it is alleged that the balance of the remaining land was wrongly awarded to the owners of Umukaimata. The claim also alleges that parts of the two blocks were acquired under the North Island Main Trunk Railway Loan Application Act 1886 but were not utilised for the Act’s purpose (this allegation was not pursued in submissions).

The final statement of claim and closing submissions (2011, 2014) amplify these allegations, adding that the Crown failed to address Ngāti Te Paemate’s concerns.

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22. The Wai 483 claim was originally brought by Mereana Bidois, Muriel Hine Mafi, and Rangi Ripeka Hemmingson in 1995. In 2009 Thomas Bidois was added as a named claimant, and counsel advised that Rangi Hemmingson had passed away. By late 2011 Mereana Bidois and Muriel Mafi had also passed away: claim 1.1.18(a); memo 2.2.82; final soc 1.2.18, p 1.
23. Submission 3.4.135, p 5. The wording in the statement of claim says it is made on behalf of ‘ourselves and other descendants of Te Rewatu Hiriako, who was our Great Grandfather’: claim 1.1.18(a), p [1].
24. Submission 3.4.135, p 7; final soc 1.2.18, p 1.
25. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.7.2.3.2, 10.7.3, 11.3.3.5, 11.4.3, and 11.4.4.1.
26. Claim 1.1.18(a), pp 1–2; final soc 1.2.18, pp 3–9.
27. Claim 1.1.18(a), pp 4–5.
about the survey and its consequences, despite considerable protest and two petitions to Parliament. The claim alleges that the Crown breached its Treaty duties, first, by undertaking inadequate surveys. Second, it imposed on Ngāti Te Paemate ‘significant and unreasonable costs’ from survey requirements that led to portions of the Umukaimata block being sold to pay the survey costs. It also alleges the Crown breached the Treaty by acquiring a significant part of the hapū’s land base through the North Island Maori Trunk Loan Application Act. The prejudice these alleged breaches are said to have caused Ngāti Te Paemate includes the continued alienation of their land base, the loss of individual and collective mana and rangatiratanga, and dispossession of their land with which they have strong spiritual links. The claim cites the confusion, litigation, and expense caused by the inadequate surveys as another source of prejudice.

In closing submissions, counsel also identify prejudice arising from another alleged Treaty breach – the Crown’s failure to respond to concerns about the Umukaimata survey that the hapū expressed in court and through their tupuna Te Rewatu Hiriako’s parliamentary petitions. According to the claim, ‘the matter has remained unresolved to the present day’.

Is the claim well founded?
This claim is part of the Te Rohe Pōtai district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtai Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtai (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtai Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtai Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

In section 10.7.2.3.2, we discuss the Crown’s survey of the Umukaimata, Waiaraia (and Mohakatino–Paraninihi 1 and 3) blocks in 1892, describing it as ‘the most significant survey error’ in Te Rohe Pōtai. We note the Crown now
accepts that ‘a serious error’ indeed occurred in the survey, which ‘caused significant prejudice to the owners of Umukaimata’. However, Crown counsel told us that this prejudice had been addressed ‘as far as possible’ by the return of 2,465 acres to Maōri owners in 1915. We acknowledge that uncertainty over the location of one of Umukaimata’s southern boundary points means it is difficult to now assess whether the acreage returned was adequate compensation for the land lost. But we point out that the land given to the owners was ‘not high quality’ and it took more than two decades before they received it – despite the Crown and court’s early knowledge of the survey error. Moreover, because the Crown itself had purchased the land, we consider it could have returned land taken in error. ‘In other words, the Crown had every opportunity to provide fast and full redress. It did not.’

In section 10.73, we thus find that the Crown’s failure to return the affected lands to the owners of Umukaimata when it was first made aware of the survey error in 1891 and 1892 breached Treaty principles of redress, active protection, and good government. The prejudice caused to the owners as a result has been, at best, only partly mitigated by the award of 2,465 acres as compensation. We add that new evidence presented by the Crown during our inquiry suggests there may now be merit in it further investigating the location of Te Pou-a-Wharara – the block’s critical southern boundary point, whose location has been lost.

In respect of the Crown’s response to concerns the hapū raised about the Umukaimata survey in court and via parliamentary petitions, we describe the options available to Te Rohe Pōtæ Maōri wanting to challenge Native Land Court decisions were inadequate. As we comment in section 10.9: ‘These options were capable of providing remedies, but Māori had to overcome sometimes onerous procedural barriers first, and they often had to wait too long. We found that the Crown failed to provide a meaningful or robust system of review of court decisions, in breach of the Treaty principles of redress and active protection.’

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Maōri: see chapter 11 and the findings summarised in section 11.8 (part II).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori
from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part iv).
Claim title
Mōkau Mohakatino Block Claim (Wai 529)

Named claimants
Paraone Lake and Haumoana White (1995)\(^{32}\)

Lodged on behalf of
Te Iwi o Mokau\(^{32}\)

Takiwā
Mōkau. This claim relates to the Mokau–Mohakatino block.\(^{33}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 529 claim concerns the alienation of the Mokau–Mohakatino block.\(^{34}\) It alleges that Australian settler and speculator Joshua Jones entered into dubious dealings for a lease involving the block. The claimants allege that as a result of Jones’s lobbying, legislation in the form of the Special Powers and Contracts Act 1885 and the Mokau Mohakatino Act 1888 was passed. This legislation removed protections for the Mokau Mohakatino owners otherwise provided by the Native Land Alienation Restriction Act 1886 and the Native Land Administration Act 1886.\(^{35}\) The claim goes on to note that Jones’s inability to meet his mortgage obligations led to further transfers to creditors, so that from 1888 the owners of Mokau–Mohakatino effectively had their land alienated from them.\(^{36}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

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32. Claim 1.1.19. The statement of claim also expressed this as having been made on behalf of the ‘Tangata whenua of Te Iwi o Mokau, The Community of Mokau’: claim 1.1.19, p [1].
34. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.1.6, 8.10.2.4, 11.6 (especially 11.6.6), and 12.2.2.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones’s lease – namely, that the Crown also failed to protect the owners in exempting Jones’s lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled Jones to pursue a 56-year term over the whole block), and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones’s original lease had no legal validity (see section 11.6.6).
Claim title
Ngāti Maniapoto Lands and Resources Claim (Wai 535)

Named claimants
Rongo Herehere Wetere and William Wetere

Lodged on behalf of
Themselves and Ngāti Maniapoto

Takiwā
Mōkau. The claim relates to the southern boundary of Ngāti Maniapoto around Mōkau.

Other claims in the same claim group
Not applicable.

Summary of claim
The original statement of claim (1995) covers numerous Crown actions the claimants argue have prejudiced them and Ngāti Maniapoto iwi. Treaty breaches are alleged in relation to compulsory takings of Māori land for public works; survey liens; the North Island Main Trunk Railway; the ‘confiscation line’ imposed by the Crown at the Pūniu River and the creation of an ‘artificial divide’ between Waikato and Maniapoto groups which had lasting adverse effects on their identity; loss of fishing and shellfish gathering rights and natural resource rights; destruction of indigenous forestry and wildlife; Native Land Court and native land legislation; and war and raupatū.

Claimants further allege that a long-term legacy of the Crown’s confiscation programme was the ability of the Tainui Maori Trust Board (established under the Waikato–Maniapoto Māori Claims Settlement Act 1946) to gain control of lands in and around Te Awamutu and Parewa. They allege the board did so without proper reference to or consultation with Ngāti Maniapoto.

In addition, claimants allege that, the during its invasion of the Waikato, the Crown destroyed a Ngāti Maniapoto financial bank and caused Ngāti Maniapoto to lose shares in a newspaper company. An amended statement of claim (2011) particularises these allegations and ties together the destruction of the Ngāti Maniapoto bank and monetary regime, the associated denial of their self-governance, and the removal of their ability to institute a system of taxation with the Crown invasion of Ngāti Maniapoto lands south of Ngāruawāhia.

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37. The Wai 535 claim was brought by Rongo Wetere in 1995, and his son William Wetere is also a named claimant: claim 1.1.20; final SOC 1.2.114, p 2.
38. Submission 3.4.243(a); final SOC 1.2.114, p 2.
39. Submission 3.4.243(a), p 3; doc Q29(a) (Wetere).
41. Claim 1.1.20, p 2.
42. Claim 1.1.20, p 2.
Claimants also allege prejudice from contemporary Crown legislation and policy; in particular, the State-Owned Enterprises Act 1986; Resource Management Act 1991; and the New Zealand Constitution Act 1988. Prejudice is also alleged from legislation and policy in the areas of education, health, social services, housing, employment, armed services, justice, and the regulation of Crown surplus land.\textsuperscript{43}

In closing submissions, claimants raise further concerns over the regulation of whitebait fisheries, and ongoing issues with Te Wānanga o Aotearoa and educational outcomes for Te Rohe Pōtae Māori.\textsuperscript{44}

The claimants say they adopt the following generic pleadings insofar as they cover the matters set out in their original statement of claim: Crown purchasing, Native Land Court, railways, public works, Māori land development and administration, native townships, vested lands, private purchasing, local government and rating, economic development, tikanga, health and education, environment, takutai moana, harbours, and overall land alienation.

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part i).

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part i).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part i).

  In respect of the claimants’ allegation about the Crown’s destruction of the Ngāti Maniapoto commercial enterprises, our discussion in section 6.11 of the economic and material prejudice suffered by Te Rohe Pōtae Māori as a result of the ‘unjust war’ in the Waikato is especially relevant.

\textsuperscript{43} Claim 1.1.20, p 2; claim 1.2.114.

\textsuperscript{44} Submissions 3.4.243, pp 25–30.
The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtāe Māori patrolled and protected against unsanctioned incursions – and the Crown's response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Īhāki Tapu) and the Crown's subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtāe (1883–1903); the Crown's actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtāe Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtāe Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown's land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtāe Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown's scheme requiring Te Rohe Pōtāe Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtāe Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtāe under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown's policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction...
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Poutama Land Blocks Claim (Wai 577)

Named claimants
Poutama Lewis Te Rata and Hika Daniel Te Rata (1996)

Lodged on behalf of
Themselves and their descendants

Takiwā
Mōkau. This claim relates to the Mokau–Mohakatino block.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 577 claim concerns the interests of the descendants of Poutama in the Mokau–Mohakatino block. It asserts that the Crown failed to ensure that the Native Land Court properly investigated the ownership of the block. The claimants allege the Crown then failed to protect owners descended from Poutama – first, by allowing Joshua Jones to enter into a dubious lease in 1878, and then by passing the Special Powers and Contracts Act 1885, and the Mokau Mohakatino Act 1888. These acts removed the protections against alienation otherwise provided by the Native Land Alienation Restriction Act 1884 and the Native Land Administration Act 1886. Jones's inability to meet his mortgage obligations subsequently passed the lease into the hands of creditors.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

46. Claim 1.1.26(a), p [1].
47. Claim 1.1.26(a), pp 2–3.
48. This block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 8.9.1.6, 8.10.2.4, 11.6 (especially 11.6.6), and 12.2.2.
49. Claim 1.1.26(a), p 3.
50. Claim 1.1.26(a), pp 2–3.
51. Claim 1.1.26(a), p 2.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

We did not receive sufficient evidence to make any additional findings on the allegation that the Native Land Court failed to identify the correct owners of Mokau–Mohakatino.

The Crown’s land legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones’ lease – namely that the Crown also failed to protect the owners in exempting Jones’s lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled Jones to pursue a 56-year term over the whole block) and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones’ original lease had no legal validity (see section 11.6.6).
Claim title
Pio Pio Stores Site Claim (Wai 691)

Named claimants
Tohe Rauputu and Muiora Barry (1997), Oriwia Woolf (2008), Katherine Anne Barry (2010), and Lenny Turner (2012)52

Lodged on behalf of
All the descendants of the original owners of Part Kaingapipi 9, Karu te Whenua, and Kinohaku East 481 blocks53

Takiwā
Mōkau

Other claims in the same claim group
691, 788, 2349. The Mōkau ki Runga claimants’ whakapapa to ‘hapu affiliated to marae in Aria (Te Paemate), Piopio (Mokau Kohunui) and Mokau (Maniaroa) and the wider Maniapoto and Tainui rohe.’54

Summary of claim
The claim relates to land in the Kaingapipi 9 land block situated in Piopio township, and land in the Karu o Te Whenua and Kinohaku East 481 blocks.55 Parts of all three blocks were taken for public works purposes in the nineteenth and twentieth centuries – a stores site for the Waitomo County Council, roading, a quarry, a school. In some cases, land was taken without compensation and despite objections from the owners (including one whose two children were buried on land taken by the Crown for the district high school at Piopio).56

In their final statement of claim, claimants also allege Crown Treaty breaches beyond these public works takings, including the Crown eroding and denigrating ‘Nga Rangatira o Mokau ki Runga’ through various practices and policies.57

These allegations are developed in the closing submissions filed by the Mokau ki Runga group (Wai 691, Wai 788, Wai 2349). There, counsel expands on Crown Treaty breaches in relation to: early land purchases, specifically the Mokau-Awakino transactions and the Rauroa block; war and raupatu, including the Pukearuhe ‘Redoubt’ and the New Zealand Settlements Act; self-determination and the Kīngitanga; the Native Land Court (including its role following the discovery of minerals, which affected the Mohakatino-Parininihi

52. Claim 1.1.32; claim 1.1.32(a); memo 2.2.58; claim 1.1.32(c). In 2010, Katherine Anne Barry replaced Ngamuringa Rauputu as a claimant: claim 1.1.32(b); memo 2.2.159.
53. Final SOC 1.2.91.
54. Submission 3.4.246, p 6.
55. Claim 1.1.32; final SOC 1.2.91, p [3]. These blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.5.2 and 20.4.2.2.
56. Claim 1.1.32; pp1–2; final SOC 1.2.91, pp 69–77.
57. Claim 1.2.91.
and Mokau–Mohakatino blocks); surveying (specifically the Mokau-Awakino purchases, the Mohakatino-Parininihi block and the Mokau–Mohakatino blocks); the Joshua Jones lease; the Mōkau River and its hydro-electric dam, power stations, and commercial fishing activities; wāhi tapu (specifically the Te Naunau urupā and the Piopio public school site); reserves and scenic reserves; public works; and the loss of language and culture.\textsuperscript{58}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  
  We discuss the Mōkau-Awakino transactions at section 5.3, and our specific Treaty analysis and findings are at section 5.3.5.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  
  We discuss the New Zealand Settlements Act 1863 at section 6.9.3.2.2. At section 6.9.4.2, we discuss the Taranaki confiscation district and refer to the Pukearuhe military redoubt.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
  
  As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones’s lease – namely, that the Crown also failed to protect the owners in exempting Jones’s lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled

\textsuperscript{58. Submission 3.4.246, pp 21-126.}
Jones to pursue a 56-year term over the whole block), and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones’s original lease had no legal validity (see 11.6.6).

- The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

  We discuss the Crown’s takings for the Piopio school where the claimants have interests at section 20.4.2.2.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

  We discuss land use and the environment in Te Rohe Pōtæ, and refer to Te Naunau as an example of the failure of Town and Country Planning legislation to protect wāhi tapu at section 21.5.1.

- The extent to which the Crown enabled Te Rohe Pōtæ Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

  We discuss Crown takings of the claimants’ lands at Karu-o-Te-Whenua at section 22.3.3, in relation to common law and the Crown’s possession of water.

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtæ from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Mōkau Mōhakatino and Other Blocks (Maniapoto) Claim (Wai 788)

Named claimants
Atiria Rora Ormsby Takiari, Jacob Wikiperi Hiriaki, Barbara Ngawai Taite Marsh, Wareriana Ngauru, Muiora Barry, and Patrick Louis Taylor (1999),\(^{59}\) Margaret Miriama Drummond (2008),\(^{60}\) and Lenny Turner (2012)\(^{61}\)

Lodged on behalf of
The hapū of Mōkau ki Runga\(^{62}\)

Takiwā
Mōkau. The claimants describe their rohe as being ‘from Tirua Point on the west coast across to Maraetaua and then Kopaki, heading south including the Aratoro and Hewi Ranges to the Tapuwahine Stream, south to Matiere and Ohura, and then west to Parininihi.’\(^{63}\)

Other claims in the same claim group
691, 788, 2349. The Mōkau ki Runga claimants’ whakapapa to ‘hapu affiliated to marae in Aria (Te Paemate), Piopio (Mokau Kohunui), and Mokau (Maniaroa) and the wider Maniapoto and Tainui rohe.’\(^{64}\)

Summary of claim
The original Wai 788 claim concerns processes the Crown used to ‘acquire and/or distribute taonga’ to other iwi claimants and its failure to consult with, or take into account and provide for, the preservation of the land and boundaries of Ngāti Maniapoto. The claim was lodged with urgency, with the claimants seeking to halt the Ngāti Tama land settlement claim which they understood was soon to conclude. They alleged that if the claim were agreed to, Ngāti Maniapoto land loss would follow as a result of the Crown’s failure to adequately investigate and inquire into ‘historic facts.’\(^{65}\)

In their final statement, claimants also allege Crown Treaty breaches beyond these public works takings, including the Crown eroding and denigrating ‘Nga Rangatira o Mokau ki Runga’ through various practices and policies.\(^{66}\)

These allegations are developed in the closing submissions filed by the ‘Mokau ki Runga’ group (Wai 691, Wai 788, and Wai 2349). There, counsel expands on

\(^{59}\) Claim 1.1.38. In June 2012, the claimants advised that Atiria Takiari and Wareriana Ngauru had passed away: claim 1.1.38(c), p.3.
\(^{60}\) Claim 1.1.38(b); memo 2.2.77.
\(^{61}\) Claim 1.1.38(c).
\(^{62}\) Final SOC 1.2.91.
\(^{63}\) Claim 1.1.32; final SOC 1.2.91, p [3].
\(^{64}\) Final SOC 1.2.91, pp 3–4.
\(^{65}\) Claim 1.1.38, pp [2]–[3].
\(^{66}\) Final SOC 1.2.91.
alleged Crown Treaty breaches in relation to: early land purchases, specifically the Mokau-Awakino transactions and the Rauroa block; war and raupatu, including the Puakeuruhe ‘Redoubt’ and the New Zealand Settlements Act 1863; self-determination and the Kingitanga; the Native Land Court (including its role following the discovery of minerals, which affected the Mohakatino-Parininihi and Mokau–Mohakatino blocks); surveying (specifically the Mokau-Awakino purchases, the Mohakatino-Parininihi block and the Mokau–Mohakatino blocks); the Joshua Jones lease; the Mokau River and its hydro-electric dam, power stations, and commercial fishing activities; wāhi tapu (specifically the Te Naunau urupā and the Piopio public school site); reserves and scenic reserves; public works, and; the loss of language and culture.

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  We discuss the Mokau-Awakino transactions at section 5.3, and our specific Treaty analysis and findings are at section 5.3.5.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  We discuss the New Zealand Settlements Act 1863 at section 6.9.3.2.2. At section 6.9.4.2, we discuss the Taranaki confiscation district and refer to the Puakeuruhe military redoubt.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
  As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That act validated a lease which

the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones’s lease – namely, that the Crown also failed to protect the owners in exempting Jones’s lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled Jones to pursue a 56-year term over the whole block), and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones’s original lease had no legal validity (see section 11.6.6).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). We discuss the Crown’s takings for the Piopio school where the claimants have interests at section 20.4.2.2.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV). We discuss land use and the environment in Te Rohe Pōtae, and refer to Te Naunau as an example of the failure of Town and Country Planning legislation to protect wāhi tapu at section 21.5.1.
The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

We discuss Crown takings of the claimants’ lands at Karu-o-Te-Whenua at section 22.3.3, in relation to common law and the Crown’s possession of water.

The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Maniapoto/Ngāti Tama (Mōkau) Claim (Wai 800)

Named claimants
Harold Te Pikikotuku Maniapoto, Roy Matengaro Haar, Tame Tuwhangai, Tiaki Ormsby-VanSelm, and Valerie Matarangimahue Ingley

Lodged on behalf of
Themselves and for the benefit of their respective hapū and the Ngāti Maniapoto iwi

Takiwā
Mōkau. The claimants say that the traditional rohe of Ngāti Maniapoto ‘extended generally from the Ohaupo region in the north to the Aotea Harbour and Kawhia coast, thence to the Mōkau region in the south and inland to the eastern reaches of the Rangitoto and Tūhua ranges and covering the entire region now generally known as the Lower Waikato and King Country Districts.’ The claim relates to the Ngāti Maniapoto boundary in the Mōkau region.

Other claims in the same claim group
Not applicable.

Summary of claim
The original statement of claim alleges prejudice as a result of Crown Treaty settlement policy and completed settlements ‘encroaching on and within the Ngāti Maniapoto Tribal estate.’ The claimants did not subsequently advance this aspect of the claim.

The final statement of claim raises numerous Treaty breaches. In closing submissions, claimant counsel say the statement of claim was ‘drafted at a very high level to cover generic matters of concern to the hapū and whānau of Ngāti Maniapoto within te Rohe Pōtae.’ Alleged Treaty breaches relate to: Te Ōhākī Tapu (the undermining of tribal authority, the main trunk railway line, the introduction of alcohol, the Native Land Court, and rating issues); war and raupatu; land alienation, landlessness, and native townships; pre-Treaty transactions and

68. Submission 3.4.186. The claim was brought by Harold Maniapoto and Roy Matengaro Haar in 1999, and in 2006 Tame Tuwhangai was added as a named claimant. Dr Tui Adams, Tiaki Ormsby-VanSelm, and Valerie Ingley were added as additional named claimants in 2008. Dr Adams passed away in 2009: claim 1.1.39; claim 1.1.39(a); claim 1.1.39(b); final soc 1.2.138, p 4; ‘Tainui Mourns Death of Tui Adams’, Radio New Zealand, 4 August 2009, https://www.rnz.co.nz/news/national/15088/ tainui-mourns-death-of-tui-adams.
69. Final soc 1.2.138, p 4; claim 1.1.39(b), p 2.
70. Final soc 1.2.138, p 7.
71. Submission 3.4.186, p 3.
73. Submission 3.4.186, p 3.
early Crown transactions (before 1865);\textsuperscript{74} alienation of Ngāti Maniapoto lands through the Waikato-Maniapoto District Maori Land Board, public works takings, local government, and ratings;\textsuperscript{75} foreshore, seabed, and rivers; environment; land development schemes; health; education;\textsuperscript{76} the twentieth-century Māori land tenure system (the Māori Trustee and the Maori Affairs Amendment Act 1967); and wāhi tapu and cultural property.\textsuperscript{77}

Opening submissions were lodged for Wai 800 together with Wai 2014 and Wai 2068. These submissions focused on allegations regarding ‘church land transactions’ in the Te Awamutu township and raupatu. These allegations are elaborated in full in the entries in this volume for Wai 2014 and 2068.\textsuperscript{78}

The final statement of claim and closing submissions highlights three specific wāhi tapu sites of significance: Rangiatea Pā, Marae-ō-Hine Pā, and Orongokoekoea Pā.\textsuperscript{79} Claimants say prejudice has risen as a result of the Crown’s failure to adequately recognise customary ownership and control of these and other significant sites, and its failure to protect them from damage and destruction.\textsuperscript{80}

**Is the claim well founded?**

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).
- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

\textsuperscript{74} Claim 1.2.138, pp 12–34.
\textsuperscript{75} Claim 1.2.138, pp 35–42.
\textsuperscript{76} Claim 1.2.138, pp 35–48.
\textsuperscript{77} Claim 1.2.138, pp 50–51.
\textsuperscript{78} Submission 3.4.13, p [6].
\textsuperscript{79} Submission 3.4.186, pp 17–18. These sites are discussed elsewhere in *Te Mana Whatu Ahuru*, including in sections 10.8 and 21.3.3.5.
\textsuperscript{80} Final SOC 1.2.138, p 51.
The formation and enforcement of the aukati – the border area on the edges of Kingitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land gifting, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The establishment of native townships in Te Rohe Pōtae under the Native Townships Act 1895 and the impacts on Māori: see chapter 15 and the findings summarised at section 15.6 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction
efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtae Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the
areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
King Country Land Banking Claim (Wai 849)

Named claimant
James Taitoko

Lodged on behalf of
Ngāti Rungaterangi, Ngāti Te Paemate, and Ngāti Waiora

Takiwā
Mōkau. The claimant’s tūpuna had interests in land blocks including Aorangi, Mahoenui, Mangaawakino, Mangapapa, Rangitoto–Tuhua, Umukaimata, and Waitaanga.

Other claims in the same claim group
Not applicable.

Summary of claim
The original Wai 849 statement of claim states that the Crown’s failure ‘to define the precise equity of its Treaty partner’ in freshwaters, minerals, waterways, and seawater prejudices the Treaty settlement processes for Maniapoto iwi and the Rangahau Whanui. It also alleges those processes have been prejudiced by the Crown’s land banking and land disposal practices. In closing submissions, counsel submit that ‘prime lands’ identified by Te Rohe Pōtae Māori for settlement purposes were disposed of by the Crown in accordance with its land banking policy, thus prejudicing the ‘revesting’ of economically viable lands to the claimant’s whanau and hapū Ngāti Rungaterangi, Ngāti Te Paemate, and Ngāti Waiora, and Te Rohe Pōtae Maori.

The amended statement of claim alleges the Crown has assumed and asserted ownership of the foreshore and seabed and waterways and water resources, preventing Ngāti Rungaterangi, Ngāti Te Paemate, and Ngāti Waiora from exercising their ‘tino rangatiratanga, kaitiakitanga, carrying out [of] customary fishing and sharing in the economic activities derived from the foreshore and seabed’ in their rohe. The claim alleges provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 fail to recognise the tino rangatiratanga and customary title of these hapū over the marine and costal area. It also alleges the Act imposes a costly

81. The claim was brought by Te Okoro Joe Runga in 1999. Mr Runga passed away in 2005, and James Taitoko was added as a named claimant in 2007: claim 1.1.45; claim 1.1.45(a).
82. Submission 3.4.194, p.1. In the final statement of claim this was expressed as being made on behalf of ‘his whānau, hapū Ngāti Rungaterangi, Ngāti Te Paemate and Ngāti Waiora’: final SOC 1.2.60, p.3.
83. Final soc 1.2.60, p.4.
85. Claim 1.1.45, p.1; submission 3.4.194, p.5.
86. Claim 1.2.60, pp.7–10, 24–27.
process involving the High Court if groups wish to have their customary interests awarded.\textsuperscript{87} Further, the claim alleges the Crown, through its legislation, policy, and practices, has degraded the quality of Te Rohe Pōtæ waterways.\textsuperscript{88} It also asserts the Crown breached the Treaty by developing the Wairere Power Station Project, which it alleges significantly impacted the owners of Māori land blocks near the dam.\textsuperscript{89} In closing submissions, claimant counsel submit that the taking of Karu-o-Te-Whenua 85A under public works legislation for the project was excessive. They say the block was never returned and compensation was inadequate.\textsuperscript{90}

The claim makes the allegation that taonga and wāhi tapu are not adequately protected by the Antiquities Act 1975, Historic Places Act 1993, and Resource Management Act 1991 in a way consistent with the Treaty.\textsuperscript{91} It also alleges that the Crown failed to set aside fishing reserves along the Kāwhia, Raglan, and Aotea Harbours and coastline; it specifically mentions the ‘Kawhia-Aotea Taiapure’, and ‘Aotea Matatai’ reserves.\textsuperscript{92} The claim argues that Ngāti Rungaterangi, Ngāti Te Paemate, and Ngāti Waiora have suffered prejudice as a result, including the decimation of customary fisheries, loss of mana as kaitiaki of customary fisheries, the denial of tino rangatiratanga, poor health, and reduced ability to provide for whānau.\textsuperscript{93}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtæ district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtæ Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
  \item The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtæ Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  \item The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtæ Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
\end{itemize}

\textsuperscript{87} Claim 1.2.60, pp 11–12.  
\textsuperscript{88} Claim 1.2.60, pp 13–14.  
\textsuperscript{89} Claim 1.2.60, p 16.  
\textsuperscript{90} Submission 3.4.194, p 4.  
\textsuperscript{91} Claim 1.2.60, pp 19–22.  
\textsuperscript{92} Claim 1.2.60, p 28. Efforts to establish fishing reserves in the Kawhia and Aotea harbours are discussed in section 22.5.5.1 of \textit{Te Mana Whatu Ahuru}.  
\textsuperscript{93} Claim 1.2.60, p 29.
The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part iv).

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part iv).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part iv).

In section 22.3.3 we discuss Karu-o-Te-Whenua B5A, saying that, ‘the Public Works Department took far more land than required for this road in 1905, and the area it acquired covered a “substantial length” of riverbank. The evidence indicates that owners of this land knew nothing about the advanced nature of the proposal for the power scheme until it was too late.’
Claim title
Awakino and Other Lands Claim (Wai 868)

Named claimant
Jim Taitoko (2000)\(^94\)

Lodged on behalf of
Himself, his grandchildren, and other descendants in the Maniapoto rohe\(^95\)

Takiwā
Mōkau. The claimant’s tūpuna had land interests in blocks including Aorangi, Mahoenui, Mangaawakino, Mangapapa, Mangaroa, Rangitoto–Tuhua, Reureu, Taumatatotara, and Umukaimata.\(^96\)

Other claims in the same claim group
Not applicable.

Summary of claim
The issues addressed in this claim largely concern the alienation of land and resources. Starting with old (pre-Treaty) land claims, the claimant expresses a general grievance that the Land Claims Commission was not required to investigate whether the transactions presented to it adversely affected the interests of Māori owners.\(^97\) Turning to the Waikato War and raupatu, the claimant alleges his hapū suffered from the destruction of society and economy, and loss of life, while defending their lands and tino rangatiratanga against the Crown’s invasion.\(^98\) The claim also stresses the illegality of the Crown’s large-scale confiscation of lands.\(^99\) The taking of land between Waipingao and Paraninihi is highlighted, as the claimant asserts that the hapū have unextinguished interests in this part of the Ngāti Awa confiscation district.\(^100\)

The claim then details the negotiations between 1883 and 1885 comprising Te Ōhākī Tapu, and the failure of the Crown to limit its actions in Te Rohe Pōtēa

\(^{94}\) Claim 1.1.46.

\(^{95}\) Submission 3.4.247, p 2. The final statement of claim is made on behalf of ‘his whānau, hapū Ngāti Rungaterangi, Ngāti Te Paemate and Ngāti Waiora’; final soc 1.2.61, p 4.

\(^{96}\) Final soc 1.2.61, pp 5–7. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.4.4, 14.4.1 (fn 122), 14.4.2.3 (fn 181), 16.5.1.2, 22.3.4, and 22.3.8 and table 11.5 (Aorangi); sections 5.3.4.2, 11.3.4.5, 11.4.5.3, 11.5.2.3, 16.4.5.1, 16.6.2, 17.3.4, 22.3.4, and 22.3.7.2 and tables 11.5 and 14.2 (Mahoenui); sections 13.5.3 (fn 385), 13.5.4, and 20.4.4 and tables 13.3 and 13.11 (Mangaawakino); sections 20.4.4.1 and 21.3.6 (Mangapapa); table 11.5 (Mangaroa); sections 10.4.3.7, 10.7.2.1.2, and 10.8 and table 11.7 (Rangitoto–Tuhua); sections 13.5.1, 13.5.4, 13.5.6, 13.5.9, and 16.5.4.1 and tables 13.2, 13.4, 13.6, 13.8, and 13.10 (Taumatatotara); and sections 10.7.2.3.2 and 22.3.4 and throughout chapter 14 (Umukaimata).

\(^{97}\) Final soc 1.2.61, pp 7–9.

\(^{98}\) Final soc 1.2.61, pp 9–12.

\(^{99}\) Final soc 1.2.61, pp 14–16.

\(^{100}\) Final soc 1.2.61, pp 16–17.
to surveying a route for the North Island Main Trunk Railway and an external boundary survey.\textsuperscript{101} Instead, the Crown not only pursued the survey of multiple railway routes but acquired more than 180,000 acres of land adjacent to the railway (including 50,000 acres from blocks in which the claimant describes having interests).\textsuperscript{102}

The claim then addresses the introduction of the Native Land Court and Crown purchasing, asserting that the Crown imposed the court in the inquiry district, irrespective of what had been agreed in Te Ohākī Tapu. Once introduced, the claimant alleges, the court supplanted customary ownership of the land with individualised title and facilitated land alienation so that, by 1910, less than half of Te Rohe Pōtae lands were still in Māori ownership.\textsuperscript{103} The claim further notes that the adversarial nature of the court fostered disharmony within the Māori community and unfairly punished those unable or unwilling to take part in the court processes, while legislative prohibitions prevented owners from selling or leasing land to anyone other than the Crown.\textsuperscript{104} Other grievances raised in connection with the court are the subdivision of blocks into holdings suitable for management by a few owners, the proliferation of survey costs (requiring further alienations to settle them), the incorrect determination of title by ill-informed and/or biased judges, the costs of hearing attendance, the failure to account for timber in Crown valuations, and the Crown’s use of advance payments before title hearings (which undermined efforts to resist selling).\textsuperscript{105}

Local government, rating, and public works takings are discussed in fairly general terms. The claim asserts that the Crown did not ensure Treaty obligations extended to local bodies, and enacted rating legislation that allowed more land to be alienated for settlement.\textsuperscript{106} The lack of Crown regard for minimising Māori land loss is also raised in connection with public works. It is asserted that Māori land was often taken in preference to general land as powers of compulsion could be invoked.\textsuperscript{107} The claimant alleges the processes and provisions for notification, consultation, and compensation of public works takings were different for Māori, and says the Crown failed to ensure wāhi tapu were adequately protected.\textsuperscript{108} The claim also notes that Māori land was overrepresented in scenic preservation takings.\textsuperscript{109} The taking of 856 acres from Mangapapa 2B is examined in detail; in this case, the claimant says the Crown was more concerned about negotiating with the sublessee than with the owners.\textsuperscript{110} A number of issues relating to mineral resources are also raised by the claim, including the Crown’s assumption of ownership of

\begin{itemize}
\item 101. Final soc 1.2.61, pp 19–26.
\item 102. Final soc 1.2.61, pp 29–33.
\item 103. Final soc 1.2.61, pp 35–37.
\item 104. Final soc 1.2.61, p 37.
\item 105. Final soc 1.2.61, pp 37–47.
\item 106. Final soc 1.2.61, pp 49–51.
\item 107. Final soc 1.2.61, pp 52, 56.
\item 108. Final soc 1.2.61, pp 53–56.
\item 109. Final soc 1.2.61, pp 58.
\item 110. Final soc 1.2.61, pp 59–61; see also submission 3.4.247, pp 13–16.
\end{itemize}
hydrocarbons and precious metals, and the lack of support for Māori to exploit their own resources.\textsuperscript{111}

The final statement of claim concludes with an overview of the Crown’s failure to ensure Te Rohe Pōtae Māori retained a sufficient land base. This is preceded by a discussion of twentieth-century land management issues. The grievances expressed with respect to Māori land boards, and the Māori Trustee each point to the interests of Māori owners being relegated behind other concerns (such as the interest of lessees) in management decisions ostensibly made on their behalf,\textsuperscript{112} a lack of consultation before lands were vested in the boards and/or Trustee,\textsuperscript{113} and ill-defined processes for restoring control of these lands to their owners.\textsuperscript{114} The claim also questions the suitability of imposing development schemes in the district, given the limited pastoral quality of the lands Te Rohe Pōtae Māori were left with by the mid-twentieth century. It argues that the schemes took away the owners’ ability to manage their lands while also failing to deliver the promised economic benefits.\textsuperscript{115}

The other two issues the claim raises are discrimination against Māori service-men seeking to access soldier re-settlement programmes,\textsuperscript{116} and the damage to both economic opportunities and mana from blocks being left landlocked. Two cases of such damage are cited, one involving Aorangi block lands, and the other land cut off by the scenic preservation taking of Mangapapa B2.\textsuperscript{117}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The alienation of land from Te Rohe Pōtae Māori as a result of the Crown’s process for investigating pre-Treaty transactions: see chapter 4 and the findings summarised at section 4.7 (part 1).

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

\begin{footnotes}
\item 111. Final SOC 1.2.61, pp 63–64.
\item 112. Final SOC 1.2.61, pp 67–68, 76.
\item 113. Final SOC 1.2.61, pp 68, 75.
\item 114. Final SOC 1.2.61, pp 69, 76.
\item 115. Final SOC 1.2.61, pp 77, 79–81.
\item 116. Final SOC 1.2.61, pp 82–84.
\item 117. Final SOC 1.2.61, pp 71–73.
\end{footnotes}
The setting of boundaries in the Taranaki confiscation districts, which affected the Waipingao and Paraninihi lands (where the claimant asserts unextinguished interests) is discussed in section 6.9.42.

- The formation and enforcement of the aukati – the border area on the edges of Kīngitanga territories which Te Rohe Pōtae Māori patrolled and protected against unsanctioned incursions – and the Crown’s response: see chapter 7 and the findings summarised at section 7.5 (part II).

- The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The negotiations between the Crown and Māori that led to the extension of the North Island Main Trunk Railway through Te Rohe Pōtae (1883–1903); the Crown’s actions in respect of land takings, land giftings, compensation, labour contracts, resource use, environmental impacts, and fencing for the railway; and the consequences for Te Rohe Pōtae Māori: see chapter 9 and the findings summarised in section 9.7 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

  Section 10.5.2 is particularly relevant to the assertion that ‘the Crown has failed, and continues to fail, by not providing legal access to landlocked lands that remain in the claimants’ ownership’. There, we state that ‘a particularly damaging outcome of the court’s ad hoc approach to partitioning was that land could end up with restricted access or, in the worst-case scenario, no access at all (“landlocked land”)

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land
councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

- The statutory framework and operations of the local government and rating system the Crown established, and its consequences for Te Rohe Pōtæ Māori from the 1880s until the present day: see chapter 19 and the findings summarised in section 19.14 (part IV).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV). The taking of the Mangapapa B2 block for the Mōkau scenic reserve is discussed in some detail in section 20.4.4.1.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtæ: see chapter 21 and the findings summarised in section 21.8 (part IV).

In regard to this claim’s allegations about the Crown’s assumption of ownership of hydrocarbons and precious metals, and its lack of support for Māori to exploit such resources, we have made no findings specific to property rights in oil and gas in this report. However, we note the finding of the
Wai 796 inquiry that Māori landowners possessed legal title to the oil and gas deposits under their land until the passage of the Petroleum Act 1937, and thereafter they had a Treaty interest. That inquiry also found that Māori had a Treaty interest in any deposits under land alienated before 1937 if the means of alienation had involved a breach of the Treaty.  

› The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

Claim title
Kahuwera Mountain Claim (Wai 1094)

Named claimants
Ron Te Uaki Waho and Jean Apaapa\(^{119}\)

Lodged on behalf of
Themselves, their tūpuna, Ngāti Hia, Ngāti Waiora, Ngāti Manga – Ngāti Paretekaawa ki Napi Napi\(^{120}\)

Takiwā
Mōkau. The claim relates to the Kahuwera maunga and the surrounding areas within the Te Kūiti conservation estate where the claimants have interests.\(^{121}\)

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1094 claim concerns the claimants’ rights in Kahuwera maunga, which they say is an ancestral taonga within their rohe. The claimants allege that they were prejudiced by Crown action relating to the Te Ōhākī Tapu agreements, and legislation which allegedly replaced their cultural and political structures with Crown-controlled mechanisms and institutions.\(^{122}\) They claim that the Crown’s policy towards settlers on their lands, the Crown’s native land legislation, and the Crown’s purchasing policy all sought to hasten the alienation of their lands.\(^{123}\) In particular, they claim that the individualisation of title through the Native Land Court resulted in the alienation of much Kahuwera land.\(^{124}\) They also allege that legislation regulating hunting and fishing rights has constrained the exercise of kaitiakitanga over their taonga, and that the Crown had generally failed to protect their interests and ownership rights in lakes, rivers, springs, and wāhi tapu.\(^{125}\)

The claimants develop these pleadings in an amended statement of claim. They focus on three areas of alleged Treaty breach by the Crown: the imposition of survey liens over Kahuwera maunga and surrounding lands; the alienation of Kahuwera lands by the Crown throughout the twentieth century; and the development and administration of Kahuwera lands by the Crown throughout the twentieth century.\(^{126}\) In particular, they claim that between 1886 and 1908, 85.5 acres of

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119. Final SOC 1.2.13.
120. Final SOC 1.2.13.
121. Final SOC 1.2.13, p 2.
122. Claim 1.1.68, p [4].
123. Claim 1.1.68, pp [5]–[6].
124. Claim 1.1.68, p [2].
125. Claim 1.1.68, pp [6]–[7].
126. Final SOC 1.2.13, pp 4–5.
the claimants’ Kahuwera lands were alienated to recover the cost of survey fees.\textsuperscript{127} The amended statement also identifies further alienations during the twentieth century. In particular, the claimants point to the loss of Kahuwera B2B7C land, which was deemed ‘uneconomic’ in 1956 and acquired under the Maori Affairs Act 1953.\textsuperscript{128}

The claimants further allege that more than half their remaining land was alienated during the twentieth century through Crown efforts to consolidate and develop the Kahuwera Lands. They claim that after the Crown acquired the undivided ‘uneconomic’ interests of individuals in the Kahuwera B2B blocks, it sought to consolidate these interests for the purpose of selling the land to settlers. Though the landowners allegedly reached agreement with the Lands and Survey Department on the planned development in 1956, the claimants say they were not awarded the same rights and privileges as Pākehā settlers, and were left at the mercy of the Crown in terms of developing their lands.\textsuperscript{129}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
  \item The Crown–Māori agreements of 1883 to 1885 (collectively known as Te Ōhāki Tapu) and the Crown’s subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).
  \item The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  \item Of further relevance to this claim are our findings on the impact of the survey costs associated with the Native Land Court process at section 10.6.4.
  \item The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
\end{itemize}

\textsuperscript{127} Final soc 1.2.13, p 5.  
\textsuperscript{128} Final soc 1.2.13, pp 9–10.  
\textsuperscript{129} Final soc 1.2.13, pp 13–17.
Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

Our findings in section 16.5.4 on the simplification of Māori land titles are also relevant to this claim.

The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

Furthermore, our findings on the Crown’s post-1949 land development programme at section 17.3.3 broadly apply to the issues arising in this claim.

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
Claim title
Arapae No 1 Block A4A Kinohaku East Claim (Wai 1387)

Named claimant
Makareta Wirepa-Davis (2006)

Lodged on behalf of
The Trustees and Owners of Arapae No 1 Block

Takiwā
Mōkau. This claim relates to the ‘Arapae whenua and ana (caves),’ which were formerly part of the Kinohaku East 3 block. Arapae was a ‘traditional pa and kainga for Ngāti Maniapoto and the wider Tainui region.’

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the Crown’s taking of land in the Arapae 4A block under Public Works Act and other legislation prejudiced the trustees and owners of the block. The prejudice includes loss of an additional pā site, quarry site, ancient cave site, swamp site, and access to the Mangakōwhai Stream.

The amended statement of claim sets out two causes of action: Māori land development and administration, and the compulsory vesting of Māori land. It alleges the Arapae Land Development Scheme was unfair and discriminatory, and that in the compulsory vesting of land, the Crown failed to recognise the rangatiratanga and kaitiakitanga of Māori with interests in the land.

The closing submissions reiterate the claim’s focus on Crown Treaty breaches which resulted in the loss of lands in and around Arapae Pā. The claim also addresses the imposition of the Arapae development scheme over the lands of Arapae No 1 block trustees and owners. The claim adopts the generic submissions on the development schemes in so far as these relate to the experience of this group.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues

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130. Claim 1.1.100.
131. Submission 3.4.222.
132. Final SOC 1.2.57, pp 4–6.
133. Claim 1.1.100, p 3.
134. Final SOC 1.2.57, pp 4, 15.
135. Submission 3.4.222, p 2.
affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

  In section 16.4.4.3, we discuss the effects of the Crown’s consolidation schemes, which became one of the Crown’s central policies for dealing with Maori land title issues in the first half of the twentieth century. In particular, we examine the relatively rapid partitioning of consolidated blocks that led to ‘many of the modest gains which consolidation had secured’ being ‘progressively undermined by continued fragmentation and fractionation’. Table 16.4 records the progressive subdivision, partition, and alienation of the Arapae blocks which, having been consolidated only in 1936, were already being partitioned in the early 1940s.

- The establishment and operation of Māori land development schemes in Te Rohe Pōtae between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen, and the Crown’s operation of
settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

The Arapae Land Development Scheme is discussed in section 17.3.4.2.1.2, where we comment:

The information offered by claimant counsel [in relation to the scheme], however, is only part of the story. While the debt of the scheme stood at $75,293 in 1979, the net value of the station was $401,820. Moreover, the scheme was a viable farming enterprise, as demonstrated by the reduction of scheme debt, from $75,293 to $37,394, between 1979 and 1985. By 1985, the station was valued at $1,064,000, meaning that the owners’ equity in the scheme was more than 95 per cent. In the lead-up to the land’s return, the Crown did impose additional debt on the land to cover the acquisition of shares obtained by the Crown. As a result, the debt stood at $273,994 in 1990. However, the Crown subsequently wrote off $199,644, and returned the land with a debt of $74,350.262. While it is reasonable to expect the Māori landowners to bear some risk in the land development schemes they entered into, it is clear that Crown-imposed debts, even with the assistance of write-offs, were crippling for certain landowners.

In section 17.6, we conclude that the Crown’s operation of the land development programme at Arapae was inconsistent with the principles of the Treaty of Waitangi. The Crown’s failure to consult with landowners resulted in the destruction of, or damage to, a number of sites of cultural significance.

> The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

> The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

> The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).
Claim title
Ngā Hapū o Poutama (White and Gibbs) Claim (Wai 1747)

Named claimants
Haumoana White and Parani Gibbs (2008)\textsuperscript{136}

Lodged on behalf of
Ngā Hapū o Poutama. The claimants are ‘descendants of the original owners of the lands known as the Poutama block.’\textsuperscript{137}

Takiwā
Mōkau\textsuperscript{138}

Other claims in the same claim group
Not applicable.

Summary of claim
In the initial claim (2008), claimants allege the Crown has breached the Treaty by failing to adequately provide for the exercise of Ngā Hapū o Poutama tino rangatiratanga and kaitiakitanga over their taonga, the peoples of the hapū, lands, waterways, resources, and minerals. Moreover, the claimants allege the Crown, through legislation and policy (including in the areas of health, education, criminal justice, and local government), has directly sought to undermine, usurp, and destabilise their tino rangatiratanga.\textsuperscript{139}

They say their lands were alienated as a result of Crown ordinances that ‘validated and awarded’ grants to settlers; Crown purchasing policies in Te Rohe Pōtæ from the 1850s to the 1920s; and Native Land Court legislation and subsequent legislation that resulted in claimants becoming ‘unreasonably burdened’ by survey liens and related court fees.\textsuperscript{140} Furthermore, the claimants allege that the Crown has failed to protect the claimants’ tino rangatiratanga over their waterways; failed to sufficiently protect their wāhi tapu; and denied the claimants’ right to exercise ‘regulatory jurisdiction, control and Kaitiakitanga’ over their taonga, specifically regarding hunting and fishing.\textsuperscript{141}

In the final statement of claim (2011), claimants expand on allegations about political engagement, Crown purchasing, the Joshua Jones lease, the Native Land Court, public works, the Māori economy in Te Rohe Pōtæ, environmental impacts, and socio-economic impacts. They allege that various Crown actions

\textsuperscript{136} Claim 1.1.160.
\textsuperscript{137} Final soc 1.2.125, p 3.
\textsuperscript{138} The initial statement of claim focuses on the Poutama block (discussed in sections 6.4.2.3, 7.3.3.4, 7.4.4.2, 11.6.2, and elsewhere in Te Mana Whatu Ahuru). The final statement of claim expands on their rohe. For a list of blocks they have interests in within Te Rohe Pōtæ, see final soc 1.2.125, p 4.
\textsuperscript{139} Claim 1.1.160, pp [3]–[5].
\textsuperscript{140} Claim 1.1.160, pp [5]–[6].
\textsuperscript{141} Claim 1.1.160, p [7].
undermined the identity, way of life, kaitiakitanga, mana, rohe, and resources of Poutama, and have amounted to ‘a systematic and sustained assault’\textsuperscript{142}

Specifically, they allege the Crown has continually sought to undermine the claimants’ mana and impose its own rule through the use of politics, law, war, and other means. They say it made no attempt to determine who held mana over their lands, actively acted in bad faith and set out to acquire the lands by whatever means necessary – particularly in the Awakino, Mokau, Taumatamaire, and Rauroa transactions.\textsuperscript{143} The claimants allege the Crown failed to protect Poutama’s interests in relation to the Jones lease and actively embarked on a course of underhand and illegal conduct in order to secure the alienation of these lands. Through the Native Land Court, they say the Crown caused extensive land loss and undermined traditional tribal structures – particularly through the Native Land Act 1862, 1865, and 1873. Further they claim the Crown’s public works legislation and compulsory acquisition policy breached their rights of tino rangatiratanga over their lands: lands were taken for roads without compensation (Tongaporutu), for gas pipelines (desecrating Te Rua Taniwha, a wāhi tapu, in the process), and scenic reserves (Kawau Pā, the Mōkau River Scenic Reserve).

As a result, the claimants state that they have become ‘destitute’ and unable to rely on traditional resources. Whānau have been alienated from their rohe and assimilated into Pākehā society. They describe ‘a loss of traditional Māori culture, language and way of life’ that they say has led to a cycle of poverty, unemployment, and over-representation in criminal offending.\textsuperscript{144}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part 1).
- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part 1).

\textsuperscript{142} Final soc 1.2.125, p 78.
\textsuperscript{143} The purchase of these blocks is discussed in depth in section 5.3 of \textit{Te Mana Whatu Ahuru}.
\textsuperscript{144} Final soc 1.2.125, p 80.
The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part 11).

The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part 11).

As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones’s lease – namely, that the Crown also failed to protect the owners in exempting Jones’s lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled Jones to pursue a 56-year term over the whole block), and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones’s original lease had no legal validity (see section 11.6.6).

The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).

In regard to the claimants’ allegations about takings for scenic reserves, in section 20.6 we comment that ‘many of the compulsory takings of Māori land for public works in this district, whatever the taking authority, do not meet the test of a last resort in the national interest . . . Some kinds of takings, such as for scenery preservation were undertaken according to policy requirements that recognised other uses were possible and therefore were never a last resort.’

The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).

The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV).

The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
Claim title
Pungaereere No 1 Block Claim (Wai 1796)

Named claimant
Nicole Reeves (2008) 145

Lodged on behalf of
Her mother and her whānau 146

Takiwā
Mōkau. The claim relates to the Pungaereere land block. 147

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges her mother and whānau have been prejudicially affected by the Crown’s land takings in the Pungaereere 1 block. The alleged prejudice includes public works takings. The claimant alleges that the Crown’s abrogation of her mother’s and whānau’s interests in the block, and its breaches of the Treaty, have caused the loss of their mana whenua, kai gathering, wāhi tapu, and traditional practices. 148 We received no further allegations or evidence.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te

145. Claim 1.1.172.
146. Claim 1.1.172.
147. Claim 1.1.172.
Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

- Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Te Kaha Hapu (Thompson and Wi Repa) Claim (Wai 1962)

Named claimants
Mona Thompson and Ronald Wi Repa

Lodged on behalf of
Themselves and Ngāti Waiora, Nga Uri o Pehira Keepa, and Nga Uri o Wi Repa

Takiwā
Mōkau. The claimants’ tūpuna had land interests in the Karuotewhenua, Mahoenui, Mangaawakino, Purapura, and Pukeiti blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 1962 claim concerns various aspects of land alienation, with the claimants arguing that ‘ancestral land interests have been eroded through the investigation and individualisation of title processes as well as the partitioning, succession and alienation processes facilitated by the court.’ The claimants assert that the court not only failed to recognise interests customarily held by their tūpuna, but did not allow interests to be passed down to them according to custom. The claim also alleges partitioning by the court caused excessive fragmentation and that survey costs have prompted further alienations (the alienation of Mahoenui 2A is cited as an example).

The claim then details how the many Crown and private purchases accounted for most of the Karuotewhenua, Mahoenui, Mangaawakino, Purapura, and Pukeiti blocks, and asserts that these purchases represented a legislative failure to ensure

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149. Submission 3.4.172. The Wai 1962 claim was brought in 2008 by Mona Thompson and Bella Wi Repa. Bella Wi Repa passed away in 2011, and Ronald Wi Repa was added as a named claimant in 2012: claim 1.1.196; claim 1.1.196(b); memo 2.2.153. Prior to Mr Wi Wepa being added to Wai 1962, he filed a claim that was registered as Wai 2127. In 2014 counsel requested that Wai 2127 be amalgamated with Wai 1962 and vacated: memo 3.3.1036; submission 3.4.172, p 3.

150. Submission 3.4.172. The original statement of claim was brought on behalf of the named claimants and their whānau and hapū at ‘Te Kaha on the East Coast’: claim 1.1.196. The final statement of claim was filed on behalf of themselves, Ngati Rakai, Ngati Waimauku, Ngati Waikorara, Ngati Mihi, Ngati Waiora, and Nga Uri o Pehira Keepa and Nga Uri o Wi Repa: final SOC 1.2.69, p 3.

151. Final SOC 1.2.69, pp 6–7. Some of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 10.5.1.1, 10.7.1.1, 10.7.1.2, and 10.7.2.1.2 (Karuotewhenua); sections 5.3.4.2, 11.3.4.5, 11.4.5.3, 11.5.2.3, 16.4.5.1, 16.6.2, 17.3.4, 22.3.4, and 22.3.7.2 and tables 11.5 and 14.2 (Mahoenui); sections 13.5.3 (fn 385), 13.5.4, and 20.4.4 and tables 13.3 and 13.11 (Mangaawakino); section 5.3.4.2.1 and table 5.2 (Purapura); and sections 10.5.2 and 11.3.4.5 (Puketiti).

152. Final SOC 1.2.69, p 7.

153. Final SOC 1.2.69, pp 7–8.

154. Final SOC 1.2.69, p 8.
hapū retained sufficient lands for their future needs.\textsuperscript{155} The adverse impact of Europeanisation of land is also addressed, with the claimants alleging that this tenure conversion – which could be made without consulting the owners – removed the safeguards on alienation. They say it also made retained landholdings, now subject to the High Court, more difficult to manage.\textsuperscript{156}

The claimants also allege mismanagement of the Mahoenui land development scheme by the Waikato-Maniapoto District Maori Land Board,\textsuperscript{157} and a lack of legislation to prevent racial discrimination prior to 1971. Finally, they say a local picture theatre practised racial segregation between the 1940s and 1960s.\textsuperscript{158}

The closing submissions expand on these latter issues in greater depth, including by providing evidence on race relations policy before 1971.\textsuperscript{159} They also raise two new land purchasing allegations: that the Crown blocked a private lease offer in order to lever a sale of Mahoenui land,\textsuperscript{160} and that the mark attributed to the claimants’ tupuna Pairama Keepa on a Crown purchase deed involving Mahoenui may have been forged.\textsuperscript{161}

The claimants adopt generic pleadings on protection of land base, Native Land Court, Crown purchasing, private purchasing, vested lands, Māori land administration and land development.\textsuperscript{162}

\textbf{Is the claim well founded?}

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\begin{itemize}
  \item The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).
  \item The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).
\end{itemize}

\textsuperscript{155} Final SOC 1.2.69, pp 9–14.
\textsuperscript{156} Final SOC 1.2.69, pp 14–17.
\textsuperscript{157} Final SOC 1.2.69, pp 17–18.
\textsuperscript{158} Final SOC 1.2.69, pp 4–5.
\textsuperscript{159} Submission 3.4.172, pp 5–10.
\textsuperscript{160} Submission 3.4.172, pp 42–45.
\textsuperscript{161} Submission 3.4.172, pp 47–50.
\textsuperscript{162} Final SOC 1.2.69, pp 6, 9, 12, 17.
In relation to the abuse of Crown pre-emption alleged in relation to Mahoenui, in section 11.4.9, we find that ‘Having promised that Te Rohe Pōtæ Māori would be able to make land available by leasing, the Crown actively prevented leasing by enforcing the restrictions on alienation and warning settlers and Māori against such arrangements. The restrictions were intended to further the Crown’s land purchasing programme by eliminating competition and denying Māori economic opportunities, and achieved their desired effect.’

- The legislative and policy framework the Crown established in 1900 to manage the administration and alienation of Māori land through Māori land councils and boards: see chapter 12 and the findings summarised in section 12.8 (part III).

- The Crown’s scheme requiring Te Rohe Pōtæ Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtæ Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtæ Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

- The establishment and operation of Māori land development schemes in Te Rohe Pōtæ between 1930 and 1962, and the Crown’s operation of settlement schemes for returned Māori servicemen: see chapter 17 and the findings summarised in section 17.6 (part III).

  While not the subject of a case study, the Mahoenui land development scheme (established in 1930) is discussed in sections 17.3.1.2 and 17.3.4.

- The Crown’s support for the health and well-being of Te Rohe Pōtæ Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

  In section 23.7.1, the Tribunal discusses the racial discrimination at the picture theatre that the claimants describe. We state that ‘the Crown had an obligation under article 3 to prevent such mistreatment when it arose’ and that ‘its duty of active protection required it to be proactive in eliminating such discrimination, rather than merely reactive when examples were brought to its attention.’ Consequently, we find ‘that by omitting to institute
measures to prevent racial segregation and racism, the Crown failed in its duty of active protection of Te Rohe Pōtae Māori and acted inconsistently with the principle of equity.'

**Any specific local allegations requiring additional Tribunal findings**

The Tribunal did not receive sufficient evidence to allow it to make any additional finding on the alleged forging of signatures on Crown purchase deeds.
Claim title
Descendants of Riria Te Wehenga Claim (Wai 1966)

Named claimants
Andrew Waiora Marshall and Emily Amokura Wehi (2008)\(^\text{163}\)

Lodged on behalf of
Themselves and the descendants and family of Riria Te Wehenga\(^\text{164}\)

Takiwā
Mōkau

Other claims in the same claim group
Not applicable.

Summary of claim
The claim argues that the Crown introduced measures such as public works and noxious weeds legislation which could be used to alienate Māori land.\(^\text{165}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific.

However, the claim is nonetheless consistent with:

- Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

- Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Māori Affairs Amendment Act 1967 (Eketone) Claim (Wai 2101)

Named claimant
Anaru Eketone (2008)\(^{166}\)

Lodged on behalf of
Albert Eketone\(^{167}\)

Takiwā
Mōkau

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges his whānau has been prejudicially affected by the Crown's legislation in the Mohakatino-Parininihi block.\(^{168}\) Specifically, the claimant alleges the Māori Affairs Amendment Act 1967 changed the designation of any Māori land owned by fewer than four owners to general land, ‘presumably to make it easier for land to be alienated from its original owners’. He says this affected their mother, Tumanako Eketone, and her sister, as the land they had held in trust for future generations lost any protection associated with Māori land status; moreover, ‘one of the consequences of this change in designation is that upon her death the value of her share of the land would be included as an asset in any assessment of estate duties.’ As a result, she spent her remaining years saving money to pay the estate duty on land she wanted to leave to her whānau. The claimant argues that the passing of the legislation breached the Treaty principle of active protection: it ‘put our possession of the land in jeopardy and altered the course of our Mother’s life in the following years’. He alleges the act’s ‘only intention could be to relieve Maori of yet more land’.\(^{169}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is generally well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

\(^{166}\) Claim 1.1.226.
\(^{167}\) Claim 1.1.226, p [2].
\(^{168}\) Claim 1.1.226, p [1]. The nineteenth-century history of this block is discussed elsewhere in Te Mana Whatu Ahuru, including in sections 7.4.4.2–7.4.4.5, 8.6.6.4, 8.6.7, 8.9.1.6, 8.9.2.2, 8.9.3.4, and 8.10.2.4.
\(^{169}\) Claim 1.1.226.
On the evidence before us, we consider that our findings on the following general issues (set out in chapters 4–24 of this report) apply to this claim except where otherwise noted:

- The Crown’s policies and legislation for reforming and simplifying Māori land title in the twentieth century, and the effects of these title reconstruction efforts on Te Rohe Pōtae Māori: see chapter 16 and the findings summarised at section 16.8 (part III).

In section 16.5.4, we describe the Māori Affairs Amendment Act 1967 as one of several ‘coercive measures’ the Crown adopted to address issues with Māori land titles between 1953 and 1974. It was the subject of widespread Māori opposition when introduced (section 16.5.1). Among other things, the Act allowed for the compulsory Europeanisation of all ‘Maori freehold land beneficially owned by not more than four persons for a legal and beneficial estate in fee simple’ – a process that generally occurred without the owners of the affected blocks being involved (section 16.5.2). In evidence, researchers told us Europeanisation was ‘the most significant way in which land ceased to be Māori land during the period in which the legislation allowed it to occur’ (section 16.5.2). As we noted in section 16.5.4, while Europeanisation did not automatically result in alienation, ‘it did enable it by removing Māori land from the court’s protections against alienation often without the owners’ knowledge.’ We went on to find that:

the Crown acted in a manner inconsistent with the principles of the Treaty of Waitangi, namely, the principles of partnership, reciprocity, and mutual benefit and it failed to adhere to its guarantee of tino rangatiratanga in article 2 when it enacted the conversion and compulsory Europeanisation provisions in the Māori Affairs Act 1953 and its amendments, particularly the 1967 amendment. It also acted in a manner inconsistent with its duty of active protection of that rangatiratanga over land and in terms of the land itself. We also agree with the Central North Island Tribunal that, because such provisions would never be countenanced for the owners of general land, the provisions for compulsory conversion and Europeanisation were discriminatory, and were in breach of article 3 of the Treaty and the principle of equity (section 16.5.4).
Claim title
Te Kaha Hapu (Thompson and Wi Repa) Claim (Wai 2127)

Named claimants
Mona Thompson and Ronald Wi Repa

Lodged on behalf of
Themselves and Ngāti Waiora, Nga Uri o Pehira Keepa and Nga Uri o Wi Repa

Takiwā
Mōkau. The claimants’ tūpuna had land interests in the Karuotewhenua, Mahoenui, Mangaawakino, Purapura, and Pukeiti blocks.

Other claims in the same claim group
Not applicable.

Summary of claim
The Wai 2127 claim was amalgamated into Wai 1962 in 2012, although it was not formally vacated. Please refer to the entry for Wai 1962.

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170. Submission 3.4.172. The Wai 1962 claim was brought in 2008 by Mona Thompson and Bella Wi Repa. Bella Wi Repa passed away in 2011, and Ronald Wi Repa was added as a named claimant in 2012: claim 1.1.196; claim 1.1.196(b); memo 2.2.153. Prior to Mr Wi Repa being added to Wai 1962, he had filed a claim that was registered as Wai 2127. In 2014 counsel requested that Wai 2127 be amalgamated with Wai 1962 and vacated: memo 3.3.1036; submission 3.4.172, p 3.

171. Submission 3.4.172. The original statement of claim stated it was brought on behalf of the named claimants and their whānau and hapū at ‘Te Kaha on the East Coast’: claim 1.1.196. The final statement of claim was filed on behalf of themselves, Ngati Rakai, Ngati Waimauku, Ngati Waikorara, Ngati Mihi, Ngati Waiora, and Nga Uri o Pehira Keepa and Nga Uri o Wi Repa: final soc 1.2.69, p 3.

172. Final soc 1.2.69, pp 6–7.

173. Memorandum 3.3.1026; memo 3.3.1036.
Claim title
Ngāti Maniapoto (Stockman) Claim (Wai 2349)

Named claimant
Peter Raymond George Stockman

Lodged on behalf of
Himself and the grandchildren and further descendants of his father

Takiwā
Mōkau. The claim relates to the land interests of the claimant’s ancestors ‘in blocks Mangapapa B2 and surrounding blocks’.

Other claims in the same claim group
691, 788, 2349. The Mōkau ki Runga claimants whakapapa to ‘hapu affiliated to marae in Aria (Te Paemate), Piopio (Mokau Kohunui) and Mokau (Maniaroa) and the wider Maniapoto and Tainui rohe’.

Summary of claim
The original Wai 2349 claim (2008) alleges the claimant and the grandchildren and further descendants of his father have been prejudicially affected by a range of Crown acts, omissions, and legislation (in all its forms) that ‘allowed lands, waters and resources to be alienated, confiscated and or marginalized’. The claim cites harbour Acts; survey liens; public works takings; the desecration of wāhi tapu; non-payment of local body rates; the creation of landlocked Māori lands; land development schemes; land boards; and the re-designation of Crown lands as Department of Conservation lands. The claim also submits that all riparian water rights and mineral rights (including hydrocarbons on or beneath the land) remain with tangata whenua. More generally, it alleges that grievances created by ‘colonial settler and imperial governments’ have resulted in generations of socio-economic decline among tangata whenua. It is alleged that these Crown acts and omissions are contrary to the principles of the Treaty.

In 2011, Peter Stockman lodged an amended statement of claim expanding on certain allegations, including takings for scenic reserves (particularly Mangapapa); the Wairere Power Station and the Crown’s alleged failure to protect taonga (water resources); and the creation of landlocked land (specifically regarding Mangapapa B2).

174. Claim 1.1.266, p [8]. The statement of claim was also said to be made on behalf of ‘himself and on behalf of his iwi Ngāti Maniapoto’.
175. Claim 1.1.266, pp [8], [11]–[13].
176. Final SOC 1.2.91, pp 3–4.
177. Claim 1.1.266, pp [1]–[2].
178. Claim 1.1.266, pp [7]–[26]. The Mangapapa and Mangapapa B2 blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 20.4.4.1 and 21.3.3.6.
These allegations are developed in the closing submissions filed by the ‘Mokau ki Runga’ group (Wai 691, Wai 788, and Wai 2349). There, counsel expands on Crown Treaty breaches in relation to early land purchases, specifically the Mokau-Awakino transactions and the Rauroa block; war and raupatu, including the Pukearuhe ‘Redoubt’ and the New Zealand Settlements Act 1863; self-determination and the Kingitanga; the Native Land Court (including its role following the discovery of minerals, which affected the Mohakatino-Parininihi and Mokau-Mohakatino blocks); surveying (specifically the Mokau-Awakino purchases, the Mohakatino-Parininihi block and the Mokau-Mohakatino blocks); the Joshua Jones lease; the Mokau River and its hydro dam, power stations, and commercial fishing activities; wāhi tapu (specifically the Te Naunau urupā and the Piopio public school site); reserves and scenic reserves; public works, and the loss of language and culture.179

Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Crown purchases of Māori land in the inquiry district between 1840 and 1865: see chapter 5 and the findings summarised at section 5.8 (part I).
  We discuss the Mōkau–Awakino transactions at section 5.3, and our specific Treaty analysis and findings are at section 5.3.5.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).
  We discuss the New Zealand Settlements Act 1863 at section 6.9.3.2.2. At section 6.9.4.2, we discuss the Taranaki confiscation district and refer to the Pukearuhe military redoubt.

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s land purchasing legislation, policies, and practices from 1890 to 1905, and their consequences for Te Rohe Pōtae Māori: see chapter 11 and the findings summarised in section 11.8 (part II).

179. Submission 3.4.246, pp 21–126.
As we note in section 11.6, the Crown conceded that it breached the Treaty by passing the Mokau Mohakatino Act 1888. That Act validated a lease which the owners had not consented to and gave the lessee exclusive rights in further transactions involving the block. In the same section, we went on to find additional Treaty breaches with respect to Jones's lease – namely, that the Crown also failed to protect the owners in exempting Jones's lease negotiations from the Native Land Alienation Restriction Act 1884 (which enabled Jones to pursue a 56-year term over the whole block), and equally failed the owners by not helping them seek redress after the Stout–Palmer commission in 1908 concluded that Jones's original lease had no legal validity (see section 11.6.6). The Crown's scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board's subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- Crown and private purchasing and leasing of Te Rohe Pōtae Māori land in the first half of the twentieth century: see chapter 14 and the findings summarised at section 14.8 (part III).

- The public works regime the Crown established and implemented in the inquiry district from the 1880s to the early twenty-first century: see chapter 20 and the findings summarised in section 20.9 (part IV).
  
  In section 20.4.4.1, we refer to the claimants' lands in Mangapapa b2 block, where land was taken for the Mōkau River scenic reserves. We discuss the Crown's takings for the Piopio school where the claimants have interests at section 20.4.2.2.

- The statutory and administrative regime the Crown established to manage the environment, natural resources, and heritage and customary resource sites in Te Rohe Pōtae: see chapter 21 and the findings summarised in section 21.8 (part IV).
  
  We discuss land use and the environment in Te Rohe Pōtae, and refer to Te Naunau as an example of the failure of Town and Country Planning legislation to protect wāhi tapu at section 21.5.1.

- The extent to which the Crown enabled Te Rohe Pōtae Māori to exercise authority over their water, waterways, and water bodies in the face of accelerating Pākehā settlement; how Māori rights and interests in, and relationships with, these taonga were recognised by the Crown: see chapter 22 and the findings summarised in section 22.8 (part IV). We discuss Crown takings of the claimants' lands at Karu-o-Te-Whenua at section 22.3.3, in relation to common law and the Crown's possession of water.
The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part v).
The Tribunal has designated these claims ‘cross-regional’ because they either straddle takiwā, or primarily pursue issues of significance to the inquiry district as a whole, rather than having a clear regional basis.
Claim title
Te Aka-i-Mapuhia Māori Incorporation Claim (Wai 1834)

Named claimant
Mikaere Taitoko (2008)

Lodged on behalf of
Ngā Hapū and Whānau o Ngāti Maniapoto, and all Tangata whenua

Takiwā
Cross-regional

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the hapū and whānau of Ngāti Maniapoto, and all tangata whenua, have been prejudicially affected by the Crown’s failure to uphold the terms of the Statute of Westminster and British common law in terms of the Declaration of Independence, the Treaty of Waitangi, the New Zealand Constitution Act of 1864 and 1852, and other acts and amendments. The claim states that tangata whenua are lawful sovereigns. It asserts that ownership of 29 land blocks in Te Rohe Pōtae, including Rangitoto–Tuhua, Ouruwhero, Taumatatotara, Kakepuku, and Wharepuhunga, lies with the hapū and whānau of Ngāti Maniapoto and all tangata whenua.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

1. Claim 1.1.185.
2. Claim 1.1.185, p 2.
Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Ngāti Rauhoto (Taylor) Claim (Wai 1836)

Named claimant
Robert Taylor (2008)\(^4\)

Lodged on behalf of
Ngāti Rauhoto. Ngāti Rauhoto is a hapū of Ngāti Tūwharetoa, based at Nukuau, Taupō.\(^5\)

Takiwā
Cross-regional\(^6\)

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges Ngāti Rauhoto have been prejudiced by Crown actions which have affected their interests in Te Rohe Pōtae and the central North Island. The alleged prejudice includes loss of land, the alienation of natural resources, and acts of hostility by Crown forces.\(^7\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim is not well founded because:

- the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or
- it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and
- the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

- Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te

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5. Claim 1.1.186.
7. Claim 1.1.186.
Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

- Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Kete and Others Land Claim (Wai 2074)

Named claimant
Epiha Alex Kete (2008)

Lodged on behalf of
Himself, Puhiwahine Tanatiira, Ihaia Tangihira, Katipo Keteteiwikawhena whānau, Metapere Kawhe, and John O’Brien

Takiwā
Cross-regional

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant alleges that he, Puhiwahine Tanatiira, Ihaia Tangihira, Katipo Keteteiwikawhena whānau, Metapere Kawhe, and John O’Brien have been prejudicially affected by Crown actions which breached the Treaty of Waitangi. The claim alleges this group have suffered prejudice due to land loss, the operation of the Native Land Court, confiscation of the foreshore and seabed, inadequate administration of Māori education, inadequate health services for Māori, and the Crown’s failure to facilitate Māori economic development. The sources of the prejudice suffered, it is alleged, also include the ‘constitutional illegitimacy’ of successive New Zealand governments.

The amended statement of claim denies that a cession of sovereignty occurred. It states that Māori sovereignty derives from the fact that Māori were living in organised societies before Europeans arrived. Māori sovereignty was initially recognised by the British as they did not consider that Māori were subject to British law. The submissions maintain that the chiefs who signed the Treaty of Waitangi understood the Treaty to be primarily concerned with the control of British settlers. They dismiss Hobson’s proclamations of annexation as based on the inapplicable grounds of cessation and discovery. Crown authority was established, it is alleged, by war, confiscation, and breaches of both the Treaty and the Te Ōhākī Tapu agreements. It is alleged that in breach of the Treaty the Crown has sought, and continues to seek, to extinguish Māori sovereignty and self-determination.

8. Final SOC 1.2.55; claim 1.1.218.
9. Final SOC 1.2.55.
11. Final SOC 1.2.55, p 2.
Is the claim well founded?

This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The Crown-Māori agreements of 1883 to 1885 (collectively known as Te Ōhākī Tapu) and the Crown's subsequent conduct in respect of those agreements: see chapter 8 and the findings summarised in section 8.12 (part II).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The institutions and structures the Crown put in place to allow Te Rohe Pōtae Māori to exercise a degree of autonomy and self-government in the periods 1880–1940, 1940–62, and 1962 onwards; also the legislative frameworks and resourcing arrangements that supported them: see chapter 18 and the findings summarised in section 18.7 (part IV).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).
Claim title
Ngāti Tahinga, Ngāti Maniapoto, and Other Health Issues (McKinnon) Claim (Wai 2121)

Named claimant
Inuwai McKinnon (2008)\(^{12}\)

Lodged on behalf of
Ngāti Tahinga and Ngāti Maniapoto (amongst others), including his whānau and hapū\(^{13}\)

Takiwā
Cross-regional

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant asserts the Crown failed in various ways to protect his people’s well-being. The claim argues that the Crown has disadvantaged them in terms of health outcomes, through actions intended to break down traditional social structures, expedite the alienation of lands, and suppress traditional Māori health practices via the Tohunga Suppression Act 1907.\(^{14}\) It is also alleged that the Crown has made them vulnerable to ill-health because of the socioeconomic deprivation they have suffered, including poor nutrition and low quality housing.\(^{15}\) The claim asserts that the Crown, having allowed such disparities to develop, has failed to provide a health system responsive to Māori needs. The claim highlights the transport and economic barriers to accessing services, the lack of preventative education (especially with respect to controlling infectious disease), and racial discrimination.\(^{16}\)

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

\(^{12}\) Claim 1.1.233.
\(^{13}\) Claim 1.1.233.
\(^{14}\) Claim 1.1.233, p 2.
\(^{15}\) Claim 1.1.233, pp [2]–[3].
\(^{16}\) Claim 1.1.233, p [3].
The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part v).
Claim title
Alienation and Confiscation (Campbell) Claim (Wai 2238)

Named claimant
Hori Campbell (Takerei) (2008)

Lodged on behalf of
Himself and descendants of original owners of land in blocks including Arapae, Kinohaku East and West, Otamakahu, Rangitoto–Tuhua, Piopio, and Maraetaua

Takiwā

Other claims in the same claim group
Not applicable.

Summary of claim
The claim alleges that the actions, omissions, and legislation of the Crown in the Arapae A6A2A and IA4A blocks, the Kinohaku East and West blocks, Otamakahi, Rangitoto–Tuhua, Barrett’s land in Taumarunui, Mokau Awa, Mangakowhai, Toketoke Ana (cave), Arapae Pa site, Kawhia and Mokau, Piopio, and Maraetaua have prejudicially affected the original owners of these lands and their descendants. Alleged sources of prejudice include harbour acts, survey liens, and public works takings. The claim also alleges the destruction of wāhi tapu, non-payment of local body rates, landlocked Māori lands, land development schemes, land boards, the redesignation of Crown lands as DOC lands, and all legislation used by the Crown to alienate tangata whenua from their lands and resources. The claim submits that all rights to rivers, foreshore, seabed, and minerals, including hydrocarbons, remain with the tangata whenua. It also alleges the grievances caused by the Crown have resulted in generations of socio-economic decline for the tangata whenua and that these matters are contrary to the Treaty of Waitangi.

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17. Claim 1.1.250.
18. Claim 1.1.250. Many of these blocks are discussed elsewhere in Te Mana Whatu Ahuru, including in sections 16.4.4.1 (fn 186), 16.4.4.2, 16.4.5.1, and 17.3.4.2.1 and table 16.4 (Arapae); sections 10.4.3.1, 10.4.3.8, 10.4.4, 10.5.2, and 16.3 and tables 11.4, 13.1, 13.2, and 14.2 (Kinohaku East); sections 10.5.1.6, 10.6.2.1.1, 10.7.2.3.1, 11.4.3, 11.5.2.2, 13.3.4, 13.5.1, 14.3.2, 16.4.3.2.4, and 20.4.4.3 and tables 11.5, 11.6, 13.1, 13.3, 13.10, and 14.2 (Kinohaku West); sections 10.4.3.7, 10.7.2.1.2, and 10.8 (Rangitoto–Tuhua); sections 20.4.2.1 and 20.4.2.2 (Piopio); and sections 10.6.2.2.2, 10.6.3, 10.6.4, 10.7.1.1, 12.3.5, 13.3.1, 13.3.8, 13.5.1, 13.5.2, 13.5.4, 13.5.6, and 13.5.9 and tables 11.5, 13.1, 13.2, 13.4, 13.6, 13.11, and 14.2 (Maraetaua).
20. These blocks are referred to in table 16.4 in part III of Te Mana Whatu Ahuru.
Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be not well founded because:

▷ the allegations of Crown actions and/or omissions and prejudice contained in the claim are incomplete and/or unspecific; and/or

▷ it makes allegations of specific local Treaty breaches and prejudice that are not encompassed by the findings listed in parts I–V of this report; and

▷ the Tribunal did not receive sufficient evidence to allow it to make any additional findings on the specific local allegations raised in the claim.

However, the claim is nonetheless consistent with:

▷ Our general findings in parts I–IV detailing how the Crown was responsible for undermining the tino rangatiratanga of Ngāti Maniapoto and other Te Rohe Pōtae iwi over their tangible and intangible resources discussed in the report.

▷ Our general findings in parts I–III (especially chapters 10–17) that the native land laws and the Native Land Court system resulted in the individualisation of title, making such titles more susceptible to alienation.
Claim title
Land Alienation (McKay) Claim (Wai 2319)

Named claimant
Richard McKay (2008)

Lodged on behalf of
The McKay, MacKay, and Joyce whānau. The claimants are of Ngāti Mahuta hapū.

Takiwā
Cross-regional

Other claims in the same claim group
Not applicable.

Summary of claim
The claimant states he is pursuing two claims – one on behalf of whānau, and one on behalf of the Māori Nation Collective. The statement of claim focuses on the Native Land Court’s individualisation of title and the later fragmentation of land holdings. It also raises issues about the Waikato War – including the Crown’s military aggression, the casualties it inflicted (and the after-effects of this population loss), the confiscation of lands and ensuing dispersal of hapū, and the portrayal of hapū caught up in the Waikato War as ‘rebels.’ The claimant also asks the Tribunal to investigate the fate of ancestral land at Rangiriri. Two other issues raised are the longstanding denigration of Māori culture and the imposition of the Tohunga Suppression Act 1907, which the claimant says was a barrier to the transmission of mātauranga within his whānau.

Is the claim well founded?
This claim is part of the Te Rohe Pōtae district inquiry. Having considered all the evidence presented to us, we find the claim to be well founded. We reach this conclusion having considered (a) the extent to which our findings on general issues affecting Te Rohe Pōtae Māori apply to this claim and (b) whether the claim raises specific local allegations or issues requiring additional Tribunal findings.

23. Claim 1.1.261, pp [1], [5].
24. Claim 1.1.261, p [1].
25. Memorandum 2.1.261, p [1].
27. Claim 1.1.261, p [5]. The claimants also queried whether Pōtatau’s whakapapa was properly represented to the Tribunal at the time of the Tainui settlement (pp [6]–[7]).
28. Claim 1.1.261, pp [3]–[4].
Our findings on general issues (set out in chapters 4–24 of this report) that apply to this claim are listed below. Where necessary, these general findings are followed by additional findings on local allegations or issues.

- Raupatu (war and subsequent land confiscations) in Taranaki and Waikato, and their effects on Te Rohe Pōtae iwi and hapū: see chapter 6 and the findings summarised at section 6.11 (part I).

- The establishment, operations, and outcomes of the Native Land Court from 1886 to 1907, and its effects on Te Rohe Pōtae Māori: see chapter 10 and the findings summarised in section 10.9 (part II).

- The Crown’s scheme requiring Te Rohe Pōtae Māori land to be compulsorily vested in the Waikato-Maniapoto District Māori Land Board between 1909 and 1910, and the board’s subsequent administration of that land: see chapter 13 and the findings summarised at section 13.7 (part III).

- The Crown’s support for the health and well-being of Te Rohe Pōtae Māori from 1886 to the present day, particularly its policies and practices in the areas of health, housing, and liquor control: see chapter 23 and the findings summarised in section 23.10 (part V).

  We note in particular the finding that ‘the Crown’s actions in enacting the Tohunga Suppression Act were inconsistent with the principle of partnership, the guarantee of rangatiratanga, and the article 3 principle of options in terms of healthcare’ (section 23.3.6).

- The Crown’s support for Māori education and for te reo Māori in Te Rohe Pōtae from 1840 to the present day, and the effects of its legislation, policies, and practices on long-term Māori well-being: see chapter 24 and the findings summarised in section 24.10 (part V).

  Of particular relevance to this claim is our finding that: ‘As Pākehā settlement of the inquiry district progressed, it is entirely understandable that many Māori parents wished their children to learn English, and that the public school system should cater for this demand. What was not in keeping with the Treaty partnership was when the teaching of English and aspects of European culture to Māori students came at the direct cost of denigrating and suppressing their own language and culture’ (section 24.7.6).

Any specific local allegations requiring additional Tribunal findings

We note that section 9(2) of the Waikato Raupatu Claims Settlement Act 1995 precludes the Tribunal from inquiring into most Waikato raupatu claims, including ‘all claims arising from the loss of land and of interests in land in the Waikato claim area by confiscation’ (see section 8(b)). However, as we state in section 1.4.2 of our
report, we nonetheless inquire into such claims where the claimants can establish that they are making it ‘on the basis of some other non-Waikato affiliation’.

In this case, the Tribunal cannot inquire into or make findings on the claimant’s specific raupatu-related allegations about land at Rangiriri, as it is not clear to us from the evidence whether the claim is being brought on the basis of non-Waikato affiliations. We limit our findings to those general findings set out in chapter 6 that apply to Ngāti Mahuta within Te Rohe Pōtae, such as the ongoing portrayal of them as ‘rebels’ (see section 6.9.8.2).
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Dated at Wellington this 21st day of December 2020

Deputy Chief Judge Caren Fox, presiding officer

John Baird, member

Dr Aroha Harris, member

Professor Sir Hirini Mead KNZM, member

Professor William Te Rangiua (Pou) Temara, member