IN THE WAITANGI TRIBUNAL

WAI 1750
WAI 78

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**the North-Eastern Bay of Plenty District Inquiry (Wai 1750)**
AND	
IN THE MATTER OF	**a claim by Hohepa Maxwell, Muriwai Jones, Reverend Te Aururangi Davis, O'Sonia Hotereni, Ashlee Mio and Ruahine Te Moana for and on behalf of Ngai Tai (WAI 78)**

AMENDED STATEMENT OF CLAIM

Dated this 30th day of November 2023

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MAY IT PLEASE THE TRIBUNAL

INTRODUCTION

1. This Amended Statement of Claim is filed on behalf of Wai 78, a claim by Hohepa Maxwell, Muriwai Jones, Reverend Te Aururangi Davis, O'Sonia Hotereni, Ashlee Mio and Ruahine Te Moana for and on behalf of Ngai Tai ("the Claimants").

2. The Claimants are the Iwi of Ngai Tai who have been and remain prejudicially affected by the Ordinances, Acts, Regulations, policies, practices, acts and omissions of the Crown set out herein, which were enacted, promulgated, formulated, undertaken, done or omitted to be done by the Crown in breach of Te Tiriti o Waitangi ("Te Tiriti").

3. This Amended Statement of Claim seeks to add to and not replace the original Wai 78 Statement of Claim filed in 1988 and covers issues that are both historical and contemporary.

4. Ngai Tai is a coastal iwi located in the North-Eastern Bay of Plenty area. Their customary rohe includes but is not limited to the coastal community of Torere and surrounding areas.

THE CLAIMANTS

5. Torere is the ancestral home of Ngai Tai where the remote coastal lands and foreshore and seabed form the tūrangawaewae of Ngai Tai.

6. The people of Ngai Tai whakapapa to and descend from the following ancestors;

Manaakiao = Tōrere-nui-ā-rua
|
Tainui
|
Tairoa
|
Taimanawa Pohatu
|
Tai

7. Principal Ngai Tai ancestors are Manaakiao, a direct descendant from Toi te Huatahi (also known as Toi Kai Rakau) and Tōrere-nui-ā-rua, daughter of the High Priest, Commander and Chief of the Tainui waka, Hoturoa, who travelled to Aotearoa on the Tainui waka.

8. The customary rohe of Ngai Tai includes all lands, waterways, wai and tupuna wai (waters and ancestral waters), puna wai (spring-well including groundwaters), forests, fisheries and other taonga. The Ngai Tai boundary commences at its most eastern seaward point named Tokaroa, thence moving onshore to Te Ana a Hinetekahu, up the Parinui to Te Rakaukatihi heading inland to Ōtaitapu, to Te Paritū, travelling down into Te Mangakirikiri to Motu and further along to Te Paku. Crossing the mouth of the Takapūtahi awa it heads on to Peketutu, Taungakākāriki o Nukuroa to the Tahunatoroa range, Papamoa, Mangakākaho, Te Ropiha, Tūhanaia Tirohanga to the two rock formations Tokangawekeweke and Turanga-a-nui and following the costal line to the point of commencement.

9. Additionally, the Ngai Tai territory stretches over the rugged Raukumara Ranges to Inland Poverty Bay. Most of the hinterland is covered by dense bush and is crossed by the Motu River and several small water courses, all of which occupy incised valleys. Use of the whenua is predominantly farming and cropping the coastal lowlands and the faces of the costal edge.

10. A (non-exhaustive) list of other motu, rivers and waterways which form part of the Ngai Tai customary rohe and rohe moana include:

(a) Ngā Motu

i. Motuhora (Whale Island);

ii. Te Paepae o Aotea; and

iii. Whakaari.

(b) Ngā Awa

i. Takaputahi River;

ii. Wainui;

iii. Pakihi Stream;

iv. Motu River;

v. Te Waiti Stream;

vi. Waiaua River;

vii. Tirohanga Stream;

viii. Opape Stream; and

ix. Te Waiwhero o Torere.

11. Ngai Tai is a coastal group that has for many years since pre-1840, relied heavily on wetland food stock in the estuaries, coastal areas,

and their forest areas to sustain and provide for their whānau and people.

12. To the east Ngai Tai meet Te Whanau a Apanui at Tokaroa. To the south is Te Aitanga-o-Mahaki, Te Whanau a Kai and Tairawhiti iwi. To the west is Whakatōhea.

13. The Claimants say that the practices and activities relied on to provide for their people remain a core part of the cultural practice of Ngai Tai and that as such, their rights within their customary rohe is necessary for the survival of Ngai Tai tikanga and customs.

14. The Claimants are aware that other hapū may hold, or assert, customary interests in some lands that are the subject of this claim. The Claimants do not seek to deny any such interests of other groupings in the lands that are the subject of this Amended Statement of Claim.

15. The Claimants assert that Ngai Tai has occupied and continue to occupy the whenua at Torere and other areas which comprise their customary rohe and rohe moana since prior to the signing of Te Tiriti. The Claimants assert they have never relinquished their mana and rangatiratanga over their whenua or their rohe moana and the resources contained within to the present day.

16. The claimants note that the eastern Bay of Plenty region and the Ngai Tai rohe in particular suffer from a marked lack of documentary research, and while Ngai Tai have a clear understanding of their traditional history and whakapapa, it is extremely difficult to build a clear case and to research claims against the Crown and to fully document the extent of Ngai Tai land alienation and to quantify their losses due to Crown action. Hence it is pivotal for Ngai Tai to have

the opportunity to have their historical grievances against the Crown fully documented and researched.

17. The principal Māori land blocks and/or confiscated areas that are of significance to Ngai Tai include (but are not limited to):

    (a) Torere (consolidated from Waiohoata and Awaawakino);

    (b) Whitikau No.3 (investigated 1889);[1]

    (c) Tunapahore (investigated 1885);

    (d) Takapūtahi (1895); and

    (e) Kapuārangi (investigated 1895).[2]

18. The blocks listed here are known definitely to have been claimed or counterclaimed by Ngai Tai, but Ngai Tai believe there are numerous others in which they have documented claims, and once again emphasise the need for further research. Such blocks in which Ngai Tai have interests include Turarangaia, Waimana, Mangatu, and Tahora No. 2.

TE TIRITI O WAITANGI

19. Without limiting Te Tiriti, the Claimants assert that the following are among the principles of Te Tiriti which they say are relevant to the present claim.

[1] Judgment at (1889) 4 Opotiki MB 294-297
[2] Judgment at (1895) 9 Opotiki MB 259-267

Rangatiratanga

20. An essential finding of the Waitangi Tribunal in its Te Paparahi o Te Raki Stage One Report was that:[3]

> "in February 1840 the rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people or their territories."

21. The Claimants submit that as a base principle, this finding confirms the understandings of the iwi of Ngai Tai that they have retained their rangatiratanga with respect to their customary rohe and that their rangatiratanga was not relinquished to the Crown upon signing Te Tiriti in 1840.

22. Ngai Tai are an important iwi in the eastern Bay of Plenty region and have had an extensive involvement in numerous Native Land Court decisions and appeals. Their tenurial history in the eastern Bay of Plenty region is very complex, under-researched, and needs thorough investigation.

Partnership

23. Te Tiriti created a partnership between Crown and Ngai Tai. This was a partnership of two distinct peoples with their own culture, language, values, treasures and forms of property. It is the Crown's obligation to ensure Ngai Tai is part of the discussion when it comes to anything pertaining to Ngai Tai. Consultation is no longer an appropriate standard. Ngai Tai needs to be making decisions for Ngai

[3] He Whakaputanga me Te Tiriti – The Declaration and the Treaty (Wai 1040, #2014) at xxii

Tai and advising the Crown how they want those decision carried out.

Active protection

24. The Crown has a duty to actively protect Ngai Tai. Active protection (note, not passive or reactive) requires the Crown to implement substantive changes to address structural conditions.[4]

Property & Custom

25. In line with this, is the fundamental principles of protection and preservation of Māori property and taonga[5] and the preservation of Māori custom including an ongoing distinctive existence as a people albeit adapting as time passed and the combined society developed.[6]

26. Then flowing from the above principles on property and custom are the principles that:

    (a) Māori were and are to be protected not only in the possession of their property but in their right to control such property in accordance with their own customs and having regard to their own cultural preferences;[7]

[4] *Kāinga Kore`: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*, Wai 2750, 2003, p87
[5] *New Zealand Maori Council v Attorney-General* [1994] 1 NZLR 513, PC, 517.
[6] Taiaroa v Minister of Justice (unreported decision, HC Wellington, CP 99/94, McGechan J, 29 August 1994 at p69).
[7] Motunui-Waitara Report 2 ed. 1989 p51.

(b) Tino rangatiratanga, being the full authority, status and prestige with regard to Māori possessions and interests is to be protected and preserved;[8] and

(c) Māori customary title is to be preserved.[9]

Good Government

27. Te Tiriti also provides that Māori are entitled to the benefit of good government. Such good government should exhibit itself in at least the following ways:

(a) Equal treatment by the law and by all Government Agencies (except to the extent necessary to redress past injustices and the results of that in which event more favourable treatment is appropriate).[10]

(b) Matters affecting Māori land should be determined by Māori. Māori should be permitted to maintain their own way of reaching agreements.[11]

(c) Conditions that would enable Māori, despite settlement, not only to survive but to progress because of it.[12]

(d) Māori would be and are now entitled to peace and law and order.[13]

[8] Manukau Report, p67
[9] Te Runanganui o Te Ika Whenua Inc. Soc. V Attorney-General [1994] 2 NZLR 20, CA 24, Orakei Report, p135.
[10] Note the Labour Government Statement of Principles of Te Tiriti o Waitangi, 1989, Principle (C)
[11] Taranaki Report, pp281-282
[12] Muriwhenua Fishing Report, p194
[13] *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641, CA at 715 per Bisson J.

(e) Protection of particular Māori interests.[14]

(f) A duty not to use any powers of compulsory acquisition of Māori land or resources without first consulting those Māori affected and without negotiating genuinely with them as to the purchase or, at least, paying proper compensation.[15]

(g) An inability to avoid the Crown's obligations by any delegation of the Crown's duties under Te Tiriti.[16]

Fiduciary duty

28. The Crown owes a fiduciary duty of good faith to Māori[17] and such a duty includes the obligation not to use unfair means when dealing with Māori.

Economic Protection

29. The Crown owes a duty to protect preserve and promote the economic position of Māori. This includes:

(a) A duty on the Crown to ensure that Māori were and are left with sufficient land and other resources for their maintenance and support and livelihood and that each hapū maintained a sufficient endowment for its foreseen needs.[18]

[14] Manukau Report, p69
[15] The Ngati Rangiteaorere Report pp 47-48; *Te Runanganui o Te Ika Whenua Inc Soc v Attorney-General* [1994] 2 NZLS 20, CA at 24.
[16] Motunui-Waitara Report and the Manukau Report, p73.
[17] *Te Runanga o Wharekauri Rekohu Inc. v Attorney-General* [1993] 2 NZLR 301, CA 305-306.
[18] Orakei Report, p 147.

(b) Such endowment is not just an endowment sufficient to survive but sufficient to profit and to prosper and includes the facility to fully exploit such land and resources.[19]

(c) Māori have a right to develop and expand such resources using modern technologies and are not to be consigned to those technologies known at the time of Te Tiriti.[20]

Overriding Principles

30. An overarching principle of Te Tiriti is that the Crown should deal with Māori in an honourable and good faith way, and should ensure the protection and prosperity of Māori as a people including their economic, physical, spiritual and cultural wellbeing.

31. Another overarching principle of Te Tiriti is that the Crown should remedy past breaches in all but very special circumstances.[21]

Common Law

32. At common law the Claimant's hold their land through customary title, or aboriginal title.[22] Their rights were guaranteed through the signing of Te Tiriti. The Crown has long recognised those rights, as have the Courts of New Zealand, and this Tribunal.

33. By way of example this Tribunal has found that:[23]

[19] Muriwhenua Fishing Report, p 194
[20] Muriwhenua Fishing Report, p 220; Ngai Tahu Seas Fisheries Report, pp 253-254
[21] *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641, CA at 664-665
[22] *Attorney-General v Ngāti Apa* 3 NZLR 643 at [55].
[23] Waitangi Tribunal, Ahu Moana: The Aquaculture and Marine Farming Report (Wai 953, 2002) at 76.

> "The Māori interest in marine farming forms part of the bundle of Māori rights in the coastal marine area that represent a taonga protected by Te Tiriti of Waitangi."

34. These rights recognise and provide for customary activities, uses and practices. The bundle of rights the Tribunal referred to above survives the termination of customary title, and the Crown has a duty to observe these rights under Te Tiriti.

CROWN BREACHES OF TE TIRITI O WAITANGI

35. The Claimants assert that the Crown has acted in breach of Te Tiriti and contrary to the rights of Ngai Tai. Those breaches include:

(a) Rangatiratanga and Kawanatanga (constitutional issues, war and raupatu, the effects of the Native Land Court, Crown purchasing, and the operations of local government)

(b) Whenua (Pre-native land court alienations, native land court, land alienation, twentieth century title reform, land development schemes, public works, rating)

(c) Te Taiao (environnemental issues, te moana)

(d) Customary and contemporary practices (economic development, social and cultural issues such as te reo maori, urban migration, employment and government benefits, housing, racism, loss of tribal identity, heritage issues, Education, mana tane, mana wahine, rongoa and Toi Ora)

(e) Ngā Tangata (loss of population)

36. The Crown has failed to protect the lands and mana whenua of Ngai Tai. The Claimants allege that in breach of the principles of Te Tiriti the Crown carried out, or is responsible for, the following acts and omissions:

(a) Ngai Tai have lost lands from within their rohe;

(b) Ngai Tai has lost or failed to have properly recognised or protected their customary interests in their lands, wāhi tapū, forests, fisheries, waterways and other taonga;

(c) The Crown has failed to provide the same rights as settlers within Aotearoa; and

(d) The Crown has failed to adequately recognise or provide for Ngai Tai tino rangatiratanga.

Particulars – EASTERN BAY OF PLENTY RAUPATU

37. During the New Zealand wars the Ngai Tai Rangatira Wiremu Kingi Tutuhuarangi fought in Te Urewera as an ally of the government. The full circumstances of Ngai Tai involvement in these campaigns also needs further research.[24]

38. Ngai Tai were involved in the attempts to negotiate a surrender of Whakatōhea during the Crown's raid of Opotiki and Whakatane in 1865 in response to the killing of Karl Volkner. This first attempt by Wiremu Kīngi to negotiate surrender was unsuccessful. However, a

[24] Judith Binney, *Encircled Lands: Te Urewera 1820-1921* (Bridget Williams Books, Wellington, 2009) at 108 and 160.

second attempt supported by more Ngai Tai was more successful, with the majority of those at Toatoa surrendering.[25]

39. It is not clear whether this is the same incident referred to by Ron Crosby where 200 Ngāti Rua were said to have come from Waitai and surrendered en masse.[26] But significant numbers of Whakatōhea and other Pai Mārire adherents came forward to surrender over this period.[27]

40. In 1867 Ngāi Tai Rangatira Wiremu Kīngi (claim no.19) laid claim to land in Waiaua but was awarded £75 instead of the land.[28] Although J.A Wilson was not convinced of the strength of the Ngai Tai claim,[29] he neglected to comment on the exact nature of their alleged claim.[30]

41. By the end of 1874, 32 sequential schedules of awarded lands had been presented to the House and published in the New Zealand Gazette. The schedules document the specific awards of land made in the Bay of Plenty District under clauses 3, 4, and 6 of the Confiscated Lands Act 1867.[31] Ngai Tai at Tōrere were awarded 9,458 acres in and around Tōrere as well as a 2,411-acre lot located between the sea, Waiohoata, and Titoi Point, and the Tōrere

[25] 7 Opotiki Native Land Court Minute Book, no 2, p 27 in Walker, Ōpōtiki-Mai-Tawhiti, p 82. See also WAI 1750, A3 p 48.
[26] Walker, Ōpōtiki-Mai-Tawhiti, p 103; Crosby, Kūpapa, p 270; Cowan, The New Zealand Wars vol 2, p 114. See also WAI 1750, A3 p 48.
[27] Crosby, Kūpapa, p 270; Opotiki Native Land Court Minute Book, no 2, p 27 in Walker, Ōpōtiki-Mai-Tawhiti, p 8. See also WAI 1750, A0003 p 48.
[28] Minutes of the Compensation Court: Whakatane sitting, 26 September 1867, p 60 in RDB, vol 121, p 46589. See also WAI 1750, A0003 p 112.
[29] Wilson to F Whitaker, 14 November 1866 in RDB, vol 120, pp 46353-46357 See also WAI 1750, A3 p 96.
[30] WAI 1750, A4 p 156.
[31] 'Reports on Settlement of Confiscated Lands', AJHR, 1872, C-4, pp 1-16; J A Wilson, 'Reports on Settlements of Confiscated Lands', 26 February 1873, AJHR, 1874, C-3, pp 1-9; NZ Gazette, 14 November 1874, pp 775-791, see also WAI 1750, A0003 p 118.

and Ōpape blocks.[32] The latter was consolidated into the Tōrere block and became Torere 41 and 42. These blocks are still in Ngai Tai ownership today.[33]

42. However, these blocks of land were mostly awarded to Ngai Tai women and children. This was because almost all Ngai Tai men were deemed rebels despite having nothing to do with the death of Volkner.[34] The men were granted the Awaawakino reserve which was situated between the Ōpape and Waiohoata blocks.[35] Such an award did not remove the stain on their reputation as "rebels" nor was the quality and quantity sufficient, equating to about 14 acres each in a forested mountain area.[36]

43. In addition to this Crown grants had not been issued to them for the Awaawakino and Waiohoata blocks, so they were technically still Crown Land.[37] the delay in providing clear title meant that plans for their own land like the 1904 partition of Waiohoata and Awaawakino reserves was cancelled forcing Ngai Tai to rethink their plans.[38] The delay in receiving title also delayed payment by 15 years to owners when part of their lands were purchased for roads.[39]

44. Land confiscation like this resulted in Ngai Tai suffering population loss from poor crop yields[40] and outbreaks of typhoid.[41] Experts

[32] The 2411 acres was 'liable to alteration by present surveys by Simpson'. J A Wilson, 'Bay of Plenty District – Schedule of No. 15, 1872', 29 March 1872, AJHR, 1872, C-4, p 15. See also WAI 1750, A0003 p 127.
[33] See WAI 1750, A8 p [481].
[34] See WAI 1750, A012 p 217.
[35] See above p 215.
[36] See WAI 1750, A12 p 217.
[37] Luiten, 'Nineteenth Century Land Alienation and Administration withing the North-Eastern Bay of Plenty: Part One: Raupatu Lands', p. 217. See also WAI 1750, A029 p 81.
[38] See WAI 1750, A012 p 300.
[39] See WAI 1750, A012 p 300
[40] H.W. Brabant, Resident Magistrate, Opotiki, to Native Minister, Wellington, 24 June 1872, AJHR, 1872, F-3, p.10. See also WAI 1750, A011 p 45.
[41] See WAI 1750, A011 p 37.

express that such adverse health outcomes were the direct result of Raupatu on all Māori in the area.[42]

45. In 1889, Ngai Tai were involved in the Whitikau No. 3 case in the eastern Bay of Plenty.[43] Ngai Tai were the claimants to this block, which was counterclaimed by Whakatōhea. Prima facie evidence was given by Romana Tautari of Ngai Tai, who said: "I live at Torere my tribe is Ngaitai, my hapu is Ngapotiki". He said that he descended from the ancestor [Tamaotea] "the first conqueror" and that he conquered the [Panuehu]. The Native Land Court awarded this block "to the Ngaitai descendants of Whariu and [Tamaotea]".[44] After the awarding of the block it was partitioned into Whitikau 3A and 3B.[45]

46. In 1898 the Crown purchased most of Whitikau 3B creating 3B2 for them and 3B1 for the remaining block.[46] Whitikau 3A was partitioned further into four blocks, two of which were purchased by the Crown in 1911 and 1915.[47] In 1937 after more partitions all of the Whitikau 3 blocks were consolidated into 3 blocks before a final partition in 1950.[48] Today Whitikau A1 A2 and A3A, comprising of 898.4845 ha in total remain Māori land.[49] .

47. In 1879 Ngai Tai were party to an agreement between Te Aitanga a Mahaki, Te Whanau a Apanui and Ngāti Porou in order to fix

[42] See above p 35.
[43] See R P Boast, *Native Land Court* vol 2, NLC 147 pp 374-378.
[44] (1889) 4 Opotiki MB 294-299 (Judge Scannell).
[45] See WAI 1750, A017 p 472.
[46] See above.
[47] See above p 473.
[48] See above pp 474 and 475.
[49] See above.

customary boundaries between the groups (Agreement). The translation of that Agreement reads:[50]

> 'We the undersigned do hereby agree to allow N'Porou [Ngati Porou] to apply to the Native Land Court for the hearing of Maungawaru – the boundary to begin at the boundary of Waitahaia in the Motu river, thence by that river to Te Paku, and on this side of Motu thence to Maungawaru thence to the Government boundary of Waitahaia … Secondly the boundary of Te Aitanga a Mahaki and Ngaitai is to be the Motu river beginning at Te Paku, thence to Kaitaura, the land on this side of that boundary Wi Pere and his people are to have the management of and Wi Kingi and his people are to conduct the land on the other side.'

48. Research carried out to date indicates that there were two separate agreements, one between Ngāti Porou and Te Whanau a Apanui and the other between Ngai Tai and Te Aitanga a Mahaki. The negotiations relating to these connected agreements involved the Crown, but no steps were taken to give the agreements any formal effect and Ngai Tai were forced to be involved in numerous cases in the Native Land Court as a result.

49. In 1895 the Native Land Court investigated the Kapuarangi block.[51] It was claimed by Ngai Tai and was counterclaimed by Te Whanau a Apanui, (their neighbours to the east) and by Ngaariki (their neighbours to the south). According to the Native Land Court's judgment, "Ngaitai claimed that the Kapuarangi block formed part of the tribal estate, from the time of their ancestress Torerenui a rua.

[50] 18 December 1888, 4 OPO 11. The signatories were Wiremu Kingi (Ngāi Tai), Wi Pere (Te Aitanga a Mahaki), Henare Potae (Ngati Porou) and Te Tatana Ngatawa (Te Whanau a Apanui), 30 March 1895, 7 OPO 152-3. See also WAI 1750, A025 p 100.

[51] See R P Boast, *Native Land Court,* vol 2 NLC 196 pp 824-829.

Who landed at Torere from the Tainui canoe, twenty six generations ago".[52]

50. The Native Land Court rejected the Ngai Tai claim to Kapuarangi. The Court found that "the bulk of the Ngaitai tribe resided at Tunapahore, and that Kapuarangi was part of that land being used only as a hunting ground by Ngaitai".[53] Additionally the Court believed that 'evidence of occupation and ownership of Tunapahore was decisive as to ownership of Kapuarangi"[54], such a belief meant that Ngai Tai's lack of occupation of Tunapahore was fatal to their claim over Kapuarangi.[55]

51. In 1885 the Native Land Court divided Tunapahore block between Ngai Tai and Te Whanau a Apanui. Takaputahi, investigated in 1895, claimed by Ngai Tai, Whakatohea, and Te Whanau a Apanui led to the Ngai Tai claim being dismissed. The findings in the Takaputahi, Tunapahore, and Kapuarangi cases are not consistent and illustrate the Native Land Court's unsuitability as a forum for determining customary tenures.

52. The Native Land Court's findings with respect to these three blocks caused considerable disputation between Ngai Tai and neighbouring hapu and iwi and led to appeals and reinvestigations. In 1898 the Native Land Court sitting at Opotiki dealt with a major case Ngai Tai, Te Whanau a Apanui, Te Whanau a Harawaka, and Whakatohea, were all cross-appellants.[56]

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[52] (1895) 9 Opotiki MB 260.
[53] (1895) 9 Opotiki MB 263.
[54] Kapuarangi judgement, 9 July 1895, 9 OPO pp 260-261. See also WAI 1750, A025 at 286.
[55] See above p 265. See also WAI 1750, A025 p 286.
[56] See Boast, N*ative Land Court,* vol 2, NLC 205, pp 867-879.

53. The Appellate Court gave judgment on 26 January 1898.[57] The Court made some significant changes to the findings of the Native Land Court relative to the three blocks. The whole of Takaputahi was now allocated to Ngai Tai. Ngai Tai were also allocated 9,000 acres of the western part of the Kapuarangi block inland of Torere. The balance of the Kapuarangi block and the entirety of the Tunapahore block was allocated to Te Whanau a Apanui (Ngai Tai now lost their earlier award of land in that block).

54. In 1898, immediately following the Appellate Court decision referred to, the Native Appellate Court inquired into relative interests in the Tunapahore block. As far as is known, Ngai Tai did not participate in this case, presumably because the Appellate Court had found that Ngai Tai had no interests in the Tunapahore block.

55. The Appellate Court's decision did not end the controversies over the three blocks and there were a number of further investigations in the 20th century.

Particulars - NATIVE LAND LEGISLATION AND NATIVE LAND COURT

56. The Crown has through various Native Land Legislation, from the Native Lands Act 1865, caused and permitted the alienation, fragmentation and individualisation of communal tribal titles to the traditional lands of Ngai Tai.[58]

57. The Crown, contrary to Māori custom and tikanga, and Ngai Tai tino rangatiratanga, established the Native Land Court with the purpose of:

[57] (1898) 16 Opotiki MB 42-44.
[58] Note: The following is from a DRAFT REPORT: Twentieth Century Land Legislation and its Impacts, Bruce Stirling, February 2023 DRAFT, p. 236.

(a) Facilitating the alienation of Ngai Tai land;

(b) Transferring Māori customary rights into individualised title;

(c) Promoting and facilitating the breakdown of Māori tribal structures; and

(d) Promoted and facilitated the assimilation of Māori into Pakeha customs and practices.

58. The Crown established the Native Land Court without any proper consultation with or input from Ngai Tai.

59. The Crown, as a consequence of the operation of the Native Land Court, destroyed and failed to protect Ngai Tai traditional systems of tenure based on tikanga Māori including land rights, use, occupation and control.

60. The Crown established the Native Land Court within which title adjudication reduced customary iwi management over resources into ownership of individual interests, replacing variously layered customary land rights with fixed boundaries over the land.

61. The Crown established the Native Land Court which had the effect of breaking down tribal authority and tino rangatiratanga. In doing so, the Crown was in breach of its Te Tiriti duties of good faith and active protection. The Crown failed to provide Ngai Tai authority and control during investigation of internal tribal boundaries and interests.

62. The Crown enacted native land legislation which allowed for the title investigation application by individuals with or without iwi approval and

awarded title to specified individuals who would be free to sell their interests.

63. The Crown established the Native Land Court that failed to properly inquire into Ngai Tai customary rights nor recognise and provide for Ngai Tai customary interests in forests, fisheries, waters and other taonga.

64. The Crown established the Native Land Court, which fostered debt and various indirect costs, most often to be repaid in land. These costs arose from substantial court costs and costs such as legal fees, food supplies, accommodation costs and time spent away from cultivations.

65. The Crown forced Ngai Tai to pay survey plan costs associated with customary title investigations or partitions whether or not Ngai Tai wanted to have their lands surveyed.[59] These costs were usually paid in land.

66. The Crown failed to protect Ngai Tai from excessive survey costs.

67. The Crown then consolidated lands notwithstanding Ngai Tai having paid substantial costs for survey and partitioning.

68. The Crown has failed to recognise and provide any adequate relief for the devastation to the culture and spiritual well-being of Ngai Tai and the loss of Ngai Tai life.

69. The Crown failed to provide for Māori who wanted to retain their lands as Māori Land instead of having it Europeanised under the

[59] Kensington's notes on Katipo to Chief Judge, 12 April 1894, CFS 221 – correspondence, 24 October 1898, 17 OPO 12. See also WAI 1750, A012 p 221.

Māori Affairs amendment Act 1967. Land owned by three owners or less were transferred from Māori title to Freehold without consultation or even notification with the owners. Sometimes the owners were not even aware of the change.

70. The Crown's uneconomic share policy failed to take into account Ngai Tai relationship with the whenua and acted to sever connections of owners to the whenua by transferring their shares to others.

71. The crown introduced the Native land Court, which had immediate and long term socio economic impacts on Ngai Tai.

Particulars - CROWN PURCHASE POLICY AND PRACTICE

72. The Crown pursued policies and practices specifically designed to undermine Ngai Tai chiefly authority, Māori customary law and to facilitate Crown acquisition of Ngai Tai lands.

73. There is no evidence the Crown investigated the nature and extent of the land assets owned by Ngai Tai selling their land even though such an investigation was required by law.[60] This indicates the Crown's desire to alienate Māori land for their own purposes.

74. The Crown land purchase negotiations and transactions for Ngai Tai lands included sharp and unfair practices. Among other things, Ngai Tai individuals were paid minimal amounts for these lands, were not adequately consulted and were often paid in instalments (sometimes over many years). The Crown failed to provide for and recognise tribal ownership of Ngai Tai lands.

[60] Note: The following is from a DRAFT REPORT. Twentieth Century Land Legislation and its Impacts, Bruce Stirling February 2023 DRAFT, p. 69.

75. In the case of the Kapuarangi 1 West Block, the Crown paid out payment in small individual instalments to owners on the basis of their share of ownership, instead of paying to the land corporation Ngai Tai had formed for the very purpose of managing the land.[61] This is a clear example of the Crown's lack of respect for Māori desires for collective ownership and their rangatiratanga.

Particulars - PUBLIC WORKS TAKINGS

76. The Crown adopted a policy of compulsory acquisition of Māori lands for various public works without adequate consultation with or compensation to Ngai Tai.

77. The Crown illegally took shingle from Torere gravel pits without permission prior to 1950. When owners started demanding royalties the Crown decided to take two sites under the Public Works Act (without consultation)[62] and impeded private operators who had contracted with the owners.[63]

78. In discussing the taking of the gravel pits from the area the resident Engineer for Public Works noted:[64]

> The Maoris have taken a shrewd step to force us to pay royalty through a contractor. They are not entitled to royalty for material which has no market value apart from public works. A similar case at Gisborne (Motuhora Quarry PW 62/86/4) and the land was taken.

[61] Note: The following is from a DRAFT REPORT. Twentieth Century Land Legislation and its Impacts, Bruce Stirling February 2023 DRAFT, p. 77.
[62] NZG, 1955, p. 1183. See also WAI 1750, A029 p. 298.
[63] [Hodgson] Letter to Resident Engineer, 28 March 1955, Torere gravel pit assessment of compensation, Waiariki MLC, DB vol 5, p. 101. See also WAI 1750, A029 p. 297.
[64] Commissioner of Works to District Commissioner of Works, 15 September 1953, AAZZ 889 W4923/81 62/86/3/30, ANZ Well, DB vol 1, p. 224. See also WAI 1750, A029 p 295.

> We would get nowhere trying to deal with the Maoris. I think the only practical course is to take the land.

79. This shows the intention for taking the quarry was to avoid paying royalties. When the land was taken, no compensation was paid to the owners for the value of the land, and only 4% of the value of the metal royalties.[65] A total of 18 acres was taken.[66]

80. When the matter was taken to Court the Judge agreed with Ngai Tai's claim and they were awarded more than 626 pounds, plus 42 pounds for legal costs.[67]

81. Part of the land was eventually returned to Ngai Tai in 1986,[68] however the obvious intention to deprive Ngai Tai of their whenua to avoid paying royalties is a clear affront to their tino rangatiratanga and a breach of the principles of te Tiriti o Waitangi.

Particulars - CROWN ADMINISTERED DISTRICT LAND BOARD

82. The Crown operated District Māori Land Boards and through such boards, failed to adequately consult or obtain proper consent from Ngai Tai before alienating lands.

83. In 1915, Ngai Tai informed the Governor of their desire to manage their lands within the Tairawhiti District as opposed to the Waiariki District which they were currently in. This was because about 200 Ngai Tai landowners lived in Tairawhiti and had a very difficult time

[65] See WAI 1750, A029 p 295.
[66] NZG, 1955, p. 1834. See also WAI 1750, A029 p 301.
[67] Opotiki MB 36, 22 August 1960, p. 222. See also WAI 1750 p. 306.
[68] Opotiki MB 62, 11 July 1986, p. 185. See also WAI 1750, A029 p. 309.

obtaining rental payments for their land from the Waiariki district.[69] These difficulties and delays eventually led to further sales to the Crown and further alienation of Ngai Tai land.[70]

Particulars - LAND DEVELOPMENT SCHEMES

84. The Crown failed when it established land development schemes consolidation schemes and other economic development initiatives in relation to Ngai Tai lands.

85. The Crown did not adequately consult with, and provide adequate mechanisms for, Ngai Tai to participate in and effectively manage land development schemes.

86. The Crown forced a pakeha system for land management that focussed on individual families owning and operating small portions of land as opposed to a collective approach based around wider Whanau and Hapu.[71]

87. The Crown did not adequate advise Ngai Tai on the full implications of the inclusion of their lands in development schemes.

88. The land development schemes consolidation schemes and other economic development initiatives did not provide Ngai Tai with the expected outcomes and benefits. This is shown in the example of the Torere consolidation scheme which took place from 1931 to 1937,

[69] Note: The following is from a DRAFT REPORT. Matenga Taihuka and Tamarangi Kingi "for the 200," Waerenga-a-Hika, to Carroll, 28 April 1909. R22403072. MA 1/1019, 1910/4355. Archives NZ. Waitangi Tribunal Documents. See also Twentieth Century Land Legislation and its Impacts, Bruce Stirling February 2023 DRAFT, p. 17.
[70] Note: The following is from a DRAFT REPORT: Proclamation, 28 March 1912, and; New Zealand Gazette, 18 April 1912. R23909315. MA-MLP 1/101d, 1911/55. Archives NZ. See also Twentieth Century Land Legislation and its Impacts, Bruce Stirling February 2023 DRAFT, p. 88.
[71] Note: The following is from a DRAFT REPORT. See Twentieth Century Land Legislation and its Impacts, Bruce Stirling February 2023 DRAFT, p. 238.

where individual owners were separated onto smaller blocks according to their share of ownership, thus resulting in ever depleting share and further discord amongst Ngai Tai as an iwi.[72]

89. The Crown failed in their objective to protect Ngai Tai lands that were under these development scheme from being charged rates. This was because the rating system set up by the Crown failed to prevent the local council from charging rates on land that was not revenue producing.[73]

Particulars - MĀORI TRUSTEE/PUBLIC TRUSTEE

90. The Crown, through the establishment and operation of the Office of the Māori Trustee, failed to adequately protect the retention of Ngai Tai lands by empowering the Māori Trustee to facilitate the subdivision and sale of Ngai Tai lands.

91. In 1928, the 105 pounds sale price of Opotiki Lot 120 was given to the Māori trustee board and held at the advice of Ngai Tai's lawyers.[74] After paying for rate arrears as well as Court and lawyer fees 85 pounds was left, however only 35 pounds was given to Ngai Tai with 50 pounds unaccounted for.[75]

92. The Crown failed to adequately monitor the activities of the Māori Trustee and correct or provide relief in situations where the Māori Trustee caused prejudice to Ngai Tai.

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[72] See above p. 238.
[73] See WAI 1750, A026 p 406.
[74] Potts & Hodgson, solicitors, Opotiki to Registrar, Waiariki District Maori Land Board, Rotorua, 20 July 1926, BAJJ 11192/128/l 4261 Rotorua alienation files - Opotiki 120 Section 1, 1925-1928 (R20662882), Archives New Zealand, Auckland. SW document bank, volume 4, pp. 21-70. See also WAI 1750, A026 p 170.
[75] See WAI 1750, A026 p 171.

Particulars – SOCIO ECONOMIC DISADVANTAGE

93. The Crown adopted and effected various policies, practices and actions relating to, or affecting, Ngai Tai people and their customary lands which had negative impacts upon their economic and social circumstance.

94. Ngāi Tai were among the many Māori that helped build the road from Opotiki to Tōrere, however, H.W. Brabant noted that they may have done so out of necessity due to poor harvests, and "… at lower wages than they would in a more fruitful season."[76]

95. The Crown failed to provide proper and adequate education, health services, roading, housing, employment and other entitlements to Ngai Tai to the detriment of their socio economic position. The Crown's failure to provide such entitlements has forced many Ngai Tai people to move away from their ancestral lands.

Particulars – FAILURE TO PROTECT NGĀ TAONGA TUKU IHO O NGAI TAI

96. The Crown failed to actively protect Te Reo Māori for Ngai Tai individuals and the tikanga, kawa, ritenga, waiata, karakia, whakapapa and other taonga, which are the collective property of Ngai Tai.

97. The Crown pursued assimilation policies in education resulting in the near extension of Te Reo Māori and tikanga among Ngai Tai.

98. The Crown prohibited the use of Te Reo in schools thereby derogating the right of Ngai Tai to maintain and develop their language, culture

[76] H.W. Brabant, Resident Magistrate, Opotiki, to Native Minister, Wellington, 24 June 1872, AJHR, 1872, F-3, p.10. See also WAI, A011 p 47.

and customs. Ngai Tai individuals were punished for speaking Te Reo Māori and therefore denied a basic human right fundamental to their identity.

99. The Crown took the process of education out of the hands of Ngai Tai. The Māori world view, language and culture were displaced by the economic and social world view promoted by the Crown.

100. The Crown further denied Ngai Tai Tohunga the right to practice traditional Māori medicine and wairuatanga through the implementation of the Tohunga Suppression Act 1907. Under the Act penalties were imposed on tohunga (experts in Māori medicine and Māori spirituality) and therefore designed to oppress and suppress mātauranga Māori and any or all attempts by Ngai Tai to control their own well-being. Ngai Tai assert that the threat of penalties drove many of the tohunga to stop their practice.

101. The Crown failed to preserve Māori Tikanga, failed to ensure Ngai Tai retained full exclusive and undisturbed possession of the taonga and failed to provide for the practice of their religion and tikanga.

Particulars - RATING ISSUES

102. Ngai Tai paid rates to local bodies, on which they were not represented, for services they did not receive.

103. The Crown empowered local government to levy rates on Ngai Tai lands causing an unfair burden on Ngai Tai.

104. On 30 September 1931, the Native Land Settlement Board accepted a cash payment of £24.7.6 together with Torere 1B2, Torere 3 Lot 1 and 2 as full satisfaction of survey liens and rates compromise

charges from the Ngaitai Consolidation scheme. The owners of these blocks (later known as Torere 63), which made up 5,359 acres, were deprived of the ownership of their land without consultation and consent. Lands in the Ngaitai consolidation scheme were surveyed without the permission of the owners.[77]

105. In the case of Opotiki lot 101 and 102, rate payments for one piece of land in Opotiki was based on a government valuation of 260 pounds. This was an overvaluation as the land was of poor quality. This huge burden led to Ngai Tai selling the land at 140 pounds, a little more than half the government value. This was to avoid losing the land to the Council over unpaid rates.[78]

106. When the burdened property was sold, 20% of the value of the sale was paid to rate arrears. Such an outcome was for the payment of services like lighting and water which, in the opinion of Suzanne Woodley: "given the unoccupied, unimproved nature of the land was unlikely to have been provided let alone utilised".[79]

107. Nearly 40 pounds from a 140-pound purchase price of Opotiki Town blocks 102 and 101 went unaccounted for, the local council claiming it went towards more rate arrears and court fees. Such a right was claimed over land that was undeveloped and of poor quality and therefore likely to have been provided with few, if any, rateable services.[80] Issues with charging unproductive Ngai Tai land continued

[77] Wai 78, #1.1 (Ngai Tai Statement of Claim received by the Waitangi Tribunal on 4 February 1988)
[78] Wiremu Kingi to President, Waiariki District Maori Land Board, Rotorua, 9 December 1925, BAJJ 11192/72/b 4277 Rotorua alienation files - Opotiki 101, 102 Section 1, 1924-1926 (R20662885), Archives New Zealand, Auckland. SW document bank, volume 3, pp. 189-247. See also WAI 1750, A026 pp 158 – 159.
[79] See WAI 1750, A026 p 162.
[80] See WAI 1750, A026 p 163.

well into the modern day. Bill Maxwell of Ngai Tai believed this was the case as he was quoted as saying:[81]

108. There is nothing coming off the land, but the rating is ridiculous. Some old people are being rated on little blocks which are all over the place and far from their main blocks. The Crown empowered the Māori Land Court to impose charging orders on Ngai Tai lands to enforce the non-payment of rates.

109. In 1931 in order to satisfy the debt for rate arrears a rates compromise was formalised where a charging order was given over Torere Blocks 1B2, 3 lot 1 and 3 lot 2 for non-payment of rates. It is important to note that Torere Block 1B2 at the time of acquisition was valued at 305 pounds, but in 1950 that value had dropped to 50 pounds and the land was deemed non-rateable under the 1925 Rating Act. Showing that when it was in Māori hands it was overvalued and therefore rateable, but in the Crown's hands it was properly valued and therefore not rateable.[82]

110. By the end of the rates compromise Ngai Tai were required to transfer some cash and 5,359 acres of the Tōrere block to the Crown to repay survey and rates debts that had been levied on their largely undeveloped land.[83]

111. The majority of Ngai Tai land lost was due to administrative practises that discriminated against Māori. When land was owned by Ngai Tai it was overvalued and therefore needlessly burdened with higher rates.

[81] Opotiki News, 21 December 1993, Opotiki scrapbook 7, Te Whare Taonga ō Taketake - Whakatāne District Museum and Research Centre. SW document bank, volume 4, pp. 132-133. See also WAI 1750, A026 p 473.
[82] AFFC 22261 2/1 V-GSW1106 1/196A Valuation rolls Gisborne - Opotiki County - Coast Riding - roll numbers 1-500, 1952-1954 (R16186223), Archives New Zealand, Wellington. See also WAI 1750, A0026 p 294.
[83] Research Services Team, Waitangi Tribunal Unit, 'Block Narratives: North-Eastern Bay of Plenty Inquiry District', September 2021 (Wai 1750, #A17), p. 232. See also WAI 1750, A026 p 290.

A burden that forced them to sell the land well below the government value so as to not lose. This enforced system of laws not only contradicts the principle of self-determination, but the blatant difference between rating from when it was Māori land to when it became Crown land shows that Ngai Tai were also victims of administrative discrimination.

Particulars - LOCAL GOVERNMENT

112. The Crown failed to ensure that local authorities established a relationship with Ngai Tai that was consistent with Te Tiriti and its principles.

113. The Crown failed to ensure that local government acting as agents of the Crown worked with Ngai Tai to develop proper sewage, water, roading and other infrastructure in Ngai Tai rohe.

114. In 1905, Ngai Tai petitioned and gave money for the development and maintenance of the roads between Opape and Hawai. However, the Opotiki Council continued to delay the construction.[84]

115. The Crown failed to ensure that local government acting as agents of the Crown protected water quality, wahi tapū and places of cultural importance to Ngai Tai.

116. The Crown enacted the Resource Management Act 1991 which does not provide for nor protect the rangatiratanga of, and kaitiaki responsibilities of Ngai Tai over their lands, forests, fisheries, waters, wāhi tapū, waterways and other taonga.

[84] Chief Engineer to Hoera Katipo, 11 September 1905, ACHL 19111 W1/1076 36/137 pt 1 R21066964, ANZ Well, DB vol 2, p. 249. See also WAI 1750, A029 p 83.

Particulars - RESOURCE MANAGEMENT AND ENVIRONMENTAL ISSUES

117. The Crown failed to properly protect against the depletion and pollution of the lands, seas, waters, waterways (including groundwaters), environments and resources of Ngai Tai.

118. The Crown failed to properly provide for and recognise the intellectual property rights of flora and fauna, foods, rongoa and other taonga within the lands and waters possessed and enjoyed by Ngai Tai.

119. The Crown failed to properly provide for and recognise the customary title and rights of Ngai Tai to their seas, rivers, waterways (including associated resources).

120. The Crown failed to properly provide for, protect and recognise the customary rights, interests and associations of Ngai Tai in their seas, rivers, waters by enacting various legislation.

121. The Crown failed to properly provide for, protect and recognise ownership of Ngai Tai in water.

122. The Crown failed to properly provide for, protect and recognise the ownership of Ngai Tai of other resources of the seas, rivers, waters, groundwaters and waterways

123. The Crown failed to properly provide for, protect and recognise the interests of Ngai Tai by the compulsory taking of land on the banks and vicinity of rivers, waterways for reserves and other public purposes.

124. The Crown failed to properly provide for, protect and recognise the wāhi tapū of Ngai Tai in and around the rivers, waterways and other Ngai Tai taonga.

125. The Crown through various statutes, policies and practices and other instruments, including in particular the Resource Management Act 1991, expropriated the tino rangatiratanga and management rights over the rivers, waterways and water from Ngai Tai without consent and has failed to adequate provide for Ngai Tai role as kaitiaki over these taonga.

126. The Crown failed to properly provide for, protect and recognise the right of Ngai Tai to development of their taonga.

127. The Crown failed to properly provide for, protect and recognise the right of Ngai Tai regarding further degradation and contamination of their waters.

128. The illegal taking of gravel from the Torere Gravel pits prior to 1950 in addition to after the takings under the Pubic Works Act caused substantial harm to the environment in that area.

129. The introduction of imported species of flora and fauna impacted negatively on indigenous species.

130. Taonga species of flora and fauna are important to Ngai Tai. The Crown has failed to protect and provide for their appropriate protection and conservation. Crown remedial actions have been non-existent.

131. Failure to protect forestry rights and interests. Failure to protect customary fishing rights and interests. Failure to protect mauri, rangatiratanga and ownership rights in takutai moana. Failure to protect

rangatiratanga for forestry and taonga within. Lack of remedial action for environmental damage caused by agriculture and forestry to lands and waterways.

132. Lack of opportunity for appropriate Ngai Tai participation and influence in the decision-making process over areas and resources which have been identified as significant to Ngai Tai.

133. The continued use of the Coastal Marine area for dumping of human and industrial wastes is of concern to Ngai Tai.

134. Ngai Tai wish to have input into the planning process and decision-making of consent applications to ensure that their taonga and resources are sustainably managed for future generations.

135. Removal of native vegetation leading to a loss of material for Rongoa, loss of natural habitat, and therefore species types, have a dramatic impact on Ngai Tai. The loss of land from tribal usage also runs counter to the concept of Turangawaewae or waewae tapu. Ngai Tai are concerned at the effect that pinus radiata forests have on the water volumes of rivers and waterway.

136. Ngai Tai is concerned over the type and extent of land clearance associated with forestry, horticulture, agriculture and pastoral farming. The impact that this is having in the form of erosion and siltation of waterways upon traditional food gathering area, sacred sites, and natural habitats and ecosystems.

137. Ngai Tai is concerned with the

(a) Degradation in water quality due to discharge of human/industrial/dairy-farm/horticultural wastes.

(b) Effects on both physical and spiritual resources of Ngai Tai regarding taiapure, kaimoana, waahi tapu

(c) removal, destruction or diminishing of waahi tapu and their negative impact upon Ngai Tai.

(d) Environmental degradation of water and land resources. Impact on resource usage for economic, cultural and spiritual purposes.

(e) The discharge of sewage into underground water supplies.

(f) Location of PCP sites and treatment plants.

(g) levels of treatment are to be undertaken to remove negative environmental impacts.

(h) Research and monitoring strategies.

(i) Impact of toxic fertilisers/sprays on air and water resources.

(j) Impact of roading/ main highway 35 through Ngai Tai rohe

138. Ngai Tai seek the recognition:

(a) of the relationship of Māori and their ancestral culture and traditions, and provision for the protection of ancestral lands, water, sites, waahi tapu and other taonga.

(b) that in protecting the mauri of water resources both the quantity of the water resource and its quality are of equal importance.

(c) that the discharge of untreated sewage or other industrial, chemical or human waste into waterways destroys the mauri of the taonga, and thus is unsustainable management

139. The Crown has failed protect mahinga kai (access and use) by pollution.

LEAVE TO AMEND STATEMENT OF CLAIM

140. This Amended Statement of Claim is as fully particularised as is possible given the information and research available to the Claimants at the time of filing this Amended Statement of Claim.

141. The Claimants, therefore, reserve the right to file further specific allegations and particulars and for other causes of action that are not included in this Amended Statement of Claim when further information and research becomes available.

PREJUDICE

142. As a consequence of the Crown's breaches set out in this Amended Statement of Claim, Ngai Tai has suffered and continues to suffer prejudicial effects including:

(a) The rapid alienation of land;

(b) The loss of mana and rangatiratanga and a consequential loss of economic, cultural and political autonomy;

(c) The loss of or damage to the complex customary systems of land tenure and resource rights;

(d) The marginalisation of Ngai Tai in their own lands;

(e) The disintegration of Ngai Tai chiefly and tribal authority;

(f) The damage and desecration of wāhi tapū and taonga;

(g) The loss of customary fisheries and waterways and access to customary knowledge of such fisheries;

(h) The loss of knowledge of customary religious practices and tikanga;

(i) Te reduction in the use of Te Reo Māori as a first language and knowledge of Ngai Tai dialect;

(j) The impairment of, or damage to the spirit, wairua, mana and ihi of Ngai Tai.

RELIEF

143. The Claimants request the Waitangi Tribunal to help remove and diminish the prejudice suffered and to prevent the continuation of any prejudice caused by making findings that the Crown through Acts, processes and frameworks has breached the principles of Te Tiriti o Waitangi as outlined above in this Amended Statement of Claim and recommendations seeking:

(a) The full restoration of mana of Ngai Tai over their customary lands and the recognition of Ngai Tai customary associations and interests with their lands;

(b) The return to Ngai Tai of all Crown lands including Department of Conversation and Conservation stewardship lands within their customary rohe;

(c) The return of Torere School lands to Ngai Tai ownership;

(d) The return to Ngai Tai of Crown Forest Licensed lands;

(e) The immediate recognition of Ngai Tai ownership of all rivers, waterways, minerals, waters and ground-waters and other resources currently claimed by the Crown within the Ngai Tai rohe;

(f) An immediate apology by and on behalf of the Crown and its agents;

(g) Full compensation;

(h) Costs; and

(i) Other such relief as the Tribunal deems appropriate.

DATED at Paraparaumu this 30th day of November 2023

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Eve Kahuwaero Rongo

Claimant Counsel

This Statement of Claim is filed by **EVE KAHUWAERO RONGO** Solicitor for the Claimants whose address for service is at the offices of Oranganui Legal Limited, Barristers and Solicitors, 5 Sheffield Street, Paraparaumu 5032.
Documents for service on the abovenamed Claimants may be left at 63 Awatea Avenue, Paraparaumu 5032 for service or may be

a) Posted to the solicitor at PO Box 809, Paraparaumu 5254; or

b) Transmitted to the solicitor by email at eve@orangauilegal.com