IN THE WAITANGI TRIBUNAL	**WAI 1750** **WAI 1789**
UNDER	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	The North-Eastern Bay of Plenty Inquiry (Wai 1750)
AND	
IN THE MATTER OF	A claim by Bella Savage on behalf of the descendants of the Hineato Whānau (Wai 1789)

OPENING SUBMISSIONS ON BEHALF OF WAI 1789

DATED 4 NOVEMBER 2025

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. These opening submissions are made on behalf of the Wai 1789 claimant, Bella Savage ("the claimant"), a descendant of Hineato Merehana Savage, who brings this claim on behalf of the Savage whānau. The claimant has whakapapa connections to Te Whānau-a-Harāwaka of Te Whānau-a-Apanui and Ngāi Tamahaua of Te Whakatōhea.

2. The Wai 1789 claim was originally filed in the North-Eastern Bay of Plenty Inquiry on 14 August 2008. The most recent amended statement of claim was filed on 23 January 2024, setting out in more detail the breaches of Te Tiriti o Waitangi ("Te Tiriti") as they relate to the claimant's hapū and whānau interests.

3. On 17 October 2025, the claimant filed her Brief of Evidence, detailing the experiences of her whānau and hapū across generations, and the lasting impact of the Crown's actions, omissions, legislations, courts and Crown agencies on their land, identity, and wellbeing.[1]

4. Her evidence will show how the loss of whenua and the disruption of customary authority have continued to affect the economic, cultural, and social wellbeing of Te Whānau-a-Harāwaka, Ngāi Tamahaua, and the Savage whānau today.

Jurisdictional Matters

5. The Wai 1789 claim includes matters relating to Te Whānau-a-Harāwaka's interests in the Tunapahore block, which lies immediately adjacent to the Tōrere block at the north-eastern boundary of the Inquiry district. The Tunapahore block is mentioned in both the Wai 1789 amended statement of claim and the Wai 78 Ngāi Tai statement of claim.

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[1] Wai 1750, E039.

6. The claimant's position, consistent with the memorandum of 11 April 2025, is that the Tribunal currently retains full jurisdiction under section 6 of the Treaty of Waitangi Act 1975 to inquire into and receive evidence concerning Te Whānau-a-Harāwaka and the Tunapahore block, until such time as any Te Whānau-a-Apanui settlement legislation is enacted and added to Schedule 3 of the Act.[2]

7. The Crown has confirmed that there is presently no jurisdictional bar on the Tribunal's power to inquire into the Wai 1789 claim or the claimant's Te Whānau-a-Apanui whakapapa interests. The Te Whānau-a-Apanui Deed of Settlement provides that jurisdiction would only be removed once legislation is enacted.[3]

8. Once that legislation is enacted, the Tribunal's ability to make findings or recommendations on Te Whānau-a-Apanui-based historical claims will be prevented. However, it would still be open to the claimant to take part as an interested party in the Inquiry[4], particularly to give evidence on the overlapping interests with Ngāi Tai, whose claim also extends into the Tunapahore area.

9. At the Judicial Conference held on 31 October 2025, Judge Doogan raised the possibility of extending the Inquiry boundary to include the Tunapahore block. At this stage, no formal direction or decision on that issue has been released, but the claimant would be supportive of such an approach.

The Savage Whānau and Whakapapa

10. The claimant's tūpuna, Hairama Haweti (Savage) and Hineato Merehana Savage, are ancestors of Te Whānau-a-Harāwaka. Through these lines, the claimant connects to both Te Whānau-a-Apanui and Te Whakatōhea.

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[2] Wai 1750, 3.2.149
[3] Wai 1750, 3.2.152
[4] Wai 1750, #3.2.152 at 20.

11. Her tūpuna Taina Valentine Savage, born 1842, was the elder brother of Hairama. Taina became a respected rangatira, trader, and boatbuilder. Taina and Hairama represented Te Whānau-a-Harāwaka before the Native Land Court, Native Appellate Court, and Royal Commission of Inquiry into the Tunapahore block; continually contesting against others claiming interests in the Tunapahore land block.

12. The Savage whānau whakapapa to a number of blocks within the Inquiry district, including Ōpape, Whakapaupakihi, Takaputahi, Ōpōtiki Township, Kapuarangi, and Waioeka 305B. They also maintain whakapapa connections to the whole of the Tunapahore block.

Te Whānau-a-Harāwaka and Tunapahore

13. Te Whānau-a-Harāwaka have strong whakapapa to the entire Tunapahore land block. Tunapahore was occupied continuously for generations, with established pā, cultivations, and urupā that affirmed the hapū's ahi kā and mana whenua.

14. The claimant's evidence will speak to the long history of disputes over the Tunapahore lands that began once the Native land court process started in the late nineteenth century. Over time, a series of hearings, appeals, commissions, and public-works takings followed. Each step chipped away at the collective authority of Te Whānau-a-Harāwaka and fragmented their ownership of the land.

15. These processes left Te Whānau-a-Harāwaka without an adequate land base and undermined their ability to sustain themselves on their own whenua. The loss of Tunapahore land from collective ownership damaged whānau ties, displaced generations, and weakened their ability to exercise rangatiratanga and kaitiakitanga.

16. The claimant's evidence shows that these impacts remain deeply felt within their whānau today, and continue to shape their connection to their whenua and identity today.

Ngāi Tamahaua

17. The claimant also acknowledges her whakapapa connections to Te Whakatōhea through Ngāi Tamahaua. Her evidence describes how, after the Crown's invasion of Ōpōtiki in 1865 following the death of Reverend Völkner, Ngāi Tamahaua and the other Whakatōhea hapū were attacked and their lands confiscated. Their pā, kāinga, and cultivations were destroyed, and their people were driven from their lands and forced to live on the poor and unproductive reserves at Ōpape.

18. The claimant's evidence speaks of how those events fractured whakapapa connections and left deep mamae within her whānau, which continue to be felt today. She supports the principal Ngāi Tamahaua claim (Wai 1781) and those advancing it on behalf of the hapū and leaves the detailed advancement of those issues to them.

Treaty Principles and Duties

Active Protection

19. The Crown has a *duty to actively protect* the claimant, the Savage whānau, and their hapū in the use and enjoyment of their lands, waters, resources, and taonga. This includes ensuring that Māori retain sufficient land and resources for their wellbeing and receive effective government support to develop them.

Partnership

20. The *principle of partnership* requires the Crown to act "with the utmost good faith, fairly, reasonably and honourably in the spirit of cooperation" with Māori as tangata whenua. The claimant alleges that the Crown failed to meet this obligation by imposing laws and processes that alienated Māori lands and disregarded hapū authority.

Tino Rangatiratanga

21. Te Tiriti guaranteed Māori full, exclusive, and undisturbed possession and control of their whenua and taonga. The claimant submits that the Crown, through legislation, policy, and land court processes ignored and trampled over the tino rangatiratanga of Te Whānau-a-Harāwaka and Ngāi Tamahaua, replacing it with Crown control, laws and policies.

Duty to Ensure Equity and Development

22. The Crown has a duty to support Māori in the utilisation and development of their resources to secure social and economic wellbeing. The claimant submits the Crown has instead, implemented laws that have worked to prevent Māori from properly developing or retaining their lands, leading to systemic inequality and economic loss.

Prejudice

23. The claimant's evidence talks about the lasting prejudice suffered by her whānau and hapū because of the Crown. For Te Whānau-a-Harāwaka, the loss of land at Tunapahore came through the Crown's courts and systems. The Native land court, the rehearings, commissions, private sales and later the public works takings all led to a loss of land and pitted Māori against each other. Over time, people with no whakapapa were added to the titles, and Te Whānau-a-Harāwaka were pushed further out. What has been left is scattered and small, and the hapū were left without a secure land base, making it difficult to exercise their tino rangatiratanga and mana motuhake.

24. For Ngāi Tamahaua, the loss was more direct. It started with the Crown's invasion of Ōpōtiki where their pā and cultivations were destroyed, and the land was confiscated. People were forced to live on the poor and unproductive reserves at Ōpape. Court processes, public works, and private broke up what was left into small titles that were easily sold or taken.

25. For both hapū, the loss of whenua meant losing the link to whakapapa, reo, and tikanga. It broke up whānau, weakened the passing down of knowledge,

and disconnected people from the places that gave them identity and belonging. The claimant's evidence shows how those same impacts are still felt today.

26. Despite the history and the challenges that followed, the claimant and her whānau are focused on building back what they can and holding on to what remains. By giving this evidence, the claimant is helping to keep those stories alive. The Savage whānau continue to acknowledge their reo and tikanga, making sure their tamariki and mokopuna know where they come from. For them, it's about building forward and securing something stronger for the generations to come.

Dated this 4 November 2025 at Tāmaki Makaurau



David Stone **Catherine Leauga** **Matthew Kennelly**

Counsel for the claimants

To: The Registrar, Waitangi Tribunal; Crown Law Office; those on the notification list for the Wai 1750 North Eastern Bay of Plenty Inquiry