

BEFORE THE WAITANGI TRIBUNAL
I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

WAI 3555
WAI 995

UNDER *The Treaty of Waitangi Act 1975*

AND

IN THE MATTER OF the Waipaoa Remedies Inquiry

AND

IN THE MATTER OF of claims therein by **ANTHONY TONY TAPP and by HOKIMATEMAI KAHUKIWA** for and on behalf of Te Rangiwhakataetaea, Wi Haronga, and Ngati Matepu of which they are descendent members

the Wai 995 Claimants

Memorandum of counsel for the Wai 995 Claimants on the inclusion of
Mangataikapua in the Waipaoa Remedies Inquiry

Dated 12 December 2025



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Waitangi Tribunal

12 Dec 2025

Ministry of Justice
WELLINGTON

May it please the Tribunal,

1. At the 18 September 2025 Judicial Conference, the Wai 995 Claimants raised the possibility of including Mangataikapua within the geographical boundaries of the Waipaoa Remedies Inquiry (Wai 3555, “The Inquiry”).
2. As per the Memorandum Directions of Judge Milroy on 20 November 2025 following this Judicial Conference, submissions on the inclusion of Mangataikapua from counsel have been directed for by 12 December 2025.¹
3. Counsel for Wai 995 wishes to confirm the claimants’ instructions to propose the inclusion of the whenua of Mangataikapua within Wai 3555 and make the following submissions in support of this proposal.
4. It is noted that, supplementary to these submissions, the Fourth Amended Statement of Claim for Wai 995 (amended 12 December 2025) now pleads Mangataikapua as a claim under s6(1) of the *Treaty of Waitangi Act 1975* which procedurally, we submit, places it within the geographical scope of this Inquiry for this claim to be determined by this Tribunal as well-founded.

Submissions on the inclusion of Mangataikapua

5. It is submitted that the demarcation of whenua by the Native Land Court into particular ‘blocks’ served the function of parcelling the land for subsequent individualisation and alienation. The imposed boundaries and separation of these blocks are arbitrary under tikanga, if not completely foreign to tikanga.

¹ Wai 3555, #2.5.15

6. In addressing the geographical issues of this Inquiry, Mangataikapua refers to a designated land block (of 7,090 acres) that is proximate to Waipaoa (as well as to Mangaorongo and to the Mangatu), if not part of it seeing such land wholistically. It does not contain Crown forest licenced land but is adjacent to the Waipaoa CFL lands subject to this Inquiry. As shown on the map of Waipaoa 1 and 2 in relation to CFL and the Inquiry district², the western boundary of Mangataikapua is shared with Mangatū No. 1 block and its northern boundary is shared with the Waipāoa No. 2 block.
7. The Mangataikapua and Waipaoa and Mangaorongo blocks were demarcated for the purposes of determining Native Land Court decisions as to the ownership of specific lands between hapu across Turanga. These demarcations and block descriptions are otherwise irrelevant to tikanga of hapu in this Inquiry, particularly the mana, take ki te whenua, and rangatiratanga of Ngati Matepu hapu.
8. Mangataikapua was formally heard for title investigation before Judge Rogan at the Turanganui Court in March 1875, with evidence given by Rangatira known to this Inquiry, being Wiremu Haronga (son of Rangiwhakataetaea and rangatira of Ngati Matepu), Paora Haupa and Hone Kewa.³
9. Preliminary research by counsel, as referred to in the Fourth Amendments to the Statement of Claim, details a further process of Crown interference in the dispossession of this whenua from hapu rangatiratanga via unlawful pressure, duress, and undue influence, in

² Wai 3555, #3.1.10(a)

³ Gisborne MB No. 09, pages 7-9. Further partition hearings were heard on 20 November 1876, 3 July 1877, 4 May 1882, 11 September 1883. A trustees hearing was also held on 22 June 1876.

ultimate violation of the rights guaranteed to hapu in Te Tiriti o Waitangi.⁴

10. No tikanga explanation can otherwise answer for the loss of Ngati Matepu's whenua at Mangataikapua following the Native Land Court decisions, as well as at Waipaoa and Mangaorongo. Mirroring the history of Waipaoa, counsel intend to provide evidence and submissions on how Ngati Matepu were deprived of their lands at Mangataikapua (and Waipaoa and Mangaorongo) against their will, suffering the prejudicial and intergenerational consequences of this land loss ever since.
11. With all this in mind, it is impossible to carry out an inquiry into take ki te whenua for Waipaoa without understanding the whenua in relation to its surrounding landscape, or the whenua as the sum of all its parts. To adopt a narrow geographical scope would effectively blind this Tribunal from its ability to map and understand the history of land alienation across this whenua, by prescribing to arbitrary demarcations that were central to the Crown's very process of alienation.
12. This Tribunal has already commented on the importance of ensuring "all relevant contextual information is researched and reviewed regarding customary interests and land alienation in the Waipāoa blocks, and that there will be a need to take into account the wider context of these processes in the broader geographical area."⁵ Submissions were made in similar vein for the inclusion of Mangaorongo⁶, which was not opposed by Crown Law and was further accepted by the Waitangi Tribunal. Counsel for 995 states that these

⁴ Notably: Ko te tuarua "Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangatira, ki nga Hapu, ki nga Tangata katoa o Nu Tirani, te Tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa."

⁵ *Estate of Eric John Tupai Ruru v Attorney-General CA149/2023* [2025] NZCA 597

⁶ Wai 3555, #3.1.32 at para 3.

broad submissions for Mangaorongo can be further adopted in the case of Mangataikapua.

Responding to the Court of Appeal's recent decision on Mangatu:

13. It is noted that the recent Court of Appeal decision for the judicial review of the second Mangatu Remedies Report, published after the latest Memorandum-Directions of this Tribunal may have implications for the scope of this Inquiry regarding the intersections of Section 6 and Section 8HB of the *Treaty of Waitangi Act 1975*.⁷ This is subject to further appeal before the Supreme Court, the final outcome of which will offer critical guidance for the determination of resumption inquiries moving forward.
14. Regardless, for the purposes of these submissions on Mangataikapua, it is submitted that this recent decision (favouring a narrower interpretation of a Te Tiriti breach by a nexus to the CFL land) should not hinder the inclusion of Mangataikapua in the geographical boundaries of this Inquiry. The proximity of Mangataikapua to Waipaoa, as blocks 'demarcated' only for the purposes of Native Land Court parcelling, favours Mangataikapua's inclusion in providing necessary context and korero to the history of Waipaoa for these hapu.
15. Understanding and mapping the history of land alienation in the Waipaoa rohe, as it seeps into and covers the historical alienation and Crown acquisition of whenua in Mangataikapua, is central to understanding the violation of Te Tiriti o Waitangi and prejudice suffered by hapu, the hara that the Crown forest industry in this region has been built upon. With this information before it for adjudication, the Tribunal can then make robust findings as to whether claims from

⁷ Wai 3555, #2.5.5 at [39].

hapu, pleading loss of rangatiratanga over Mangataikapua, are well-founded for the effective purposes of section 8HB resumption.

Dated 12 December 2025

Handwritten signatures of J P Kahukiwa and G Brayne in black ink.

J P Kahukiwa/G Brayne counsel for the Wai 995 Claimants