

IN THE WAITANGI TRIBUNAL  
PORIRUA KI MANAWATŪ DISTRICT INQUIRY

WAI 2200  
WAI 113C

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

the Porirua ki Manawatū District Inquiry  
(Wai 2200)

AND

a claim by Stephanie Turner as a descendant of  
the whānau of Te Rauparaha and as a  
descendant of Hapekituarangi (Ngāti Huia, Ngāti  
Kikopiri, hapū of Ngāti Raukawa) (WAI 113C)

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AMENDED STATEMENT OF CLAIM

Dated 19 July 2024

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Te Haa Legal

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Waitangi Tribunal

**19 July 2024**

Ministry of Justice  
WELLINGTON

## MAY IT PLEASE THE TRIBUNAL

### INTRODUCTION

1. This Amended Statement of Claim is made on behalf of **Stephanie Turner** as a descendant of the whānau of Te Rauparaha and as a descendant of Hapekituarangi (Ngāti Huia, Ngāti Kikopiri, hapū of Ngāti Raukawa) (Wai 113C) (“the Claimants”).

### The Claimants

2. Stephanie Turner descends from Hapekituarangi and Te Akau through their daughter Pipi Kutia. Pipi Kutia was a wife of Te Rauparaha. Her mother, Te Akau, was Te Rauparaha’s senior wife.
3. Stephanie Turner is Pipi Kutia's great-great-granddaughter. Both Te Akau and Pipi Kutia were members of Te Rauparaha's household, his wives, and his whānau. Te Akau gave the name ‘Rangiuru’ to the Pā situated on the North side of the Ōtaki river. Their main places of residence were Rangiuru Pā, Ōtaki Pā, Kapiti Island and Taupo kainga (Plimmerton). Stephanie's great grandfather Hemi Warahi (Wallace) was raised by his mother Pipi Kutia and his uncle Katu Tamihana Te Rauparaha, a brother to Pipi Kutia.
4. Heeni Collins, who has assisted with the claim, is an independent writer/researcher, currently secretary of the Ngāti Kikopiri Māori Marae Committee Society Inc. She played a key role in the writing of an Oral and Traditional report for the hapū of Ngāti Kikopiri (Te Hono ki Raukawa). Heeni descends from Hapekitaurangi and Te Akau’s son Horohau, through his daughter Meretini. Horohau is a brother to Pipi Kutia, Pipi Ipurape and Tamihana Te Rauparaha. Heeni is secretary of the Meretini Te Akau and Thomas Uppadine Cook Whānau Trust, which represents Cook whānau members in relation to land at Te Awahou Foxton.

### The Claim

5. The Wai 113C claim is primarily concerned with Crown breaches of Te Tiriti o Waitangi that resulted in significant land loss for the whānau and descendants of the whānau of Te Rauparaha.
6. The Claimants are whānau affected by loss of land at Manawatu, Horowhenua, Rangitikei, Ohau, Ōtaki , Tararua, Kapiti, Plimmerton, Porirua and Te Whanganui a Tara. Their

traditional kainga at Ōtaki was Rangiuuru Pa. The claimants' whānau also had homes at Ōtaki Pā, Taupo Pā, Takupuwahia Pā, Ohau and on Kapiti Island and its offshore Islands.

7. Rangiuuru Pā sat within the Taumanuka block, which ran from Ōtaki River to the Waitohu River, north of the Ōtaki River estuary and river mouth, and included the area today known as Ōtaki Beach village.
8. Taumanuka and Rangiuuru Pā were significant to the Claimants' whānau as this was their primary home, the home of te whānau o Te Rauparaha, Te Akau, Kiriwera, Pipi Kutia, Pipi Ipurape, Horohau, Meretini Te Akau, Katu Tamihana Te Rauparaha, and Matene Te Whiwhi.
9. The conquest and settlement of Rangitikei, Manawatu, Horowhenua, Kapiti, Porirua, Wellington, and Hutt Valley was conceived, designed and implemented under the mana of Te Rauparaha. Te Rauparaha is identified as a Ngāti Toa Rangatira leader, it was his Ngāti Raukawa whakapapā and the alliances formed through his marriage to Te Akau, the claimants' whaea tupuna that enabled their manawhenua.

#### **Te Tiriti o Waitangi**

10. Under the Treaty of Waitangi / Te Tiriti o Waitangi, the Crown, *inter alia*:
  - (a) Confirmed and guaranteed to the Claimants tino rangatiratanga including the full, exclusive and undisturbed possession of their lands, estates, forests, fisheries, other properties, rivers, waterways and taonga;
  - (b) Promised to protect their rights guaranteed by the Treaty and perform their obligations arising out of the Treaty; and
  - (c) Extended to the claimants all the rights and privileges of British subjects.
11. Through both historic and contemporary legislative regimes (or lack thereof), the Crown has continued to neglect to adequately address the rights of the Claimants in the district.

## CROWN UNDERMINING OF THE TINO RANGATIRATANGA OF TE RAUPARAHA

### Allegation

12. The Claimants allege that the alienation of Taumanuka from Ngāti Raukawa hapū was a deliberate strategy of the Crown to diminish the mana and rangatiratanga of Te Rauparaha and Te Rangihaeata by reducing their strategic and economic base, undermine customary practices and assimilate their Ngāti Raukawa whānau and other tangata whenua into a European system of land ownership.

### Particulars

13. In 1840, Ngāti Raukawa held mana whenua and ahi ka over significant areas of land in the Inquiry District. These areas of land were apportioned to Ngāti Raukawa whānau and hapū by Te Rauparaha and whānau to ensure Ngāti Raukawa ahi ka was maintained, from Kukutauaki to Whangaehu.
14. The Taumanuka Block was exceptionally important to Ngāti Raukawa and accordingly a vitally important location for the claimants' tipuna as that was where Rangioru Pā was situated.
15. The importance of Taumanuka to Ngāti Raukawa is evident in that many Ngāti Raukawa hapū share rights and interest over this area, by tikanga or otherwise.

### Rangioru Pā

16. Rangioru Pā was central within Taumanuka. Taumanuka is an extensive area of land that stretches from the Ōtaki River to the Waitohu River right through Ōtaki beach village.
17. The importance of Rangioru Pā to the Claimants and Ngāti Raukawa hapū cannot be understated. It was a place of immense economic and strategic significance for all of Raukawa. It was a central home base for the rangatira of Raukawa, which included Te Rauparaha, Te Rangihaeata, Te Rangī Topeora, Te Akau, Horohau, Hape te Horohau, Matene Te Whiwhi, Pipi Kutia, Pipi Ipurape, Tamihana Te Rauparaha and many others.

18. Rangiuuru Pā was Te Rauparaha's safe place, his home, a place of protection, a place of wealth and prosperity, and a place of meeting and strategic discussion. It was strategically located in terms of its proximity to Kapiti and the growing trade opportunities. Resources in the surrounding area included flax, whales, tuna, whitebait, flounder, pipi and many others. It was a centre of political influence and gathering for Ngāti Raukawa discussion and decision-making.
19. Rangiuuru Pā was the place where Te Tiriti O Waitangi was signed by Ngāti Raukawa rangatira such as Aperehama Te Ruru (Ngāti Kikopiri), and it was the political hub for Ngāti Raukawa.
20. The Claimants allege that they have been prejudicially affected by the purposeful actions of the Crown to break down Te Rauparaha's home and his mana over the whenua across the district through his unlawful imprisonment, and by the deliberate maltreatment of Te Rauparaha by the Crown to undermine his rangatiratanga over these centrally located and significant Ngāti Raukawa Pā.

*Dismantling of Rangiuuru Pā and impact on surrounding land*

21. The purposeful dismantling of Rangiuuru Pā by agents of the Crown caused significant damage to the Claimants' whānau, hapū structures, systems, lifestyle and economic base. They could no longer maintain their economic base in and around the Pā.
22. The economic base centred both at Rangiuuru and Ōtaki Pā was valuable. These Pā were rich in resources. There were large productive gardens, the Rangiuuru Stream and the Mangapouri running through to massive wetland areas where fresh water food sources of birds, tuna, kakahi, koura and eel weirs were prolific and the close proximity to Ōtaki Coast supported access to large sources of kaimoana.
23. Early pakeha settlement impacted on the wetlands surrounding Rangiuuru Pā through the illegal grazing of settlers' cattle on the Taumanuka block which included Rangiuuru Pā and Pakakutu Pā. Te Rauparaha's mana was being undermined through the early settlers grazing land not in their ownership despite being requested to remove all cattle by Te Rauparaha. When settlers disregarded this, Te Rauparaha demanded every settler leave Ōtaki. This occurred shortly before his unlawful imprisonment.

24. The unlawful detention of Te Rauparaha is a grievance in itself and put coercive pressure on Ngāti Raukawa leaders to give extensive lands in Ōtaki to the Church Mission Society, through the agency of the Crown.
25. The purposeful disintegration of Rangiuru Pā saw the destruction of traditional hapū life, including maintaining the rights of ahi Ka, of manaakitanga, of mana motu hake over resources, of tikanga and kawa pertaining to place.
26. The Claimants' whānau were forced to move away from their traditional homes to a model English village – Ōtaki Village. This was promoted by Reverend Hadfield, who had kindly been given a home on the Taumanuka block by Te Rauparaha and a place to build a small church. Hadfield with Crown agents was instrumental in moving Raukawa off Taumanuka and Rangiuru while Te Rauparaha was being unlawfully held.

#### **LAND LOSS THROUGH UNFAIR IMPOSITION OF RATES AND OTHER CROWN ACTIONS**

##### **Allegation**

27. The Crown's unfair rating practices and action during the pre-emption period was a deliberate strategy to acquire control over land in Taumanuka and other blocks, which left the Claimants virtually landless.
28. The whānau of Te Rauparaha and Te Rangihaeta were specifically targeted by the Crown to undermine the rangatiratanga and mana of these chiefs to fulfil the Crown's land acquisition objectives.
29. The impacts on the descendants of these leading chiefs were catastrophic leaving no economic base, emotional trauma, grief and mental anguish at the loss of everything within two generations.

##### **Particulars**

##### Rating

30. In 1876, the Rating Act was introduced as one of several measures designed to improve the system of local government following the abolition of provincial government.<sup>1</sup>
31. Māori land at this stage was effectively exempt from rates, although Māori had no say when the Bill was debated, and the exemption was not explained.
32. The local boards did not approve of the exemption of Māori land from rating, and believed that all people and property which benefited from the construction of roads should contribute to their costs.
33. In 1882, county councils began suing Māori for rates under the section on lands 'which have been crown granted'.<sup>2</sup>
34. Māori land became rateable in 1882 as a result of the Rating Act 1882, and the Crown and Native Lands Rating Act 1882. Section 3 of the latter declared that all Māori land within borough boundaries became rateable.
35. With substantial exceptions, all other Māori land was declared rateable property under the Rating Act 1882.<sup>3</sup>
36. Notices of demand for rates from Māori were published in the *Gazette* rather than advising Māori land owners directly.<sup>4</sup>
37. If Māori owners did not pay the rates within three months, the colonial treasurer paid the rates (ss 9, 15).
38. If Māori owners did pay rates, they could have a person enrolled on the ratepayer's roll, who could thereby vote in local body elections.
39. Despite some of the earlier provisions protecting Māori land from rating liabilities, Māori were essentially being taxed for roads they had never asked to be built.
40. Māori were also liable to pay stamp duty on lands as they were alienated from them.

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<sup>1</sup> Waitangi Tribunal, *Maori and Rating Law*, Rangahaua Whanui National Theme, Tom Bennion, 1997, p 11

<sup>2</sup> Waitangi Tribunal, *Maori and Rating Law*, Rangahaua Whanui National Theme, Tom Bennion, 1997, p 13

<sup>3</sup> The exceptions were Maori land occupied by Europeans (section 6(14), Maori land within the counties of East Taupo, West Taupo, Kawhia, Sounds, Fiord, and Stewart Island (s6(3)); and Maori land more than five miles from any public road open for horse traffic (s6(15)).

<sup>4</sup> Waitangi Tribunal, *Maori and Rating Law*, Rangahaua Whanui National Theme, Tom Bennion, 1997, p 17

41. Rates were levied on land where Māori owners were widely scattered with no way of knowing about the rates that were accumulating on their property.
42. Despite the imposition of rates on Māori land, there was no Māori representation of local bodies.<sup>5</sup>
43. By 1910, all Māori freehold land was rated with few exceptions.<sup>6</sup>
44. The money received by the county councils from rates on Māori land was not spent on the provision of services for Māori.<sup>7</sup>
45. The balance in terms of ownership and improvements to land was firmly favoured towards Europeans.<sup>8</sup>
46. When Māori land rates were not paid and the councils sought to recover those rates, Māori were taken to the Magistrates Court.<sup>9</sup> The first record of Māori being taken to the Magistrates Court was in the 1930s.<sup>10</sup>
47. Unlike the Māori Land Court, the Magistrates Court did not have the means to check title details and were completely reliant on valuation rolls (which were not accurate) and other information accrued by the respective councils (which was unreliable.<sup>11</sup> This meant Māori could be penalised for the non-payment of rates on land that they did not necessarily have a title to.
48. The system of the Magistrates Court was also systematically flawed and when judgments were passed down, in many cases it could not be shown which land the judgments related to.<sup>12</sup>
49. Māori land was rated regardless of whether it was or would become revenue producing.<sup>13</sup>

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<sup>5</sup> Waitangi Tribunal, *Maori and Rating Law*, Rangahaua Whanui National Theme, Tom Bennion, 1997, p 18

<sup>6</sup> Wai 2200, #A193, p 835

<sup>7</sup> Wai 2200, #A193, p 836

<sup>8</sup> Wai 2200, #A193, p 837

<sup>9</sup> Wai 2200, #A193, p 838

<sup>10</sup> Wai 2200, #A193, p 839

<sup>11</sup> Wai 2200, #A193, p 838

<sup>12</sup> Wai 2200, #A193, p 838

<sup>13</sup> Wai 2200, #A193, p 840

50. In Ōtaki, the Ōtaki Borough Council refused to exempt land that was not revenue producing from rates, and pushed for that land to be sold.<sup>14</sup> Māori responded to this by refusing to pay.
51. In the mid-twentieth century, the councils were asked that certain Māori land be exempt from rates due to 'indignant' circumstances (i.e. the inability to pay the rates), but these exceptions were rarely made.<sup>15</sup>
52. There is still Māori land in the Manawatu, Kapiti and Horowhenua districts that remains non-revenue producing, but still subject to rates.<sup>16</sup>

Loss of land due to rating policies

30. The purposeful hiking of rates by Ōtaki Local Council officials impacted the ability of many Ngāti Raukawa hapū to retain their interests in Taumanuka.
31. The placing of Horohau's Pou demonstrates the authority by the claimant's tupuna rangatira in dividing and apportioning the land to Raukawa hapū. Horohau was brother of the claimant's whaea tupuna Pipi Kutia.
32. The Claimants had interests in the following land blocks through their tipuna and hapū who resided on the blocks for a number of years. The land blocks relevant to the Claimants whānau, hapū and iwi that were sold due to Crown actions in the pre-emption period between 1840-1865 and then compounded by the actions of private purchasers after 1865 include, but are not limited to:
  - a) Ngakaroro;
  - b) Ngawhakangutu;
  - c) Wairarapa (6,288 acres);
  - d) Waiohanga no 4 (10,050 acres);

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<sup>14</sup> Wai 2200, #A193, p 841

<sup>15</sup> Wai 2200, #A193, p 844

<sup>16</sup> Wai 2200, #A193, p 857

- e) Pahiko-Ngakaroro Wakarangirangi;
  - f) Horowhenua;
  - g) Taumanuka (Ōtaki beach);
  - h) Kapiti Island - Kaiwharawhara & Rangatira Point;
  - i) Tahoramaurea – Island off Kapiti;
  - j) Tokomapuna – Island off Kapiti;
  - k) Motungarara – Island off Kapiti;
  - l) Kaingapihi – coastal home at Ōhau;
  - m) Waiwiri kainga – Ōhau;
  - n) Waiwiri stream – Ōhau;
  - o) Tararua Block – maunga;
  - p) Taupo pa, Plimmerton;
  - q) Hurihangataitoko no 2 and 3 blocks, near Rangiuuru pa;
  - r) Pahianui no 7 block, north of Ōtaki river (3 acres); and
  - s) Sections 85 and 87, Ōtaki township
33. The Crown’s failure to protect Ngāti Raukawa’s landbase has robbed the Claimants, their whānau, hapū and iwi of the numerous opportunities to develop and economically profit from the land, which has consequently led to arguably poorer socio-economic outcomes.

*Loss of Wairarapa and Waihoanga 4*

34. By the end of 1878 all but 50 of the 1930 acres originally reserved from the Crown purchases of Wairarapa and Waihoanga 4 had been sold to the Crown or private purchasers. The remaining 50 acres, owned by James Wallace (Hemi Warahi) the

claimant's great grandfather were sold to a private buyer in August 1887. The Claimant claims this private sale was through hardship and early death due the impacts of Crown actions on Hemi Warahi and his eight children.

35. The loss of the Wairarapa and Waihoanga 4 Reserves, which occupied flat land on either side of the of the Ōtaki River upstream from where the railway bridge now stands, was keenly felt by Ngāti Tuara (Te Akau's people) and Ngāti Kikopiri for generations. In the twentieth century, members of the two hapū embarked on a long and ultimately fruitless, campaign to retrieve some of the reserved land. In the course of their struggle the campaigners took their claim to the Native Land Court in 1915, 1923, and 1927, and the Native Appellate Court in 1928. Members of the hapū also petitioned Parliament in 1915 and 1945.<sup>17</sup>

*Crown failure to protect the environment*

36. The Crown failed to adequately protect the waterways with which the Claimants have customary association. These waterways include Waiwiri stream, and the Ōtaki, Ohau and Manawatu rivers. The Waiwiri stream is polluted by various sources, including the Levin Wastewater Treatment pond (the Pot), situated near the Waiwiri stream mouth.
37. The Ōtaki river has been affected by gravel extraction and change of character, affecting its use for customary purposes. The Ohau is affected by water-take and accessibility, and the Manawatu is affected by pollution from a range of sources upstream and down.
38. The Crown undermined the tino rangatiranga of Ngāti Raukawa through the passage of the Manawatu-Oroua River District Act 1923, vesting the control of the River in the Manawatu-Oroua River District Board.
39. Historic and ongoing failure to prevent pollution of waterways with the consequent decline in the numbers of native taonga species, in particular the mahinga kai which formed a major part of the diet of Ngāti Raukawa.

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<sup>17</sup> Husbands, P. 'Māori Aspirations, Crown Response and Reserves, 1840-2000', A Ngāti Raukawa Historical Issues report for Porirua ki Manawatū Inquiry, commissioned by CFRT, Nov 2018, Wai 2200 #A213, fn, p. 307.

40. The compulsory acquisition of wetlands, without compensation or consultation and the subsequent drainage of those wetlands, the effect of which was to cause a depletion of freshwater mahinga kai, particular tuna. In particular, the Crown's law and policies facilitated the draining of the wetlands at Poroutawhao.
41. In all respects the Crown failed to respect the spiritual, cultural and material importance of the waterways of significance to hapū and Iwi, to consult with them in relation to proposed changes to the waterways or to compensate them for the destruction of waterways and the loss of native species caused by this destruction.

Other results of Crown breaches

42. Ngā uri o Hapekituarangi and the whānau o Te Rauparaha also have rights north of the Waiwiri (Horowhenua 11 block). Heeni Te Rei succeeded to the interests of her father Matene Te Whiwhi. Heeni's mother was Pipi Ipurape, daughter of Hape & Kiriwera. This land was wrongfully granted to Muaupoko by the Native Land Court in 1873.
43. The Crown breached Te Tiriti in relation to local government approval of a housing development at the Kaingapipi block (south of Waiwiri stream) despite opposition from Ngāti Kikopiri. The proposed housing sub-division by Vincero Holdings, Muhunua Forest Park, will impact on our right to protect our customary interests in this land and coastline. There was insufficient consultation with the hapū of Ngāti Kikopiri, and the Claimants say that their hapū concerns were not adequately addressed.<sup>18</sup>
44. The current construction of the Manawatu bridge by the New Zealand Transport Agency and its contractors affects our historic and customary interests in the Whirokino block of land, south of the Manawatu river. The Awahou Conservation Area (20 hectares, currently owned by the Department of Conservation) is part of the former Whirokino block leased initially from Te Whatanui (Ngāti Pareraukawa) and then owned by TU Cook in trust for his children by Meretini Te Akau (Ngāti Kikopiri).<sup>19</sup> Issues of access, name and management need to be discussed.

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<sup>18</sup> Ngāti Kikopiri Maori Marae Komiti Society minutes, 9 Feb 2014; Winiata, W (supervisor), Te Momo, F. (ed), He Iti Na Motai, vol 1, 2019, Ngāti Kikopiri Oral History Report, Royal, Kuiti, Campbell & Collins (2017), pp. 293-4, p 324.

<sup>19</sup> Collins & Teira, Whirokino report, 2015, p. 14.

**RELIEF SOUGHT**

53. The Claimants seek the following relief in relation to the prejudice cause by the Crown's breaches of Te Tiriti o Waitangi:
- a) Findings that the Crown breached the principles of Te Tiriti as alleged in this Amended Statement of Claim;
  - b) Recommendations that the Crown makes a full, public and unreserved apology for those actions and omissions that are found to be in breach of Te Tiriti;
  - c) Recommendations that the Crown pays full and comprehensive compensation to the Claimants for the breaches of Te Tiriti;
  - d) Recommendations that the Crown returns all land it currently owns within the Claimants' traditional rohe;
  - e) A recommendation that the Crown formally acknowledges the Claimants' sovereign status; and
  - f) Any other findings that the Tribunal deems appropriate.

**DATED** this 19<sup>th</sup> day of July 2024



**Chris Beaumont**  
Counsel for the Claimants