

**KI MUA I TE ROOPŪ WHAKAMANA I TE
TIRITI O WAITANGI**

**WAI 898
WAI 1113**

MŌ TE TAKE O Te Ture Tiriti o Waitangi 1975
(kua whakawhitia)

ME

TE TAKE O Te Rohe Pōtae Inquiry District

ME

TE TAKE O Te kerēme nā **MANIHERA WATSON FORBES**
rāua ko **MERE GILMORE** mō te iwi me ngā hapū
o Ngāti Hikairo – Te Māori Mana Motuhake o Te
Rohe Pōtae me te Whatiwhatihoe Marae.

TĀPAETANGA O TE KERĒME O NGĀTI HIKAIRO

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A. TE KERĒME

1. This First Amended Statement of Claim is brought by Manihera Watson Forbes and Mere Gilmore and amends the Wai 1113 claim originally filed with the Waitangi Tribunal. The claim continues to be made by Manihera Watson Forbes and Mere Gilmore for and on behalf of themselves and Ngāti Hikairo, and for the benefit of the constituent hapū and marae of Ngāti Hikairo (herein referred to as “the Claimants”).
2. The Claimant community of Ngāti Hikairo covered by this claim, and their customary rohe are defined in Section B of this Amended Statement of Claim and broadly shown in “Map A” attached to this claim.
3. This claim may be known as the “*Te Kereme mo Ngāti Hikairo Mana Motuhake o Te Rohe Pōtae me te Whatiwhatihoe Marae*”.
4. The Waitangi Tribunal is requested pursuant to the provisions of The Treaty of Waitangi Act 1975 to inquire into this claim and to report on the causes of action and recommendations sought.
5. The Claimants claim that they 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 the principles of the Treaty of Waitangi.
6. The Claimants further allege that the Crown has failed to protect and uphold Te Māori Mana Motuhake o Te Ōhākī Tapu, of which Ngāti Hikairo is an iwi member. Ngāti Hikairo is one of the five Iwi of the Rohe Pōtae (described in the Rohe Pōtae Land Claim of 1886): Ngāti Hikairo, Ngāti Maniapoto, Ngāti

Raukawa, Ngāti Tūwharetoa, and Whanganui. For the avoidance of doubt, the Claimants do not purport to claim on behalf of the members of the Ngāti Maniapoto, Ngāti Raukawa, Ngāti Tuwharetoa, and Whanganui hapū and marae and this claim does not affect any claims that those groups may have in relation to Te Ōhākī Tapu.

7. The Claimants also claim that the Crown has failed to adequately ensure the members of Ngāti Hikairo retained sufficient tribal lands for their reasonably foreseeable present and future needs. The tribe was awarded around 55,972 acres within Te Rohe Pōtae District Inquiry, but has only managed to retain around 10,400 acres to today in individual ownership¹, most of which is not suitable or readily usable for the present and future needs of the iwi.
8. The bulk of the lands that are the subject of this claim are located outside the “Waikato Claim Area” as defined in the Waikato Raupatu Claims Settlement Act 1995. Only the lands within the “Non-Raupatu” claims within the Eastern part of the iwi rohe fall within the “*Waikato Claim Area*” and the claims relating to these lands are “Non-Raupatu” claims. The location of the lands within the “*Waikato Claim Area*” are shown in Map B. The approximate locations of the lands “returned” to Ngāti Hikairo are shown in Map C attached to this claim.
9. The Claimants allege specific breaches by the Crown of the Treaty of Waitangi, including its terms and principles, and Te Ōhākī Tapu (as described below). It is the Ngāti Hikairo contention that the Crown, through such breaches of the Treaty of Waitangi, and also Te Ōhākī Tapu, has caused, and continues to cause, prejudice to the tribal members of Te Rohe Pōtae including Ngāti Hikairo.

¹ Some land is held within trusts under Te Ture Whenua Māori Act 1993

B. NGĀTI HIKAIRO

He koutu whenua e kore e taea te parepare

He koutu tangata ka taea te parepare

*Kōtahi kei Kāwhia ko Whakatau anake*²

10. The customary group for whom this claim is made consist of “*nga uri whakatupu o Ngāti Hikairo.*” A key ancestor of the iwi is Rakataura III (Rakataura-a-Tokohei), a direct descendant, of Rakataura II (Rakamaomao), and in turn Rakataura I, the son of Whakatau.
11. Ngāti Hikairo can be best described as a border iwi, as it straddles a small buffer region between the larger Ngāti Maniapoto and Waikato iwi. Ngāti Hikairo is closely affiliated to both its larger neighbours.
12. The principal hapū of Ngāti Hikairo are:
 - i. Te Whānau Pani;
 - ii. Ngāti Te Uru;
 - iii. Ngā Uri-o-Te Makaho;
 - iv. Ngāti Horotakere;
 - v. Ngāti Puhiaue;
 - vi. Ngāti Wai;
 - vii. Te Matewai;
 - viii. Ngāti Parehinga;
 - ix. Ngāti Purapura;
 - x. Ngāti Pare;
 - xi. Ngāti Hineue;
 - xii. Ngāti Whatitiri;
 - xiii. Ngāti Rāhui;
 - xiv. Ngāti Te Mihinga;
 - xv. Ngāti Pōkaia;
 - xvi. Ngāti Te Rahopuwai;
 - xvii. Ngāti Ngāti;

²This whakatauki is ancient and refers to the immovable and resolute nature of Whakatau the father of Rakataura I, the tohunga of Tainui Waka. Ngāti Hikairo strongly associate with this whakatauki as it best describes our independence, character and perservance to defend our mana against all odds

- xviii. Te Whānau-o-Te Ake;
- xix. Ngāti Paretaikō;
- xx. Ngāti Waikaha;
- xxi. Ngāti Huritake; and
- xxii. Ngāti Taiuru.

13. The customary rohe of Ngāti Hikairo is all those lands encompassed by the following area:

From Kārewa (Gannet Island) to Raukumara then south east to Pukeatua, then Turangatapu wae, then to Tirohanga Kaipuke, Te Rua-a-Te Kōrari (Te Rua-a-kariri), then crosses the Kāwhia-Kauroa Road north of the Mangaora Inlet, follows the ranges to Kaiwhā, Takapau, to the source of the Mangahoanga Stream, continues further northeast to the middle reaches of Ōtūngāoko Stream, a tributary of Ōpārau River then north east to Tahuanui Peak, , then down the north east slopes to Harapepe, then to Mangarata on the western bank of the Waipā River, where it crosses to the mouth of the Manga-o-Tama Stream, then following the stream to beyond the locality known as Manga-o-tama, northeast of Pukerimu, heading northeast to Te Akeake and then Karange, north of Ōhaupō. Following the Ōhaupō Ridge south including the lakes to the immediate east, until just north west of Te Rahu, then south to Kaipaka on the Mangapiko Stream to down the Mangapiko Stream to Tūpāpakurua, then Tutupōrutu, then on to Wharekauhoka, then to the middle of the Mangapōuri Swamp, to Ngāwhakahane, to the mouth of the Mangapōuri as it connects with the Waipā River. Crossing the Waipā to Whatiwhatihoe where it follows the western bank of the Waipā, to Toroakapakapa, Kaipiha, to Te Arataura, then slightly northeast to form the southern boundary of the Mangauika Block, to Koukouterūrū, to Pūremu, to Te Ake-a-Hikapiro, then south west along the western boundary of the Te Kōpua, Waiwhakaata, and Te Kauri 1 Blocks, then meets State Highway 31, just east of Rauāmoa Road, then then heading to Kāwhia along the ridge marked by State Highway 31, until just east of the Kāwhia Harbour Road turn-off, then southwest to the Te Kauri Stream then follows the north bank to the Te Kauri Mouth, then to Tiritirimatangi and crosses the Kāwhia Harbour to the north point of Tānewhangō then directly to Paringatai and then to Te Puia and then back to Kārewa (Gannet Island).

14. The Ngāti Hikairo rohe, as described above, is broadly outlined at the attached map to this Amended Statement of Claim, marked “**MAP A**”. Ngāti Hikairo asserts customary interests in

all lands, waterways, wai and tupuna wai (waters and ancestral waters), puna wai (including groundwaters), forests, fisheries and other taonga within the Ngāti Hikairo rohe.

15. Some key landmarks within the Ngāti Hikairo rohe include:
- i. Kārewa Island
 - ii. Kāwhia Harbour
 - iii. Pirongia Maunga
 - iv. Pukehoua
 - v. Ōpārau and tributaries
 - vi. Waipā River and tributaries
 - vii. Manga-o-Tama Stream and tributaries
 - viii. Mangapiko Stream
 - ix. Mangauika Stream and tributaries
 - x. Mangakarā Stream and tributaries
 - xi. Mangawawa Stream and Tributaries
 - xii. Ngātaiparierua Stream and Tributaries
 - xiii. Lake Mangakāware
 - xiv. Lake Ngāroto
 - xv. Lake Parangi
 - xvi. Mangawhero Lagoon
 - xvii. Te Puia Springs, and
 - xviii. Tasman Sea coastline (including seabed) between Te Puia and Raukūmara.
16. Accordingly, Ngāti Hikairo asserts that Ngāti Hikairo hold customary interests, and has significant sites, on lands included in following blocks (this is not an exhaustive list of blocks):
- i. Rohe Pōtae
 - i. Kōpua-Pirongia-Kāwhia
 - ii. Pouewe Block
 - iii. Kāwhia
 - iv. Pirongia West
 - v. Motukōtuku
 - vi. Waihohonu
 - vii. Mangawhero
 - viii. Mangaora
 - ix. Kaipiha
 - x. Mangauika
 - xi. Karereatua
 - xii. Titoki
 - xiii. Poko-o-Riri
 - xiv. Kārewa Township
 - xv. Te Puru Township
 - xvi. Pirongia Parish
 - xvii. Manga-o-Tama

- xviii. Ngāroto Parish
- xix. Mangapiko Parish
- xx. Town of Pirongia West & East
- xxi. Kārewa Island
- xxii. Tainui-Kāwhia Incorporation
- xxiii. Motu Kaiwhai; and,
- xxiv. Ōpārau.

17. Ngāti Hikairo is aware that other hapū and/or iwi may hold, or assert, customary interests in some lands that are the subject of this claim and Ngāti Hikairo does not seek to deny any such interests of other groupings in the lands that are the subject of this Amended Statement of Claim.
18. Ngāti Hikairo has, since time immemorial, held, and continues to assert or hold, customary rights and interests in, and associations with its customary rohe. Such interests can practically be equated with the legal notion of ownership, although Ngāti Hikairo belongs to the land (including the moana) as much as it belongs to them.³
19. Ngāti Hikairo has held, since time immemorial, and continues to hold responsibilities as tangata whenua and/or kaitiaki for the management and maintenance of the well being, both physically and spiritually, of the iwi lands, harbours, coastline, lakes, springs, rivers, streams, tributaries, resources, and all flora and fauna.
20. The customary interests outlined in this Amended Statement of Claim do not exhaustively capture the entirety of Ngāti Hikairo *tino rangatiratanga*.

³This assertion derives from the ability to practice the traditional tikanga of continuing ancestral connection (take tupuna), continuing occupation & use (ahi kā) and continuing to practice ātete (the ability to resist and retain claim)

C. HISTORICAL BACKGROUND

(i) TE KĪNGITANGA

“Ka ora, ka mate a Ngāti Hikairo I raro I te Kīngitanga”⁴

21. Ngāti Hikairo members are steadfast supporters of the Kīngitanga. Ngāti Hikairo participation in the workings of the Kīngitanga has been integral to its operation from the beginning. The iwi has hosted Te Kīngi and sections of Waikato in their pā and kainga, such as at Te Whatiwhatihoe and in Kāwhia moana, at various times. The relationship is also founded upon close whakapapa interconnections between Ngāti Hikairo and Waikato.

(ii) RAUPATU AND CONFISCATION

22. Ngāti Hikairo suffered through the wars of the 1860s. The iwi was drawn into the wars and lost lives at a number of battles including Rangiriri, Pāterangi, Waiari, and Ōrākau. The iwi then also suffered from the confiscation of their lands.

23. The iwi was deemed to have been in “rebellion” and was included in a proclamation to that effect in 1879.

24. Following the confiscation, Ngāti Hikairo individuals were awarded some lands in Pirongia and other parts. The iwi also hosted refugees from the wars and made traditional tuku of land for their support.

(iii) TE ROHE PŌTAE RANGATIRATANGA – TE ŌHĀKĪ TAPU

25. Te Ōhākī Tapu was a series of agreements entered into between various chiefs of the Ngāti Maniapoto, Ngāti Raukawa, Ngāti Tuwharetoa, and Whanganui tribes and the Crown during 1882 and 1883. Ngāti Hikairo considers that these agreements together form a compact. Around late 1883, Ngāti Hikairo joined

⁴To be supported by tangata whenua evidence

the iwi in support of this compact - Te Ōhākī Tapu. From that time onwards, Ngāti Hikairo rangatira were involved with discussions and negotiations in relation to Te Ōhākī Tapu. As a consequence of Ngāti Hikairo joining with the other iwi of Te Rohe Pōtae the northern boundary of the region was extended to cover the iwi's customary land interests.

26. Accordingly, Te Ōhākī Tapu included the iwi of Ngāti Hikairo, Ngāti Maniapoto, Ngāti Raukawa, Ngāti Tuwharetoa, and Whanganui and the Crown and covered the region known as Te Rohe Pōtae.
27. Ngāti Hikairo considers that some of the key elements of Te Ōhākī Tapu are that in return for Te Rohe Pōtae iwi allowing the railway through Te Rohe Pōtae the Crown would agree that the Native Land Court would only determine an external boundary, that Te Rohe Pōtae iwi would control the land within, that the Crown would not apply rates, and that liquor would not be permitted within Te Rohe Pōtae.
28. Ngāti Hikairo rangatira were parties to the 1886 Native Land Court application "Aotea ki Taupo ki Whanganui ki Paraninihi" that became the Aotea - Rohe Pōtae block.

(iv) WHATIWHATIHOE- THE SACRED MARAE OF KING TĀWHIAO

*Tērā ngā tai e āki ki te rae o Mangauika rā
He tohu aitua nō te tau kua riro
Me ko wai te atua nāna i kāwhaki Hīhī ki te mate e iri noa
mai rā
I runga te whatarangi? ⁵*

⁵The first verse of a traditional mōteatea of Ngāti Hikairo composed for Hīhi of Te Whānau Pani & Ngāti Purapura who lived at Mangauika and Whatiwhatihoē. Hīhi's father Whakamarurangi, son of Hikairo and ancestor of Te Whānau Pani, held mana over Mangauika and Pirongia. He was known as Whakamarurangi-ki-Mangauika, and another son was known as Te Au Mārō-ki-Mangauika.

29. Te Rohe Pōtae included the marae Whatiwhatihoe at Pirongia. The Whatiwhatihoe marae is of great significance to Ngāti Hikairo and became the seat of Kīngi Tāwhiao. Tāwhiao was invited by Hone Te One to occupy Ngāti Hikairo lands at Whatiwhatihoe in 1871-72.
30. The marae Whatiwhatihoe was once the site of a thriving community of Ngāti Hikairo and remnants of the Waikato, who were displaced by military occupation of their lands in the Waikato. The marae has provided in the past, a spiritual and a wholesome life to the members of Ngāti Hikairo, and of hapū of other tribal groups.
31. The former Whatiwhatihoe marae area of King Tāwhiao, the political hub of the Kīngitanga for many years during a most turbulent time, now forms the major part of a dairy farm, is planted in maize, and is heavily subdivided. In contrast, at the site where the armed forces of the Crown built their redoubt, there is now a reserve and it is preserved as a national monument.
32. Ngāti Hikairo has held before and after 1840, and continues to hold, interests and rights within the Whatiwhatihoe marae area and still considers the area sacred and of enormous cultural historical significance.

D. NGA HARA O TE KARAUNA – CROWN TREATY BREACHES

(i) NGĀTI HIKAIRO HISTORICAL TREATY CLAIMS

33. The Claimants allege that they and Ngāti Hikairo have been and remain prejudicially affected by Ordinances, Acts, Regulations, policies, practices, acts and omissions of the Crown which were enacted, promulgated, formulated, undertaken, done or omitted to be done by the Crown in breach of the principles of the Treaty of Waitangi before 21 September 1992.
34. Without limiting the above, the Claimants further allege that in breach of the principles of the Treaty of Waitangi the Crown carried out, or is responsible for, the following acts and omissions before 21 September 1992:
- i. As a consequence of Crown acts or omissions Ngāti Hikairo has unjustly or unfairly lost lands from within their rohe;
 - ii. As a consequence of Crown acts or omissions Ngāti Hikairo has lost, or failed to have properly recognized or protected, their customary interests in their lands and their wāhi tapu, forests, fisheries, waterways, and other taonga;
 - iii. The Crown has failed to provide the same “Article 3” rights to Ngāti Hikairo as provided to Pākehā;
 - iv. The Crown has failed to adequately recognise or provide for the full autonomy and te Tino Rangatiratanga of Ngāti Hikairo (including in the claims and Treaty process itself);
 - v. The Crown has failed to adequately and properly respect the cultural world view of Ngāti Hikairo and also the

expectations of the iwi regarding engagement and participation in decision-making that impacts upon the iwi; and,

vi. The Crown has failed to recognise and provide for Ngāti Hikairo as a separate iwi in itself.

35. The Claimants reserve the right to further particularise the above Historical Treaty Claims at paragraphs 33 and 34 and amend them as required.

36. Without limiting the above claims, the Claimants make the following further and more particular claims:

(ii) ADOPTION OF OTHER CLAIMS

37. The Claimants adopt and support the following specific Ngāti Hikairo claims filed in Te Rohe Pōtae Inquiry:

i. The claim by Phillipa Barton for herself and on behalf of her whānau;

ii. The claim by Hinga Whiu for herself and on behalf of the Tai Hauauru Whānau Trust;

iii. The claim by Frank Thorne for himself and for the benefit of Ngāti Hikairo;

iv. The Wai 1112 claim by the Claimants.

38. The Claimants adopt and support the generic claims filed in Te Rohe Pōtae Inquiry.

(iii) UNDERMINING TRIBAL AUTHORITY

39. The Crown failed to uphold the agreement it made with Ngāti

Hikairo, and the other four iwi, in the series of negotiations recognised as Te Ōhākī Tapu, or the Rohe Pōtae Pact or the King Country Pact.

Particulars

- i. The Kīngitanga, supported by many iwi, established an aukati to protect the lands under the Kīngi. From about 1867, Kāwhia Moana was included within the aukati.⁶
- ii. The bulk, if not all, of the Ngāti Hikairo lands, remaining after the confiscation, was within the aukati and subject to its customary rules.⁷
- iii. In the 1870s and onwards, the Government was encouraging Ngāti Hikairo to take their lands outside the aukati boundary through the Native Land Court.⁸
- iv. By late 1883 Ngāti Hikairo had joined the iwi of Te Ōhākī Tapu and agreed to extend the external boundary of Te Rohe Pōtae to the north to cover the iwi's key lands (outside the confiscation district);⁹
- v. Again, in 1884 the Crown sought to persuade Ngāti Hikairo to bring Native Land Court applications in relation to their lands from Kāwhia moana through to Pirongia maunga.¹⁰

⁶ Marr, #A78, p67

⁷ Marr, #A78, p68

⁸ Marr, #A78, p315

⁹ Marr, #A78, pp 873, 958

¹⁰ Marr, #A78, pp 907, 939

- vi. The Crown did support the establishment of the Kāwhia Committee which allowed more practical control of their lands by the iwi.¹¹
- vii. Ngāti Hikairo however decided to work with the other iwi and bring a joint application. Ngāti Hikairo wanted to control their lands, not to sell them but to offer leases.¹²
- viii. In 1884 the Crown passed legislation that required all land transactions to be with the Crown and not private persons.¹³
- ix. Ngāti Hikairo rangatira attended the opening ceremonies for the railway.¹⁴
- x. Ngāti Hikairo rangatira were parties to the 1886 Native Land Court application “Aotea ki Taupo ki Whanganui ki Paranihi” that became the Aotea - Rohe Pōtae block. The finalised application included the Ngāti Hikairo lands in Kāwhia through to Pirongia (from the sea at Raukumara to Rawhiti, Hawaiki, Manuera, and to the confiscation line at Mangauika).¹⁵
- xi. By 1886 the Crown had failed to honour Te Ōhākī Tapu and allowed further Native Land Court applications within the boundary of Te Rohe Pōtae.¹⁶ Further, Ngāti Hikairo chiefs expected the Court would only assist with

¹¹ Marr, #A78, p1292

¹² Marr, #A78, pp 949-950, 1028

¹³ Marr, #A78, p1294

¹⁴ Marr, #A78, p1155

¹⁵ Marr, #A78, pp 949-950, 958, 1268-9; Husbands & Mitchell, #A79, p35

¹⁶ Marr, #A78, pp 1291, 1295

determining a boundary between Ngāti Hikairo and Ngāti Maniapoto rather than internal hapū boundaries.¹⁷

- xii. The iwi of Te Rohe Pōtae, including Ngāti Hikairo, wanted to adjudicate over their lands themselves and preferred their own “Kāwhia Native Committee” over the Native Land Court”.¹⁸
40. The Crown has failed to recognise Ngāti Hikairo as an independent iwi and has failed to protect te tino rangatiratanga and mana motuhake, including the rights of Ngāti Hikairo as a tribe of Te Rohe Pōtae and Te Ōhākī Tapu.

Particulars

- i. Ngāti Hikairo stands as an independent iwi grouping. The iwi has determined its own identity and membership in accordance with Ngāti Hikairo tikanga and traditions.¹⁹
- ii. Ngāti Hikairo acknowledges and treasures its close whakapapa connections with Ngāti Maniapoto and with Waikato.²⁰
- iii. Ngāti Hikairo continues to vigorously and consistently support the Kīngitanga.²¹
- iv. The Crown made an initial settlement of raupatu claims and passed the Waikato-Maniapoto Māori Claims Settlement Act 1946 which established the Tainui Māori Trust board for the benefit of “*all Māori Tribes in that district whose lands had been confiscated*”. The Crown

¹⁷ Berghan, #A60, p736-7

¹⁸ Boulton, #A67, p87; To be supported by tangata whenua evidence

¹⁹ To be supported by tangata whenua evidence

²⁰ To be supported by tangata whenua evidence

²¹ To be supported by tangata whenua evidence

agreed to make annual payments to the Board as part of the settlement.²²

- v. Ngāti Hikairo rangatira complained that the 1946 settlement of the confiscation losses of the tribes excluded Ngāti Hikairo.²³ Ngāti Hikairo rangatira made a petition against the settlement as it had not sufficiently recognised the specific claims (particularly of the hapū Ngāti Puhiaawe within the Ngāroto Parish).²⁴ Further, at the heart of the 1946 opposition to the Settlement, was the fact there would be no land returned. A Ngāti Hikairo kaumātua, who was part of the board and an advisor to King Koroki, vehemently opposed the deed, and coined the saying “*i riro whenua atu, me hoki whenua mai*”. Ngāti Hikairo still maintain and retain this stance.²⁵
- vi. From 1948 Ngāti Hikairo were included on the Tainui Māori Trust Board as part of the Hauauru region.²⁶ While this meant the iwi was recognised as recipients of the confiscation settlement and sat well with the iwi’s support of the Kīngitanga, it nevertheless undermined Ngāti Hikairo to some degree as the iwi was grouped within tribal districts of a Waikato iwi Board. This is ironic given that there were strong contests between Ngāti Hikairo, Ngāti Maniapoto, and Waikato before the Native Land Court in relation to tribal boundaries at Kāwhia and other places.²⁷

²² Sarich, #A29, p258

²³ Sarich, #A29, p271

²⁴ Sarich, #A29, p276

²⁵ To be supported by tangata whenua evidence

²⁶ Sarich, #A29, p258

²⁷ To be supported by tangata whenua evidence, see for example Ōtorohanga MB 3, pp.41-52

vii. Since the 1946 settlement, the Crown has recognised Ngāti Hikairo as a hapū within more than one iwi and Treaty settlement process.²⁸ This contrasts with Ngāti Hikairo being clearly perceived as one of the iwi of Te Ōhākī Tapu.

41. The Crown's Treaty Settlement process is flawed and ineffective, and disempowers the iwi.

Particulars

- i. The process of grievance resolution and settlement of Treaty claims is in itself a breach of Te Tiriti o Waitangi in that the operation of Ngāti Hikairo tikanga is constrained and subservient to Crown rules, law, and settlement policy.
- ii. Ngāti Hikairo's need to comply with the Crown rules and law in order to get a hearing before the Crown and a settlement regarding its Treaty claims is a breach of Te Tiriti o Waitangi and the relationships between its partners.
- iii. Ngāti Hikairo does not consider that the Crown's Treaty settlement process can ever assist the iwi to reach the position that the iwi seeks. This is because the Crown dictates the parameters and process to the negotiations and outcomes. As a consequence the outcomes of the Treaty Settlement process are pre-determined and constrained.²⁹
- iv. The Crown in determining settlements, perpetuates the unjust subjugation of Ngāti Hikairo tikanga under the

²⁸ Ngāti Hikairo is recorded as a hapū of other iwi within the Waikato Raupatu Claims Settlement Act 1995 and in the Terms of Negotiation between the Crown and Ngāti Maniapoto, dated 4 September 2008

²⁹ To be supported by tangata whenua evidence

authority of the Crown. This effectively renders Ngāti Hikairo tikanga irrelevant in the context of law and minimises the effectiveness of Ngāti Hikairo participation in the everyday operation of the business of government.³⁰

- v. As a consequence of the flaws in the process, Ngāti Hikairo considers that at best the iwi can look forward to some mitigation of the effects of colonisation rather than aspire to re-establish their true mana motuhake and tino rangatiratanga.³¹
- vi. Ngāti Hikairo seeks the restoration of the mana of our tikanga as law that sits alongside not under Crown law.
- vii. Ngāti Hikairo has experienced the impacts of previous Treaty settlements in 1946, 1995, and 2010 where the iwi has been recognised a hapū of its neighbouring iwi. Accordingly, Ngāti Hikairo has struggled to assert its tribal identity and the identity of its various hapū. In addition, the inclusion of Ngāti Hikairo as a member in the Tainui Māori Trust Board has removed many aspects of Ngāti Hikairo's tribal decision making and control over affairs and hapū and marae development.³²
- viii. The Treaty of Waitangi settlements in relation to Waikato have fed into longstanding and strong disputes over interests in Kāwhia.³³

³⁰ To be supported by tangata whenua evidence

³¹ To be supported by tangata whenua evidence

³² To be supported by tangata whenua evidence; The 1946 and 1995 Raupatu Settlements and the 2010 Waikato Awa settlements have subsumed Ngāti Hikairo under Waikato and Ngāti Maniapoto

³³ To be supported by tangata whenua evidence, see for example Ōtorohanga MB 3, pp.41-52

- ix. Ngāti Hikairo seeks constitutional reform of the Crown position on the issue of sovereignty to include, not subjugate, Ngāti Hikairo in governance arrangements (philosophy, systems and processes and decision making) consistent with a practical recognition of Ngāti Hikairo tikanga and rangatiratanga not accommodation of “tangata whenua values” within a dominating pākehā practice.³⁴

Iwi Classification - Statistics New Zealand

- 42. The Crown has failed to recognise Ngāti Hikairo as an iwi for the iwi classification section in the national census.

Particulars

- i. In the census, citizens of Māori descent are asked to identify the iwi to whom they whakapapa under the Iwi classification section.³⁵
- ii. Ngāti Hikairo has applied to the Crown to have “Ngāti Hikairo” listed as an option for iwi affiliation in the census form.³⁶
- iii. Ngāti Hikairo considers that it is a fundamental right of an indigenous group to self-determine their membership and describe themselves as a group.³⁷
- iv. Ngāti Hikairo has not been included as an independent iwi in the Iwi classification section.³⁸

³⁴ To be supported by tangata whenua evidence

³⁵ Pursuant to Section 4 of the Statistics Act 1975.

³⁶ To be supported by tangata whenua evidence

³⁷ To be supported by tangata whenua evidence

³⁸ To be supported by tangata whenua evidence

- v. Statistics New Zealand rejected Ngāti Hikairo's application for separate classification on the following grounds:³⁹
- Opposition from Waikato Raupatu Trustee Company Limited to Ngāti Hikairo's application;
 - "ongoing debate" about Ngāti Hikairo's "independent iwi status"; and
 - The application did not meet all of the Statistics New Zealand criteria for inclusion (undefined).
- vi. Ngāti Hikairo requested disclosure of all criteria for inclusion in Iwi Classification that Statistics New Zealand used to determine applications and details of those criteria which Ngāti Hikairo did and did not meet for inclusion in Iwi Classification;
- vii. Statistics New Zealand's response⁴⁰ held back information which would answer this request adequately.
- viii. Statistics New Zealand's criteria for iwi classification are unclear and subjective, appear to have been unilaterally developed and to be unilaterally subject to change.
- ix. Ngāti Hikairo has made a complaint in relation to the withholding of information by Statistics New Zealand to the Office of the Ombudsmen and this is currently under investigation.⁴¹
- x. The Claimants support the fundamental rights as set out in the United Nations Declaration on the Rights of

³⁹ Statistics New Zealand Letter dated 25 June 2009

⁴⁰ Statistics New Zealand Letter dated 5 July 2010

⁴¹ Office of the Ombudsmen letter dated 11 January 2011

Indigenous Peoples and the rights of indigenous peoples to determine their own identity or membership.⁴²

(iv) LOSS OF WHATIWHATIHOE MARAE

43. The Crown has failed to ensure Ngāti Hikairo retained sufficient lands within Whatiwhatihoe marae for their present and future needs.

Particulars

- i. The Whatiwhatihoe marae is an extremely important site for Ngāti Hikairo. It covers an extensive area which incorporates several kāinga, pā, and urupā. Included within are: Te Pae-o-Ruahinerua (Ruahine), Haowhenua, Patatūtahi, Taumata Kanohi, Toroakapakapa, Mangauika, and others.⁴³
- ii. The Ngāti Hikairo rangatira, Hone Te One, invited Kīngi Tāwhiao to occupy the lands at Whatiwhatihoe following the wars in 1871-72.⁴⁴ The Ngāti Hikairo rangatira, Pīkia, occupied Whatiwhatihoe and his whare was called Te Tokonganui-a-Noho.⁴⁵
- iii. The Whatiwhatihoe marae became the political base for Tāwhiao from about 1882, his whare there was called Whakararuru.⁴⁶
- iv. The Whatiwhatihoe marae covers about 600 acres on the arable flat lands along the Western banks of the Waipa and up to the Eastern slopes of Pirongia Maunga.⁴⁷

⁴² To be supported by tangata whenua evidence

⁴³ To be supported by tangata whenua evidence

⁴⁴ To be supported by tangata whenua evidence

⁴⁵ To be supported by tangata whenua evidence

⁴⁶ To be supported by tangata whenua evidence; Marr, #A178, p164

- v. Following the wars the Crown confiscated around half of Whatiwhatihoe marae. The confiscation line cut the marae in half.⁴⁸ Accordingly, the marae is contained within about 400 acres of the Mangauika block (partitions A, B1A1, B1A2, B1B1 and 2) and around 200 acres rests within Pirongia Parish lots 229 & 230 to the north of the confiscation line.⁴⁹
- vi. According to Hone Te One the survey line for the confiscation line and the Mangauika boundary went directly through the middle of Whatiwhatihoe.⁵⁰
- vii. The Crown put the tribal lands of the Whatiwhatihoe marae into individual title.⁵¹
- viii. The Whatiwhatihoe lands within the Confiscation District were awarded to Hone Te One within Lots 329 (about 200.3 acres) and 330 (about 96 acres) of the Pirongia Parish, both awarded under the New Zealand Settlements Act 1863 and the New Zealand Settlements Amendment and Continuance Act 1865. Both Lots did not have any restrictions against alienation and have been alienated.⁵²
- ix. Te Rautaramoa Mapi and Murikoraki Ani and two others were awarded 100 acres in Mangauika 2 at

⁴⁷ To be supported by tangata whenua evidence

⁴⁸ To be supported by tangata whenua evidence

⁴⁹ To be supported by tangata whenua evidence

⁵⁰ To be supported by tangata whenua evidence

⁵¹ O'Malley, #A22, p583; To be supported by tangata whenua evidence

⁵² To be supported by tangata whenua evidence; Innes, #A30, pp 55-6, 58-9

Whatiwhatihoe, this is in the south east corner of the Mangauika Block adjoining Kaipiha.⁵³

- x. The Whatiwhatihoe lands within the Mangauika Block were alienated as follows:⁵⁴

Block	Alienation	Area	Date
A	Crown purchase	1,901:0:13	14 March 1894
B1A1	Crown purchase, then sold to C. Fear	47:0:20	31 January 1908 and 25 July 1934
B1A2	Private Purchase to C. Fear	23:3:10	3 September 1923
B1B1	Private Purchase to C. Fear	1:2:37	5 November 1948
B1B2	Private Purchase by C. Fear	21:3:13	27 September 1918
2	Private Purchase by C Whitten	98:3:29	23 November 1918

- xi. The Crown created an environment where a few individual title holders were effectively able to alienate the tribal lands of Whatiwhatihoe to Europeans.⁵⁵
- xii. On 26 November 1894, following the sale of the shares and partition of the Crown interest as the Mangauika A Block, Hemopo Kewene wrote to the Crown seeking a lease to allow him and his whānau to continue to live in their home at Whatiwhatihoe. He stated that he and his whānau had lived at Whatiwhatihoe since well before the Mangauika Block was first adjudicated upon (prior to 1889).⁵⁶

44. The Crown has failed to protect the Whatiwhatihoe marae from desecration and/or damage.

⁵³ To be supported by tangata whenua evidence

⁵⁴ Berghan, #A60, pp 450-454

⁵⁵ To be supported by tangata whenua evidence

⁵⁶ Berghan, #A60, pp 451-452

Particulars

- i. The Whatiwhatihoe marae is an extremely important site for Ngāti Hikairo. It covers an extensive area which incorporates several kāinga, pā, and urupā. Included within are: Te Pae-o-Ruahinerua (Ruahine), Haowhenua, Patatūtahi, Taumata Kanohi, Toroakapakapa, Mangauika, and others. The Ngāti Hikairo rangatira, Hone Te One, invited Kīngi Tāwhiao to occupy the lands at Whatiwhatihoe following the wars in 1871-72.⁵⁷ The Ngāti Hikairo rangatira, Pīkia, occupied Whatiwhatihoe and his whare was called Te Tokonganui-a-Noho.⁵⁸

- ii. The Whatiwhatihoe marae became the political base for Tāwhiao from about 1882, his whare there was called Whakararuraru.⁵⁹ The Whatiwhatihoe marae covers about 600 acres on the arable flat lands along the Western banks of the Waipa and up to the Eastern slopes of Pirongia Maunga.⁶⁰ The Whatiwhatihoe lands have all been alienated.⁶¹

- i. The Crown has never sought to identify Te Whatiwhatihoe as a culturally important site.⁶²

- ii. There have been continuous and/or numerous but *largely unsuccessful* pleas from Ngāti Hikairo and the local marae, Pūrekireki, to:

⁵⁷ To be supported by tangata whenua evidence

⁵⁸ To be supported by tangata whenua evidence

⁵⁹ To be supported by tangata whenua evidence; Marr, #A178, p164

⁶⁰ To be supported by tangata whenua evidence

⁶¹ To be supported by tangata whenua evidence; Innes, #A30, pp 55-6, 58-9

⁶² To be supported by tangata whenua evidence

- improve the consultation process in relation to consents affecting Whatiwhatihoe;
 - amend and reconsider the zoning around Whatiwhatihoe to reflect its importance; and,
 - include the Whatiwhatihoe site in the Council's register of significant sites.
- iii. The current damage to Whatiwhatihoe is arising in the context that the local council has permitted uncontrolled urban-like subdivisions in this rural zone. The region has been the subject of an explosion of subdivision activity over the last decade.
45. The Crown has permitted, or has failed to stop, the taking of taonga and artefacts from Whatiwhatihoe marae.⁶³
46. The Crown has failed to adequately protect the urupā of Whatiwhatihoe from damage and desecration.

Particulars

- i. Two urupā at Whatiwhatihoe were set aside by the Native Land Court in about 1892.⁶⁴
- ii. The two urupā are traditional urupā of Ngāti Hikairo and were also used by the Kīngitanga while residing at the Pā from the 1870 to 1890s. They are both of cultural significance to Ngāti Hikairo.⁶⁵

⁶³ To be supported by tangata whenua evidence

⁶⁴ To be supported by tangata whenua evidence

⁶⁵ To be supported by tangata whenua evidence

- iii. Since the 1980s the urupā have been under the management of the Department of Conservation.⁶⁶
 - iv. The urupā are not fenced and have thus been continually subject to grazing and other farming activities.⁶⁷
 - v. An application was made to the Historic Places Trust for special protection, but nothing seems to have progressed since the application three years ago.⁶⁸
 - vi. There have also been requests to the Department of Conservation to return the urupā to Ngāti Hikairo as tangata whenua, but this has not yet brought about any positive result. There are complications in that the urupā fall within the right of first refusal zone for Waikato-Tainui.⁶⁹
47. The Crown failed to protect and provide for the continuing customary and legal access of the people of Ngāti Hikairo to two urupā burial areas adjacent to the Whatiwhatihoe marae area.

Particulars

- i. A number of important Ngāti Hikairo chiefs, tūpuna, and other persons are buried on Te Whatiwhatihoe.⁷⁰
- ii. In around 1892 two urupā were set aside from the Parish of Pirongia 329.⁷¹

⁶⁶ To be supported by tangata whenua evidence

⁶⁷ To be supported by tangata whenua evidence

⁶⁸ To be supported by tangata whenua evidence

⁶⁹ To be supported by tangata whenua evidence

⁷⁰ To be supported by tangata whenua evidence

⁷¹ To be supported by tangata whenua evidence

- iii. The urupā reserves remain Crown land today as reserves subject to the Reserves Act 1977.⁷²
- iv. Ngāti Hikairo seek access to and the return of these reserves.⁷³

(v) NATIVE LAND LEGISLATION AND NATIVE LAND COURT

48. The Crown, contrary to Māori custom and tikanga, and Ngāti Hikairo tino rangatiratanga, established the Native Land Court with the purpose of:⁷⁴
- i. facilitating the alienation of Māori land for settlement;
 - ii. commuting Māori customary title and rights into an individualized Pākehā fee simple title;
 - iii. promoting and facilitating the de-tribalisation of Māori; and
 - iv. promoting and facilitating the assimilation of Māori into Pākehā customs and practices.
49. The Crown established the Native Land Court without any proper consultation with or input from Māori, nor Ngāti Hikairo.⁷⁵
50. The Native Land Court sometimes heard cases involving, or confirming land purchases, well outside the rohe of the Ngāti Hikairo landowners.

⁷² To be supported by tangata whenua evidence; see NZ Gazettes 1893, p345; 1979, p2290; SO Plan 320A and SO 13215 both South Auckland Registry

⁷³ To be supported by tangata whenua evidence

⁷⁴ Williams, D., Te Kooti Tango Whenua, 1999, Huia publishers; Husbands & Mitchell, #A79, pp 11-14; To be supported by tangata whenua evidence

⁷⁵ To be supported by tangata whenua evidence

Particulars

- i. In relation to the Mangauika Block North Island Main Truck Loan Act purchases in 1894, these were brought before the Native Land Court in Rotorua.⁷⁶
 - ii. There were sales confirmed for the Pirongia Parish that were held in Auckland on 24 November 1902.⁷⁷
 - iii. Ngāti Hikairo believes that this practice of confirming purchases in Districts well outside the iwi rohe was to avoid detection and opposition from the iwi.⁷⁸
51. The Crown established a Native Land tenure system marked by the individualisation of communal tribal titles to the lands of Ngāti Hikairo.

Particulars

- i. Ngāti Hikairo lands were initially held under a communal customary title but were individualised through the Native Land Court. For example the numbers of Ngāti Hikairo names for some key blocks were as follows:⁷⁹

Block	Individual owners
Kāwhia	230
Pirongia West	194
Mangauika	110
Mangaora	139

- ii. The Kāwhia Block had 230 Ngāti Hikairo individuals but also had 66 persons from Waikato hapū (Ngāti Ngāhia

⁷⁶ To be supported by tangata whenua evidence

⁷⁷ To be supported by tangata whenua evidence; Kaipara MB 11, pp 86-87

⁷⁸ To be supported by tangata whenua evidence

⁷⁹ To be supported by tangata whenua evidence; Berghan, #A60

42, Ngāti Mahuta 22, and Ngāti Tapatupo 2), and 2 persons of Ngāti Apakura.⁸⁰

- iii. The Native Land Court conferred titles on individuals without any reference to the iwi – without any effective corporate management of the lands.⁸¹
- iv. The Native Land Court system undermined the customary authority that rangatira had over their people in relation to the allocation of lands.⁸²
- v. The iwi of Te Rohe Pōtae, including Ngāti Hikairo, wanted to adjudicate over their lands themselves and preferred their own “Kāwhia Native Committee” over the Native Land Court”.⁸³

52. The Crown established the Native Land Court, which fostered debt and various indirect costs, most often to be repaid in land, arising out of substantial court costs and associated direct and indirect costs such as interpreters and legal fees, food supplies, accommodation costs and time spent away from cultivations.

Particulars

- i. Ngāti Hikairo communities or individuals were forced to engage in the Native Land Court process or risk the maintenance of their ownership of their lands.⁸⁴
- ii. Ngāti Hikairo communities or individuals were forced to pay Court costs of up to £1 per day.⁸⁵

⁸⁰ Boulton, #A67, p426

⁸¹ Husbands & Mitchell, #A79, p528; Boulton, #A67, p445

⁸² Husbands & Mitchell, #A79, p528

⁸³ Boulton, #A67, p87; To be supported by tangata whenua evidence

⁸⁴ Husbands & Mitchell, #A79, p529

⁸⁵ Husbands & Mitchell, #A79, p529

- iii. The available sources show evidence of high costs of travel and accommodation and scarcity of provisions at the Court imposing burdens on groups attending and provoking complaints.⁸⁶
 - iv. In the case of the Pirongia West Block there were a number of partition hearings and re-hearings between 1888 and 1900 that in total lasted for around 83 days with a total cost of around £75.13s.⁸⁷
 - v. Husbands and Mitchell stated "*Partitions necessitated by the cutting out of interests acquired by the Crown incurred further fees for those amongst the owners who had chosen not to sell. Although there is no record of the non-sellers being levied for the so-called residual blocks created by the definition of the Crown's interest in Pirongia West 1C and 3A in May 1895, they were charged 20s for each of the four orders establishing what remained of blocks 1, 1C, 2 and 3B after the Crown had received its share in these blocks in March 1898*".⁸⁸
53. The Crown enacted Native Land Court legislation that required Ngāti Hikairo to pay, in money or land, all survey costs associated with customary title investigations or partitions.

Particulars

- i. The most substantial cost arising out of the Native Land Court process within Te Rohe Pōtae was the survey costs – these were unavoidable.⁸⁹

⁸⁶ Husbands & Mitchell, #A79, p530

⁸⁷ Husbands & Mitchell, #A79, pp 289-291

⁸⁸ Husbands & Mitchell, #A79, p291

⁸⁹ Husbands & Mitchell, #A79, p529

- ii. Native Land Court imposed survey liens that had the effect of a mortgage on the land in favour of the surveyor and interest was payable at five percent per annum.⁹⁰
- iii. Altogether, more than of £22,395 in survey charges was levied upon land within the boundaries of the Aotea-Rohe Pōtae block (including Wharepuhunga) between 1892 and 1907. Within the Te Rohe Pōtae Inquiry district as a whole (excluding extension areas) the sum total of survey charges levied by the Native Land Court prior to 1907 amounted to a minimum of £23,728.⁹¹
- iv. The Crown made no contribution to the payment of the survey costs, except in relation to liens over land purchased by the Crown or in writing off amounts of debts, and despite the public interest from surveys linked to the national triangulation system and arising out of land settlement.⁹²
- v. The Crown was not prepared to let Māori pay survey liens in “dribs and drabs”, but was quite willing to accept land in lieu payment in “*dribs and drabs*”.⁹³
- vi. The liens were usually paid by selling lands of the owners or the liens at least caused a pressure to sell lands. There was no possibility of Māori selling land on the open market to pay for survey costs. Instead they were obliged to alienate to the Crown at prices set by the Crown.⁹⁴

⁹⁰ Native Land Court Act 1886

⁹¹ Husbands & Mitchell, #A79, p529

⁹² Waitangi Tribunal, *Hauraki Report*, 2006, p780

⁹³ Hearn, #A73, p98

⁹⁴ To be supported by tangata whenua evidence; Husbands & Mitchell, #A79, pp 247, 529; Boulton, #A67, p428

- vii. As a whole, the various iwi of Te Rohe Pōtae lost around 91,000 acres as payment in lieu of survey costs.⁹⁵
- viii. The Native Land Court imposed survey liens on nearly all lands of Ngāti Hikairo that went through the Native Land Court. For example the Kāwhia block subdivisions and liens were as follows:⁹⁶

Block	Name	Area	Survey Lien £.s.d
Kāwhia A	Kōpare	196/0/07	11.7.4
Kāwhia B	Pohutu	32/0/16	1.17.3
Kāwhia C1	Paiaka	222/0/24	12.17.7
Kāwhia C2	Puketutu	62/0/32	3.12.1
Kāwhia C3	Pokopoko	81/3/10	4.14.11
Kāwhia C4	Motutara	181/0/00	10.9.10
Kāwhia D	Hiraumoko	144/1/27	8.7.5
Kāwhia E	Te Whetutakaora	146/0/15	8.9.4
Kāwhia F	Ngairo	2,396/0/00	138.18.0
Kāwhia G1	Murumurupārāwera	19/0/24	1.2.2
Kāwhia G2		50/1/06	2.18.4
Kāwhia H	[Tribal Reserve]	0/1/16	0.0.5
Kāwhia K	Te Puru	28/0/34	1.12.8
Kāwhia L	Omarutahi	56/1/19	3.5.4
Kāwhia M	PapaoKārewa	60/3/19	3.10.7
Kāwhia M1	Te Whauatemarama	35/2/16	2.1.3
Kāwhia N	Hauāuru	105/2/27	8.17.1
Kāwhia O	Paetonga	521/1/17	30.4.5
Kāwhia P	Motungaio	269/0/00	15.11.11
Kāwhia R	Rangiāhua	175/0/21	10.3.1
Kāwhia S	Paretao	72/0/32	4.3.8
Kāwhia T	Tōrea	210/1/03	12.3.9
Kāwhia U	Kaipāpaka	73/0/21	4.4.9
Kāwhia W	Mōkaikāinga	147/1/13	8.10.11

- ix. There were also further partitions of the Kāwhia Block: Kāwhia Y (Te Wharetekoteko), Kāwhia X (Taihoa), Kāwhia Z, and Kāwhia V (roadway).⁹⁷

⁹⁵ Husbands & Mitchell, #A79, p536

⁹⁶ Berghan, #A60, pp 252-253

⁹⁷ to be supported by tangata whenua evidence

- x. From 1897 to 1901 the Crown took at least 748 acres of land from Ngāti Hikairo in lieu of survey liens (there may be other lands):⁹⁸

Block	Liens including interest £	Price per acre	Approx Acres taken	Crown block
Kāwhia D2	12.12.3d	20s	13	D2A
Kāwhia M1s2	5.0.5d	28s	4	M1s2A
Kāwhia C1s2	17.15.1d	20s	18	C1s2A
Kāwhia C4	16.17.11d	20s	18	C4A
Kāwhia B2	5.11.5d	20s	6	B2A
Kāwhia E2	5.16.6d	20s	6	E2A
Kāwhia F	-	-	141	F1
Mangauika	38.1.3d	7s.6d	101	2B2A
Mangauika B2	-	-	10	-
Mangauika 1B2	-	-	126	-
Pirongia West 1	-	-	94	-
Pirongia West 1C2	-	-	4	-
Pirongia West 2	-	-	2	-
Pirongia West 3B	-	-	169	-
Pirongia West 3B2B	36.12.7d	20s	36	3B2B1

- xi. A new round of survey charging orders delivered by the Court in January 1902 for the partition of Pirongia West, meanwhile, brought the total cost for the survey of that block to £760 15s 5d, a very significant increase on the £151 10s 10d that had been initially charged by the Chief Surveyor.⁹⁹
- xii. The interest charges on the survey liens (5%) also accumulated. For example, in Pirongia West 1s2G interest charges of £8.4.7d saw the lien on the section increase 26 percent from £34.18.3d to £43.17.10d by the time the mortgage was finally paid. Similar high totals of accrued interest were incurred in sections 2D and 2H of the same block, as well as in sections 2A and 3B of Pirongia West 3B. These costs were spread around a

⁹⁸ Hearn, #A73, pp 98-99; Husbands & Mitchell, #A79, pp 352-357; Boulton, #A67, p431

⁹⁹ Husbands & Mitchell, #A79, p307

small number of owners (less than 8 persons per block).¹⁰⁰

- xiii. Examples of the increase of the survey liens as a consequence of the 5% interest charges in certain Ngāti Hikairo blocks are shown below:¹⁰¹

Block	Original Lien	Interest Accrued on Lien	Order	New Total	Percentage Increase
Pirongia West 1s2D	£8.19.8	£2.3.2	£0.5.0	£11.7.10	27
Pirongia West 1s2G	£34.18.3	£8.14.7	£0.5.0	£43.17.10	26
Pirongia West 1s2H	£16.4.0	£4.0.0	£0.5.0	£20.9.0	26
Pirongia West 3Bs2A	£20.19.11	£5.0.9	£0.5.0	£26.5.8	26
Pirongia West N3Bs2F	£23.13.0	£5.14.6	0.5.0+ 0.4.9 fees	£29.17.3	26

- xiv. Some examples of the acres taken by the Crown as a percentage of the remaining land to the non-sellers for certain Ngāti Hikairo blocks is set out below:¹⁰²

Block	Year	Acres left to nonsellers after Crown has cut out its interest	Acres taken by Crown to satisfy non-sellers share of lien	Acres taken by Crown to pay lien as a percentage of land left to non-sellers
Pirongia West 1	1898	4,418	93.75	2.1
Pirongia West 1C2	1898	185.5	4.0	2.2
Pirongia West 2	1898	80	2.0	2.5
Pirongia West 3B	1898	7,905	168.5	2.1
Mangauika B2	1901	436	10.0	2.3
Mangauika 1B2	1901	1,117.5	125.9	11.3
Kāwhia F	1901	1,626.5	140.5	8.6

¹⁰⁰ Husbands & Mitchell, #A79, p310

¹⁰¹ Husbands & Mitchell, #A79

¹⁰² Husbands & Mitchell, #A79

- xv. Some examples of the acres taken by the Crown upon application by the Chief Surveyor as a percentage of the block for certain Ngāti Hikairo blocks is set out below:¹⁰³

Block	Year	Acreage	Acreage Acres taken in lieu of lien	Acres taken in lieu of lien as a percentage of the block
Pirongia West 3B2B	1906	307	36.00	11.7
Kāwhia D2	1906	88	12.75	14.5
Kāwhia M1s2	1906	32	3.50	10.9
Kāwhia C1s2	1906	181	17.75	9.8
Kāwhia C4	1906	181	16.75	9.3
Kāwhia B2	1906	25	5.50	22.0
Kāwhia E2	1906	111	5.75	5.2
Kāwhia S	1907	72	3.00	4.2
Kāwhia U2	1907	18	4.25	23.6
Kāwhia U3	1907	18	4.25	23.6

54. The Crown failed to properly protect the interests of Ngāti Hikairo minors in their customary lands.

Particulars

- i. While there were various measures that were designed to protect the land interests of minors, some were progressively relaxed through legislative amendments in the 1890s and others were not applied in practice.¹⁰⁴
- ii. The protections provided by law were rendered virtually ineffective through the period of most aggressive Crown land purchasing up to 1900.¹⁰⁵
- iii. In the case of the Pirongia West deed, 38 of the 163 interests conveyed by were transferred to the Crown

¹⁰³ Husbands & Mitchell, #A79

¹⁰⁴ Husbands & Mitchell, #A79, p536

¹⁰⁵ Husbands & Mitchell, #A79, p536

between December 1894 and November 1897 by trustees acting on the behalf of minors.¹⁰⁶

- iv. Ngāti Hikairo understands that the sale of various minors' interests in the Pirongia West block was made to pay surveys liens on several of the Kāwhia Blocks. This was because the iwi feared that if they were not paid those Kāwhia blocks would be taken.¹⁰⁷
- v. Certain Ngāti Hikairo rangatira decided that the only way to protect the share of the minors in the Pirongia West block was to make an application on 21 July 1897 to terminate the trusteeship of certain trustees so that the minors' interests would not be sold.¹⁰⁸

55. The Crown has failed to ensure that all of Ngāti Hikairo's lands within Pirongia were included in the Pirongia West block and/or has failed to remedy an error in the survey of the Pirongia West block such that Ngāti Hikairo lost land.

Particulars

- i. On the 28 April 1911 Surveyor William James Cotton appeared in Court and confirmed that while surveying the Pirongia West northern boundary he made a mistake, and to his calculation had excluded 800 acres from the Pirongia West Block.¹⁰⁹
- ii. Ngāti Hikairo believes this error was never remedied.¹¹⁰

¹⁰⁶ Husbands & Mitchell, #A79, p419

¹⁰⁷ Husbands & Mitchell, #A79, p536; To be supported by tangata whenua evidence, see also 28 Otorohanga Minute Book 266-267

¹⁰⁸ To be supported by tangata whenua evidence, see also 28 Otorohanga Minute Book 261

¹⁰⁹ To be supported by tangata whenua evidence, see also 52 Otorohanga Minute Book 366-367

¹¹⁰ To be supported by tangata whenua evidence

(vi) NGĀTI HIKAIRO LANDLESSNESS

56. The Crown failed to prevent, rectify, or remedy the rapid alienation of Ngāti Hikairo lands so that the remaining land in iwi ownership is insufficient for the present and future needs of Ngāti Hikairo.

Particulars

- i. Ngāti Hikairo asserts customary interests within the lands set out in Map A attached to this claim and as set out in paragraphs 13-16 of this claim.¹¹¹

Land outside the Confiscation District

- ii. Ngāti Hikairo estimates that the iwi has lost about 80% of our land outside the confiscation district. The following is a very approximate estimate to give a general indication of land loss and does not cover those lands that were the subject of tuku with other iwi.¹¹²

Block	Area	Remaining land	Land Lost
Pouewe Block	44	0	44
Kāwhia	5,373	2,456	2917
Pirongia West	36,289	5,944	30345
Motukōtuku	198	0	198

¹¹¹ To be supported by tangata whenua evidence; Marr, #A78, pp 949-950, 958, 1268-9

¹¹² Based upon the report by Douglas *et al*, #A21; In relation to tuku whenua, Ngāti Hikairo traditions are that the Mangaora block was awarded to Ngāti Apakura in 1889 by the Native Land Court on the basis of a tuku from Ngāti Hikairo. In addition, Kaipiha was awarded to the Turner whānau of Ngāti Taramatau, a hapū of Ngāti Pou, based on a tuku from Ngāti Hikairo

Block	Area	Remaining land	Land Lost
Waihohonu	1,093	0 ¹¹³	1093
Mangawhero	26	0	26
Mangaora	799	797	2
Kaipiha	1,977	285	1692
Mangauika	5,473	847	4626
Kārewa Island	5	5	0
Totals	51,277	10,334	40,943

- iii. The iwi interests in lands outside the confiscation district, and the types of losses of those lands, are approximately 51,000 acres as follows (figures are in acres):¹¹⁴

Block	Area acres	Crown purchase	Private purchase	Europeanised	Remaining acres
Pouewe Block	44	0	44	0	0
Kāwhia	5,373	1,394	862	649	2,456
Pirongia West	36,289	26,081	3,670	594	5,944
Motukōtuku	198	0	128	65	0
Waihohonu	1,093	0	1,093	0 ¹¹⁵	0
Mangawhero	26	0	26	0	0
Mangaora	799	0	2	0	797
Kaipiha	1,977	0	1,375	317	285
Mangauika	5,473	3,938	588	100	847
Kārewa Island	5	0	0	0	5

¹¹³ There may well have been “Europeanisation” of lots within the Waihohonu Block, Berghan, #A60, pp 1169-70 lists as “European” Waihohonu 6, 12, & Roads blocks (a total of 130 acres)

¹¹⁴ Based upon the report by Douglas *et al*, #A21

¹¹⁵ There may well have been “Europeanisation” of lots within the Waihohonu Block, Berghan, #A60, pp 1169-70 lists as “European” Waihohonu 6, 12, & Roads blocks (a total of 130 acres)

- iv. During an application before the Native Land Court on 21 July 1897 the court stated that it knew that the Kāwhia lands were insufficient to support the people who own them and the Pirongia lands, if sold, would leave the Ngāti Hikairo tribe without sufficient land.¹¹⁶

Land Inside the Confiscation District

- v. Ngāti Hikairo estimates that the iwi has lost about 99.9% of their land inside the confiscation district as follows (in acres).¹¹⁷

Block	Area	Remaining	Land lost
Pirongia Parish	26,173	94.8	26,078
Ngāroto Parish	21,572	0	21,572
Mangapiko Parish	18,968	0	18,968
Alexandra Township lots	1,656	1.5	1655
Totals	68,369	96.3	68,273

- vi. Ngāti Hikairo estimates that the iwi has lost about 98.4% of the awards that were “returned” to them inside the confiscation district as follows (in acres).¹¹⁸

Block	Area	Remaining	Land lost
Awards	6,157.7	96.3	6,061

- vii. The iwi interests in lands inside the confiscation district are approximately 68,000 acres. The table below shows

¹¹⁶ To be supported by tangata whenua evidence; see also 28 Otorohanga Minute Book 261

¹¹⁷ Based upon the report by Douglas *et al*, #A21

¹¹⁸ Based upon the report by Douglas *et al*, #A21

the types of losses of the “returned” lands across all grantees from all iwi (figures in acres):¹¹⁹

Block	Total Area	Crown purchase from awards	Private purchase from awards	Other	Remaining for Ngāti Hikairo
Pirongia Parish	26,173	473	4411	164	70
Ngāroto Parish	21,572	0	1140	260	0
Mangapiko Parish	18,968	0	404	46.68	0
Alexandra Townships	1,656	0	10	6	1.5

Land loss as a whole

- viii. In total, Ngāti Hikairo considers it has lost about 109,000 acres (68,000 in confiscation district and about 41,000 acres outside the confiscation district) out of a total iwi land area of about 120,000 acres – a loss of about 99% of their customary lands.¹²⁰
- ix. The figures for land loss for Ngāti Hikairo demonstrate how the iwi was split by the confiscation – this split is even more pronounced in the case of Te Whatiwhatihoē marae.¹²¹
- x. As at 2011, none of Ngāti Hikairo lands remain under the legal ownership, control or guardianship of Ngāti Hikairo as an iwi.¹²²
- xi. Ngāti Hikairo considers that the iwi does not have sufficient land for its present or future needs.¹²³

¹¹⁹ Based upon the report by Douglas *et al*, #A21

¹²⁰ To be supported by tangata whenua evidence

¹²¹ To be supported by tangata whenua evidence

¹²² To be supported by tangata whenua evidence. The closest land to being held by Ngāti Hikairo as an iwi is the 10 acre Kai-Ewe Marae Reserve which is reserved for the common use and benefit of Ngāti Hikairo. The land is owned by Te Rūnanganui o Ngāti Hikairo Inc and is managed by Kai-Ewe Marae Māori Reserve trustees

(vii) INADEQUATE RESERVES AND PROTECTIONS AGAINST ALIENATION OF RESERVES

57. The Crown failed to ensure that sufficient Ngāti Hikairo lands and resources were set aside as inalienable reserves for the present and future needs of Ngāti Hikairo.

Particulars

- i. The Rohe Pōtae petitioners looked to Parliament ‘to secure our lands to us and our descendants for ever,’ by making them ‘*absolutely inalienable by sale.*’¹²⁴
- ii. In the Kāwhia hearings the Native Land Court, on the request of the applicants, apparently made all the blocks inalienable.¹²⁵
- iii. The Pirongia West block was to be made inalienable.¹²⁶
- iv. Any restrictions against alienations for particular blocks were either removed or weakened by successive statutes.¹²⁷
- v. In the Kāwhia Block the Paretao Tribal Eel Reserve (Kāwhia S) was established in 1892 to protect the interests of eight hapū of Ngāti Hikairo in the eel fishery of the Paretao lagoon. In addition there was the Kāwhia H Tribal Reserve. Both reserves were identified as inalienable and reserved as tribal reserves of Ngāti Hikairo under the trusteeship of selected trustees. The Crown, in both cases failed to recognise the reserve

¹²³ To be supported by tangata whenua evidence

¹²⁴ Husbands & Mitchell, #A79, p39

¹²⁵ Husbands & Mitchell, #A79, p152

¹²⁶ Berghan, #A60, p749

¹²⁷ Husbands & Mitchell, #A79, p426

status, and trustee role of those named as trustees, by identifying them as owners, which eventually enabled the alienation of the reserves.¹²⁸ Essentially, the tribal status of the iwi was challenged during the investigations into Paretao.

- vi. The Claimants repeat particulars (i) to (xi) at Paragraph 53 of this Claim.

**(viii) FAILURE TO COMPENSATE OR REMEDY NGĀTI HIKAIRO
LANDLESSNESS**

58. The Crown failed to adequately remedy the state of landlessness of Ngāti Hikairo and failed to adequately compensate for Crown failure to ensure sufficient land was retained in tribal ownership for the present and future needs of Ngāti Hikairo.

Particulars

- i. The Claimants repeat particulars (i) to (xi) at Paragraph 53.¹²⁹
- ii. The Claimants also repeat the particulars at Paragraphs 40 and 41.

(ix) PRE-TREATY TRANSACTIONS

59. The Crown unfairly awarded absolute titles to Pākehā of blocks within the customary lands of Ngāti Hikairo on the basis of pre-1840 transactions.

¹²⁸ To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p20; Berghan, #A60, pp 275, 290

¹²⁹ To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p20; Berghan, #A60, pp 275, 290

Particulars

- i. In Māori customary land law, as applied under Ngāti Hikairo tikanga, there could be no such thing as a full and final sale, only at best a conditional allowance of occupation rights.¹³⁰
- ii. The Old Land Claims Commissions failed to properly investigate the nature of the transactions entered into between Māori and prior to 1840.¹³¹
- iii. The Old Land Claims Commissions did not carry out a proper or due inquiry into whether the transactions effected a complete alienation of rights in the lands.¹³²
- iv. The Old Land Claims Commissioners assumed that a correctly completed deed between Māori and settlers prior to the signing of the Treaty of Waitangi would transfer complete rights in relation to land.¹³³
- v. The Crown awarded absolute titles to the church or to settlers on the basis of transactions between them and Māori within the customary lands of Ngāti Hikairo.¹³⁴

The Pouewe Transaction

60. The Crown awarded around 44 acres, called the Pouewe block, to a settler on the basis of a pre-Treaty transaction with certain Māori, but that transaction did not, or could not, convey a permanent alienation of the land.

¹³⁰ To be supported by tangata whenua evidence

¹³¹ Boulton, #A19, pp 61-66

¹³² Boulton, #A19, pp 61-66

¹³³ Boulton, #A19, pp 61-66

¹³⁴ To be supported by tangata whenua evidence; Boulton, #A19, pp 89, 98

Particulars

- i. In around 1829 Ngāti Hikairo permitted John Cowell to occupy land at Kāwhia on a customary basis, but this did not involve transfer of the land.¹³⁵
- ii. Cowell's son later claimed a transaction (dated 11 January 1840) for an area of 20,000 acres of land at Kāwhia through a Deed with a Waikato chief called Kiwi. The transaction between Cowell and Kiwi was disputed by Ngāti Hikairo rangatira.¹³⁶
- iii. Cowell (Kaora) later claimed to have transferred a "50 acre" portion of the Kāwhia transaction to George Charleton (Kamura).¹³⁷
- iv. The Pouewe land contained useful harbour frontage for use as a port and/or wharf.¹³⁸
- v. Charleton initially sought to confirm a legal title through a pre-emption waiver auction process in 1854 and a plan was produced for the Pouewe block that included 38 acres. The auction did not proceed. It appears this was a consequence of opposition from Ngāti Hikairo.¹³⁹
- vi. Charleton brought a claim before the Old Land Claims Commission in 1857 for the Pouewe lands now with a plan showing the land contained 44 acres (a small area in the North West corner was now included).¹⁴⁰

¹³⁵ To be supported by tangata whenua evidence; Boulton, #A19, p86

¹³⁶ Boulton, #A19, p82

¹³⁷ Boulton, #A19, p83

¹³⁸ To be supported by tangata whenua evidence; Boulton, #A19, p86

¹³⁹ To be supported by tangata whenua evidence; Boulton, #A19, pp 85-86

¹⁴⁰ Boulton, #A19, pp 87-88

- vii. There was no evidence that Commissioner Bell inquired into the nature of the original transaction between John Cowell and the local Ngāti Hikairo hapū and as to whether a permanent alienation was intended.¹⁴¹
- viii. There was no evidence that Commissioner Bell inquired into the nature of the transaction between John Cowell and Kiwi and as to whether a permanent alienation was intended or why the transaction may have taken place for customary reasons.¹⁴²
- ix. There was no evidence that Commissioner Bell inquired into which persons were the rightful holders of customary interests in relation to the Pouewe lands.¹⁴³
- x. Ngāti Hikairo whānau of Cowell made protests about Charleton's claim which suggested that the customary land interests remained with the hapū, nevertheless a grant for 44 acres was made in favour of Charleton's wife (Charleton had died) on 25 October 1864.¹⁴⁴
- xi. Charleton's wife was apparently expelled from Kāwhia during the aukati around 1866 and in 1871 she petitioned Parliament for her losses.¹⁴⁵
- xii. At some time between 1866 and 1880 the Pouewe land was re-occupied by Ngāti Hikairo and others.¹⁴⁶ Hone Wetere was occupying Pouewe by 1874 and appears to have invited Tāwhiao to stay including erecting a house

¹⁴¹ Boulton, #A19, pp 88, 97

¹⁴² To be supported by tangata whenua evidence; Boulton, #A19, pp 88, 97

¹⁴³ Boulton, #A19, pp 88, 97

¹⁴⁴ Boulton, #A19, pp 89, 98

¹⁴⁵ Boulton, #A19, p90

¹⁴⁶ Marr, #A78, p716

for King Tāwhiao.¹⁴⁷

- xiii. In around 1882 Hone Te One authorised the construction of a flour mill on Pouewe.¹⁴⁸
- xiv. The Pouewe grant was then purchased by the Crown at an auction in Auckland in 1880 and a Crown visit to the land in February 1883 was claimed to represent the “opening” of the Kāwhia harbour.¹⁴⁹
- xv. A letter, dated 26 December 1882, from Hakopa Kotuku and Wiremu Nera Te Awaitaia to Chief Judge Fenton requested an inquiry into the Pouewe block transaction.¹⁵⁰
- xvi. Hone Te One of Ngāti Hikairo protested about the Pouewe transaction directly to Minister Bryce during his visit to Kāwhia in 1883.¹⁵¹
- xvii. A Petition of King Tāwhiao and others of July 1884 claimed that Māori had signed the Cowell Kāwhia Deed anticipating it would secure a lease rental, but not understanding it meant a transfer of the land.¹⁵²
- xviii. In 1899 Tuteao Kiwi and 5 others petitioned the Crown alleging that Mrs Charleton had no right to sell the Pouewe lands to the Crown.¹⁵³

¹⁴⁷ To be supported by tangata whenua evidence; see West Coast Times, 5 March 1874

¹⁴⁸ To be supported by tangata whenua evidence; see Auckland Star, 12 July 1882

¹⁴⁹ Marr, #A78, pp 715, 722

¹⁵⁰ Marr, #A78, p718

¹⁵¹ To be supported by tangata whenua evidence; see Waikato Times, 9 October 1883

¹⁵² O'Malley, #A22, p739

¹⁵³ To be supported by tangata whenua evidence; Reports of Native Affairs Committee 1900, No 294, 1899

61. In particular, the Wai 1113 claimants adopt and support the allegations relating to the Pākanae School (part within the Pouewe Block) as set out in the whānau claim by Phillipa Barton.

(x) CROWN PURCHASE POLICY AND PRACTICE

62. The Crown pursued purchase policies and practices specifically designed to undermine Ngāti Hikairo chiefly authority, and Māori customary law, over Ngāti Hikairo lands in order to facilitate Crown acquisition.

63. The Crown's land purchase negotiations and transactions for Ngāti Hikairo lands were pursued aggressively throughout the Ngāti Hikairo rohe.

64. Among other things Ngāti Hikairo individuals were paid minimal amounts for these lands and at rates determined by the Crown.

65. The Crown failed to recognise and acknowledge the tribal ownership of Ngāti Hikairo lands and Ngāti Hikairo were often not adequately negotiated with or informed of such sales, the Crown preferring to deal with a handful of individuals who were not necessarily representative of all Ngāti Hikairo or could act independently of the iwi.

Particulars

- i. The Native Land Court conferred titles on individuals which allowed alienations to be made without any reference to the iwi. The individualisation stopped any effective corporate management of the lands.¹⁵⁴
- ii. In 1897 164 members of Ngāti Maniapoto, Ngāti Raukawa, Ngāti Hikairo, Ngāti Tuwharetoa, and Whanganui complained that they had been '*given no*

¹⁵⁴ Husbands & Mitchell, #A79, p528; Boulton, #A67, p445

*voice to arrange and agree together with the Government officer upon the price to be paid per acre for our lands when purchased.*¹⁵⁵

- iii. The Crown imposed purchase restrictions between 1884 and 1891 in relation to the Kāwhia and Pirongia lands so that Ngāti Hikairo individuals were forced to engage with the Crown if they so wished to alienate their interests.¹⁵⁶
- iv. In 1897 Pepene Eketone and 163 others from Ngāti Maniapoto, Ngāti Raukawa, Ngāti Tuwharetoa, Ngāti Hikairo, and Whanganui, petitioned Parliament for the removal of all restrictions on the private leasing (and sale) of lands which had passed through the Native Land Court in order that they might deal with them as they saw fit. They were especially critical of the Crown's preemptive right of purchase, the government's unwillingness to consult over the matter of price, and its apparent indifference to the matter of landlessness on the part of Māori. The Native Affairs Committee, describing the requests in the petition as 'fair and reasonable,' referred the petition to the government for favourable consideration. The government declined to act".¹⁵⁷
- v. In the Pirongia West Block the title order was made on 7 July 1888.¹⁵⁸ In the 12 years to 1900 the Crown was able to purchase individual interests with such speed that around 63.2% of the Block had been alienated by 1900.

¹⁵⁵ Hearn, #A73, p104

¹⁵⁶ Boulton, #A67, pp 137-8, 462

¹⁵⁷ Hearn, #A73, p82; Boulton, #A67, pp 479-480

¹⁵⁸ Berghan, #A60, p745

This was about 22,923 acres out of the original 36,389 acres or so.¹⁵⁹

- vi. In the Kāwhia Block the land loss peaked between 1900 and 1905 with around a quarter of the land alienated to the Crown through purchases of individual shares.¹⁶⁰
 - vii. The alienation of most of the land in the Mangauika block occurred broadly between 1890 and 1939 with about 85% of the block being lost to Crown purchases of individual shares.¹⁶¹
 - viii. By way of specific example, in the Pirongia West 3B block the Crown had by 1900 purchased individual interests amounting to about 44% of that block and this was translated by the Court into a Crown partition of 6,162 acres out of the total of 14,067 acres. Ngāti Hikairo non-sellers lost a considerable amount of their ancestral lands. The non-sellers lost a further 168 acres as a consequence of the transaction in payment of the survey costs.¹⁶²
66. The Crown had a policy in the 1890s for creating reserves of 10% of blocks purchased from Māori, but only applied this policy on few occasions and in cases where large blocks were sold (the policy ending up less as a supportive measure for Māori and more as a tactic to get Māori to sell larger areas).

Particulars

- i. In about 1894 the Crown purchased the Mangauika A block of 1,901 acres and the Mangauika 1A block of 685

¹⁵⁹ Based upon the report by Douglas *et al*, #A21

¹⁶⁰ Based upon the report by Douglas *et al*, #A21

¹⁶¹ Based upon the report by Douglas *et al*, #A21

¹⁶² Husbands & Mitchell, #A79, pp 258-259

acres using the North Island Main Truck Loan Act monies.¹⁶³ This was 2,586 acres out of the total block of 5,473 acres (or 47% of the block).¹⁶⁴

- ii. These lands purchased were onsold to settlers at a profit to aid the construction of the North Island Main Truck Railway.¹⁶⁵
- iii. In the case of Ngāti Hikairo the only 10% reserves were within the Mangauika Block as follows (most of which have now been alienated):¹⁶⁶

Reserve	Acres	Fate
Mangauika	190.11	Private purchase, 1912
Mangauika No 1	68.57	Remains Māori land

(xi) SPECIFIC CROWN AND PRIVATE PURCHASE TRANSACTIONS

Mangauika Block

- 67. The Crown purchased a high proportion of individual shares out the Mangauika block and within a short period of time, without due regard to the interests of the Ngāti Hikairo owners.

Particulars

- i. Most of the Mangauika block was alienated between 1890 and 1939 with about 85% of the block being lost to

¹⁶³ Cleaver & Sarich, #A20, p94

¹⁶⁴ To be supported by tangata whenua evidence

¹⁶⁵ Cleaver & Sarich, #A20, p131

¹⁶⁶ Boulton, #A67, pp 250, 433

Crown purchases of individual shares.¹⁶⁷ Between April 1890 when the first purchasing began and the partition of the Crown's purchase interests on March 1894, already 47.3% of the Mangauika Block was sold.¹⁶⁸

- ii. When this transaction began in April 1890 Land Purchase Agent Wilkinson described how he had purchased the first two shares of the Mangauika Block (and being the first shares to be bought in the wider Te Rohe Pōtae block). He described how difficult and time-consuming it had been to get the two sellers to agree to sell and that they had wanted to complete the transaction at night and in secret so that they might not be seen to be doing a sale. This indicated the lengths the Land Purchase Officers would go to achieve a sale and overcome Māori resistance to alienations.¹⁶⁹
- iii. The transaction was completed through the Native Land Court on 14 March 1894 and the Crown had purchased the Mangauika A block of 1,901 acres and the Mangauika 1A block of 685 acres using the North Island Main Truck Loan Act monies.¹⁷⁰ This was 2,586 acres out of the total block of 5,473 acres (or 47.3% of the block).¹⁷¹
- iv. The lands that were purchased using the North Island Main Truck Loan Act monies were onsold to settlers at a profit to aid the construction of the North Island Main Truck Railway.¹⁷²

¹⁶⁷ Based upon the report by Douglas *et al*, #A21

¹⁶⁸ Douglas *et al*, #A21, Mangauika Block report

¹⁶⁹ Boulton, #A67, p222

¹⁷⁰ Cleaver & Sarich, #A20, p94

¹⁷¹ To be supported by tangata whenua evidence

¹⁷² Cleaver & Sarich, #A20, p131

- v. In relation to the Mangauika Block North Island Main Truck Loan Act purchases in 1894, these were brought before the Native Land Court in Rotorua for partition.¹⁷³ Ngāti Hikairo believe that this practice of confirming purchases in outside Districts was to avoid detection and opposition from the iwi.¹⁷⁴
- vi. The Crown had a policy in the 1890s of creating reserves of 10% of blocks purchased from Māori. In the case of Ngāti Hikairo the only 10% reserves at all were within the Mangauika Block as follows (most of which have now been alienated):¹⁷⁵

Reserve	Acres	Fate
Mangauika	190.11	Private purchase, 1912
Mangauika No 1	68.57	Remains Māori land

Pirongia West

68. The Crown purchased a high proportion of individual shares out the Pirongia West block and within a short period of time, without due regard to the interests of the Ngāti Hikairo owners.

Particulars

- i. From late-1893 to mid-1895 the Crown focused its purchases into the Pirongia West and Kāwhia blocks.¹⁷⁶
- ii. The Kopua-Pirongia-Kāwhia Block was determined on 6 June 1888. The “Pirongia” Block was ordered on 12

¹⁷³ To be supported by tangata whenua evidence

¹⁷⁴ To be supported by tangata whenua evidence

¹⁷⁵ Boulton, #A67, pp 250, 433

¹⁷⁶ Boulton, #A67, p386

February 1889 after the partitioning off of the Mangaora Block. The Waihothonu, Motukōtuku, and Mangawhero title orders were made on 23 March 1889. The Pirongia West block was to be made inalienable.¹⁷⁷ The Pirongia West Block title investigation was ordered on 28 March 1892. There was a rehearing for the Pirongia West Block and the title order was made on 12 September 1894. The Pirongia West Block contained 36,370 acres.¹⁷⁸ In the 6 years to 1900 the Crown was able to purchase individual interests with such speed that around 63.2% of the Block had been alienated by 1900. This was about 22,923 acres out of the original 36,389 acres or so.¹⁷⁹

- iii. It appears that Hone Kaora (John Cowell) promised the Crown that he would assemble 'over half of the owners' of the block, all of whom would be willing to sell their shares if the price was raised from three shillings and sixpence to five shillings an acre. This recommendation was approved and six months later the Court made two awards totalling 14,798 acres to the Crown.¹⁸⁰
- iv. Pirongia West 3 was determined on 18 September 1894. It comprised 28,000 acres and had 135 original owners. By February 1908, successive partitions in 1895, 1898, 1899, 1901, 1902 and 1908 had reduced the remaining Māori-owned portion of the block to 14 subdivisions, none of which contained more than ten owners and all but one of which was less than 1000 acres in size.¹⁸¹

¹⁷⁷ Berghan, #A60, p749

¹⁷⁸ Berghan, #A60, p745

¹⁷⁹ Based upon the report by Douglas *et al*, #A21

¹⁸⁰ Husbands & Mitchell, #A79, p247

¹⁸¹ Husbands & Mitchell, #A79, p496

- v. In the case of the Pirongia West deed, 38 of the 163 interests conveyed by were transferred to the Crown between December 1894 and November 1897 by trustees acting on the behalf of minors.¹⁸²
- vi. Ngāti Hikairo understand that the sale of various minors' interests in the Pirongia West block was made to pay surveys liens on several of the Kāwhia Blocks. This was because the iwi feared that if they were not paid those Kāwhia blocks would be taken.¹⁸³
- vii. Also, certain Ngāti Hikairo rangatira decided that the only way to protect the share of the minors in the Pirongia West block was to make an application on 21 July 1897 to terminate the trusteeship of certain trustees so that the minors interests would not be sold.¹⁸⁴
- viii. By way of specific example, in the Pirongia West 3B block the Crown had by 1900 purchased individual interests amounting to about 44% of that block and this was translated by the Court into a Crown partition of 6,162 acres out of the total of 14,067 acres. Ngāti Hikairo non-sellers lost a considerable amount of their ancestral lands. The non-sellers lost a further 168 acres as a consequence of the transaction in payment of the survey costs.¹⁸⁵
- ix. Ngāti Hikairo remain concerned that the Crown may have sold part of the Pirongia West lands in question (the

¹⁸² Husbands & Mitchell, #A79, p419

¹⁸³ Husbands & Mitchell, #A79, p536; To be supported by tangata whenua evidence, see also 28 Ōtorohanga Minute Book 266-267

¹⁸⁴ To be supported by tangata whenua evidence, see also 28 Ōtorohanga Minute Book 261

¹⁸⁵ Husbands & Mitchell, #A79, pp 258-259

Pirongia West 3Bs2E2) to Waikato Raupatu Land Trust.
This is the Kawaroa Forest lands.¹⁸⁶

Motukōtuku

69. Crown failed to ensure Ngāti Hikairo retained enough of their land in the Motukōtuku block for their present and future needs.
70. By providing the legislative power for the Māori Trustee to be appointed as an absolute agent for Māori landowners on application by the local council, the Crown helped create the environment where the Motukōtuku Block could be alienated.

Particulars

- i. On 23 March 1889, the Native Land Court made an order issuing the Motukōtuku Block of 195 acres to Hone Kaora and the 9 descendants of Pumipi Moke. The property was to be inalienable by sale.¹⁸⁷
- ii. The Motukōtuku block has coastal frontage on the Kāwhia harbour. Ngāti Hikairo understands that the block was practically landlocked and therefore was difficult to access, manage or lease. It could be accessed by sea with the Ōpārau River to the south and Kāwhia Harbour to the west.¹⁸⁸
- iii. The Crown passed legislation that allowed the Māori Land Court, upon application from a local body, to compulsorily appoint the Māori Trustee as an agent for

¹⁸⁶ To be supported by tangata whenua evidence

¹⁸⁷ Berghan, #A60, p745

¹⁸⁸ To be supported by tangata whenua evidence

owners of Māori land and with the power to sell or lease the property.¹⁸⁹

- iv. The Kāwhia County Council made an application in relation to the Motukōtuku A2 Block to the Māori Land Court under Part 3/Māori Purposes Act 1950 and Part 25/Māori Affairs Act 1953.¹⁹⁰ The details of the activities in relation to the Motukōtuku block follow:

Block	Area	Notes¹⁹¹	Party	Date
A1	50:0:00	Referred to owners by Council, he as a local farmer	R. Braine	15 November 1956
D	78:1:31	Referred to the owners by Council, he was a local farmer and next-door neighbour	J. Laimbeer	9 January 1968
A2	65:1:00	Vesting application by Council, January 1953 “struck out” as property sold	M. Turnbull	18 September 1968

- v. The Māori Land Court struck out the case for the Motukōtuku A2 block, but on the basis that the owners agreed to sell the property.¹⁹² Ngāti Hikairo understood that the owners were obliged to sell that block due to lack of access in the 1960s, to an individual from Māori Affairs who was introduced to the owners by the Council.¹⁹³
- vi. In the view of Luiten the Kāwhia County Council, with the power to make applications to have the Māori Trustee vested as agent for the owners, began to assert pressure on Māori landowners and to act like a real estate agent

¹⁸⁹ Bassett, #A75, pp 227-228

¹⁹⁰ Bassett, #A75, pp 227-228

¹⁹¹ Luiten, #A24, pp 261, 449

¹⁹² Luiten, #A24, pp 261, 449

¹⁹³ To be supported by tangata whenua evidence

and their behalf.¹⁹⁴ Ngāti Hikairo believe that the Council pressured the owners to sell both remaining sections of the Motukōtuku block to Pākehā neighbours Laimbeer and Braine.

- vii. Laimbeer's family had purchased various blocks in the Waihohonu Block (2, 3, 4, 5, 6, 7, & 8) and were neighbours to the Motukōtuku block.¹⁹⁵ Braine was a long-time local farmer with property in the Waihohonu block also. The two neighbours were both unlikely to have any access issues for the Motukōtuku block nor could the Council exert any pressure through Māori Trustee orders.¹⁹⁶

Kāwhia A (Kōpare)

- 71. The Crown failed to ensure that Ngāti Hikairo retained enough of their Papakainga reserve at Kāwhia A (Kōpare) for their present and future needs.

Particulars

- i. The Kāwhia A (Kōpare) block of 196 acres was set apart as a papakainga reserve for Ngāti Hikairo.¹⁹⁷
- ii. Between 1892 and 1920 the block was partitioned into 10 small lots. Between 1900 and about 1940 around 164 acres was sold through six transactions and only leaving about 46 acres for the papakainga across three sections.¹⁹⁸

¹⁹⁴ Luiten, #A24, p261

¹⁹⁵ To be supported by tangata whenua evidence; Berghan, #A60, pp 1169, 590

¹⁹⁶ To be supported by tangata whenua evidence

¹⁹⁷ To be supported by tangata whenua evidence; Berghan, #A60, p251

¹⁹⁸ To be supported by tangata whenua evidence; Berghan, #A60, pp 266-267

- iii. Ngāti Hikairo considers that by 1920 there was not enough good lands remaining on the Kāwhia A block to make a good subsistence.¹⁹⁹
- iv. Unsurprisingly, between 1952 and 1954 the Kāwhia County Council made applications for the Māori Trustee to take control of the Kāwhia A2C1 and Kāwhia A2D1 blocks. The application was because both Kāwhia A2C1 and Kāwhia A2D1 were unoccupied, with unpaid rates, and somewhat overgrown with weeds.²⁰⁰
- v. Following the passing of the Māori Affairs Amendment Act 1967 about 24.5 acres was “Europeanised” and may have been sold. About 18 acres of this amount was in the Kāwhia A2A block which was managed by Māori Affairs and where there was considerable purchasing of shares so that around 33 owners was reduced to 4 owners. This block had been specifically reserved as a papakainga prior to the 1950s.²⁰¹
- vi. Today, around 13 individual Ngāti Hikairo owners own a single remaining block of 7.5 acres within their Kōpare papkainga reserve. The land has remained managed by the Māori Trustee since the 1954 orders.²⁰²

¹⁹⁹ To be supported by tangata whenua evidence

²⁰⁰ To be supported by tangata whenua evidence; Bassett, #A75, pp 297-298; Luiten, #A24, p 260

²⁰¹ To be supported by tangata whenua evidence; Berghan, #A60, pp 266-267

²⁰² To be supported by tangata whenua evidence

Kāwhia P8s2

72. The Crown failed to ensure that there was a process in place within the Native Land Court to protect Māori landowners where wāhi tapu were already surveyed on a block that was sold, but not fenced or cut out.
73. The Crown alienated land within the Kāwhia P Block without first providing some opportunity for the iwi to consider seeking to purchase the land.

Particulars

- i. At some time around the early 1900s an urupā, called Te Pahī by Ngāti Hikairo, was surveyed out of the Kāwhia P block for protection and identification.²⁰³
- ii. While Te Pahī had been properly established and surveyed Kāwhia P, it had not been actually cut out or fenced before land around part of it was purportedly alienated.²⁰⁴
- iii. On or about 19 September 1952 the Kāwhia P8s2 Block of 64:0:34.1 acres was purportedly sold to the Kāwhia Golf Club.²⁰⁵
- iv. Ngāti Hikairo oral traditions are that the transaction for the acquisition of the Kāwhia Golf Club (Kāwhia P8s2) was questionable in regards to the validity and terms of agreement.²⁰⁶

²⁰³ To be supported by tangata whenua evidence

²⁰⁴ To be supported by tangata whenua evidence

²⁰⁵ To be supported by tangata whenua evidence; Berghan, #A60, p286; Douglas *et al*, #A21

²⁰⁶ To be supported by tangata whenua evidence

- v. At some time within about the 1990s the Crown sold some surplus lands with the Kāwhia P8 block to the Kāwhia Golf Club or to the then President of that club personally.²⁰⁷
- vi. Only within the last few years has the Kāwhia Golf Club finally sectioned off the Te Pahī urupā so that the golf players do not venture within.²⁰⁸

(xii) PUBLIC WORKS TAKINGS

- 74. The Crown unfairly and wrongfully adopted a policy of compulsory acquisition of lands in which Ngāti Hikairo held an interest for various public works without adequate consultation with Ngāti Hikairo, or adequate compensation, if any.
- 75. The Crown failed to ensure that all lands taken for public works were used for the purposes for which they were taken and to subsequently return the land to Māori when they were no longer used for the purpose for which it was taken.

²⁰⁷ To be supported by tangata whenua evidence

²⁰⁸ To be supported by tangata whenua evidence

Obligation to actively protect Māori-owned land

76. The Crown breached its obligation to avoid the taking of Māori-owned land.²⁰⁹

Particulars

- i. The Crown passed various Public Works and Native Land Acts, on which it relied, to avoid its obligations to protect the interests of Māori and including Ngāti Hikairo.²¹⁰
 - ii. The Crown did not take into account that land was not a commodity for Māori.²¹¹
 - iii. The Crown rarely considered alternative tenure options, that is, taking less than the freehold title (i.e leasehold interest or easement).²¹²
77. The Crown considered only the need for the public work, and not the impact on the private landowner. Landlessness of Māori was never a relevant consideration under any Public works legislation.²¹³

Discrimination against Māori-owned land

78. The notification provisions in the Public Works legislation were deficient in respect of Māori-owned land.

²⁰⁹ Alexander, #A63, p16

²¹⁰ Alexander, #A63, p17. Other than the various Public Works Acts, the Scenery Preservation Act 1903.

²¹¹ Alexander, #A63, p39

²¹² Alexander, #A63, p20

²¹³ Alexander, #A63, p77

Particulars

- i. Personal notification was required only for registered owners of land and only where addresses were known.
 - ii. No requirement existed to notify the hapū.²¹⁴
 - iii. A Notice of Intention to take was published in Kahiti and the New Zealand Gazette and posted at a local post office, all which was easily missed by owners.²¹⁵
79. There was no impartial review process of objections to takings for Māori-owned land until 1973.²¹⁶
80. There was no provision for negotiation for compensation for Māori-owned land, where compensation was payable for land taken.

Particulars

- i. Until 1962 the Native Land Court (Māori Land Court) determined compensation. After 1962 the Māori Trustee negotiated compensation for Māori-owned land held by more than four owners.²¹⁷
 - ii. The amount of compensation (if any) could be offset against a perceived benefit under 'the betterment principle', that is that the owners would receive benefit from the public work for which the land was taken as the overall value of the land has increased.²¹⁸
81. There was no requirement for the Crown to offer back to

²¹⁴ Alexander, #A63, pp. 35, 36

²¹⁵ Alexander, #A63, pp 34, 76

²¹⁶ Alexander, #A63, p19

²¹⁷ Alexander, #A63, pp.34,35, 78,79

²¹⁸ Alexander, #A63, pp.20, 300

previous owners land it no longer required for a public work in the Public Works legislation until the 1981 Act.

Particulars

- i. The offer back provision requires payment to the Crown for the land and any improvements,²¹⁹ and assumes former owners were paid adequate compensation when the land was taken.
 - ii. Where the offer back provision was available it was not rigorously pursued.²²⁰
82. The Crown in some cases took more land that was required for the purpose. The land was often used for another public purpose without being first offered back to the original owners.
83. In Ngāti Hikairo’s rohe the Crown took land from the land blocks (listed in the paragraphs below) where Ngāti Hikairo holds customary interests.

Takings for Roads

84. The Crown took land from Ngāti Hikairo for the purpose of public roads without consultation or payment of compensation²²¹

Particulars

- i. Under various Native Land Acts, up to five percent of any Māori land could be taken by the Crown for roading purposes without the payment of compensation.
- ii. In the Native Land 1865 Act the “five percent” provision applied to all land remaining in Māori ownership in the Native Land Court subject to Crown grant and (including

²¹⁹ Alexander, #A63, p50

²²⁰ Alexander, #A63, p20

²²¹ Alexander, #A63, p20; Section 76, Native Lands Act 1865

customary land) and from 1882 the provision applied to all land issued a Native Land Court certificate of title or memorial of ownership.²²² This provision or successor provisions remained on statute until 1927.²²³

- iii. There was no requirement in the Act for the Crown to consult Māori owners as to where on the land the road would go or the need for that land to be taken and no compensation was payable.
- iv. Any legislative protection afforded Māori from taking for places where pā, wāhi tapu and cultivations existed was inadequate as the Governor could still sign off on such takings and was treated as an administrative step rather than a substantive protection.²²⁴
- v. Te Rohe Pōtae District was heavily affected by takings for roads under the “*no consultation and no compensation*” provisions of the Native land legislation during the nineteenth century and into the first two decades of the twentieth century.²²⁵
- vi. The Crown took lands from the following block in which Ngāti Hikairo has an interest for roads under the “five percent” provision without compensation:²²⁶

²²² Alexander, #A63, p64

²²³ The provision was included in the Native Land Act 1873 (Section 106)19, the Native Land Court Act 1886 (Sections 93-95), the Native Land Court Act 1894 (Sections 70-71), and the Native Land Act 1909 (Sections 388-391) and not repealed until Section 30 Native Land Amendment and Native Land Claims Adjustment Act 1927

²²⁴ Alexander, #A63, p18

²²⁵ Alexander, #A63, p20

²²⁶ All references to public works takings for roads or other purposes in this section are from David Alexander, Public Works Takings Database; #A63(a) unless otherwise stated

Section 93 Native Land Court Act 1886 and various Public Works Acts (Governor's Warrants issued 1890s)

Block	Area	Gazette Ref
Mangauika	4-1-06	1891/582

Section 70 Native Land Court Act 1894 and various Public Works Acts (Governor's Warrants issued 1900 -1910)

Block	Area	Gazette Ref
Mangawhero 1E	4-3-06.9	1912/2489
Mangawhero 2C	5-1-04	1912/2489
Mangawhero 3C ²²⁷	4-1-36	1912/2489
Mangawhero 3D2	0-1-08	1912/2489
Mangawhero 3D3	0-3-23	1912/2489
Mangawhero 3D4	1-0-15.7	1912/2489
Pirongia West 1s2B3	4-1-05	1914/4177

S388, 389 Native Land Act 1909

Block	Area	Gazette Ref
Kaipiha 10C	0-2-25	1919/3037
Pirongia West 1s2F1B	0-2-10	1912/1777
Pirongia West 3B2A	2-0-33	1912/1777
Pirongia West 3B2C3 & 3B2C4	7-0-05	1912/1777

- vii. The Crown took, under other Public Works Acts, lands for roading from the following blocks in which Ngāti Hikairo has an interest.

**Land taken for roading under Public Works Acts 1908
1928 1981**

Block	Area (acres)	Compensation paid	Gazette Ref
Kaipiha 10A	2-2-34	Not recorded	1958/1309
Kaipiha 10B	1-0-34	Nil ²²⁸	1920/15-16
Waihohonu 6	0-1-13.7	Not recorded	1971/84
Mangawhero 1E	2-1-14.1	Nil ²²⁹	1912/3621-3622
Mangawhero 1D	1-0-16.4	Not recorded	1917/3785
Mangawhero 1F1	1-3-17.5	Not recorded	1917/3785
Mangawhero 1F2	2-0-20.4	Not recorded	1917/3785
Mangawhero 2A3B	3-2-27	Not recorded	1917/3785
Mangawhero 3B	3-1-26.2	Not recorded	1917/3785
Mangawhero 2A3A2	2-0-00.7	Not recorded	1917/3785
Ōpārau 1	0.5080	Not recorded	1995/4794-4795

²²⁷ Compensation paid - £20 (18/9/1930, 68 Ōtorohanga MB 273 & 325)

²²⁸ (22/9/1920, 62 Ōtorohanga MB 181)

²²⁹ (7/4/1913, 55 Ōtorohanga MB 214-215)

Block	Area (acres)	Compensation paid	Gazette Ref
Ōpārau 1	0.0217	Not recorded	1995/4794-4795
Mangauika (s13 Block VII Pirongia SD)	2-1-30	Nil ²³⁰	1911/2705
Kaipiha 10B	1-0-34	Nil ²³¹	1920/15-16
Kaipiha 10A	2-2-34	Not recorded	1958/1309
Sec17 Block VI Kāwhia Nth SD ²³²	0.0567	Not recorded	1997/3724
Sec1 Block VIII Pirongia SD ²³³	0-3-39.4	Nil	1920/15-16
Pirongia West 3B2C3 ²³⁴	0-1-25.7	Not recorded	1923/564
Pirongia West 1s2F1B2B	0-0-17.4	Not recorded	1959/1625-1626
Pirongia West 3B2C3A	0-0-11.6	Not recorded	1959/1625-1626
Pirongia West 1s2D1	0-3-11.6	£30 ²³⁵ (3/12/1964, 43 Mercer 169-170)	1962/547-548
Pirongia West 1s2D1	0-0-00.6	£30 ²³⁶ (3/12/1964, 43 Mercer 169-170)	1962/547-548
Pirongia West 1s2D2	0-1-03.9	£5 ²³⁷ (3/12/1964, 43 Mercer 169-170)	1962/547-548
Pirongia West 1s2G Lot 1 DP 8426	1-3-01.6	£100 ²³⁸ (3/12/1964, 43 Mercer 169-170)	1962/547-548
Pirongia West 1s2B3A2 ²³⁹	0-2-39.9	Not recorded	1963/1194
Pirongia West 1s2B3B ²⁴⁰	0-2-39.9	Not recorded	1963/1194
Pirongia West 1B	2-0-16.1	Not recorded	1964/1206
Pirongia West 1C2s2	1-1-31.9	Not recorded	1964/1206
Pirongia West 1s2D2	0-0-01.1	Not recorded	1975/1860
Pirongia West 1s2D2A	0-2-36.9	Not recorded	1975/1860-1861

viii. The Crown took lands from the following blocks in which

²³⁰ (31/10/1912, 55 Ōtorohanga MB 84)

²³¹ (22/9/1920, 62 Ōtorohanga MB 181)

²³² Road realignment - road stopping in same Notice. Associated taking at 1996/982, and associated taking and stopping at 1996/2271

²³³ (22/9/1920, 62 Ōtorohanga MB 181) Road realignment - associated road stopping at 1921/590-591 and stopped road declared Crown Land at 1921/2383

²³⁴ Incorrectly taken for Road, retaken for Shingle-quarry at 1923/1189

²³⁵ (3/12/1964, 43 Mercer MB 169-170)

²³⁶ (3/12/1964, 43 Mercer MB 169-170)

²³⁷ (3/12/1964, 43 Mercer MB 169-170)

²³⁸ (3/12/1964, 43 Mercer MB 169-170)

²³⁹ Road realignment - associated taking at 1962/620-621, 1964/2390 & 1976/253. Associated road declared to be Government Road and stopped at 1964/181 & 1965/5, and associated closing/stopping at 1976/253 & 2006/44-45

²⁴⁰ Road realignment - associated taking at 1962/620-621, 1964/2390 & 1976/253. Associated road declared to be Government Road and stopped at 1964/181 & 1965/5, and associated closing/stopping at 1976/253 & 2006/44-45

Ngāti Hikairo has an interest for Quarries and Shingle Pits under various Public Works Acts:

Block	Area	Gazette or Plan Ref	Compensation paid
Pirongia West 3B2C4 Quarry	1-3-36	1925/1951	None recorded
Bed of Mangauika Stream	0-1-26	1955/1253	Not recorded
Sec 1 Block VIII Pirongia SD Lots 3 & 4 DP 16085	2-2-29	1955/1253	£100
Bed of Ōpārau River Shingle-quarry	1-3-07	07/03/1923	Not recorded

- ix. The Crown took lands from the following blocks in which Ngāti Hikairo has an interest for other purposes as outlined in the following table:

Land taken for other purposes under Public Works Acts

Block and Purpose	Area	Compensation paid	Gazette Ref
Kaipiha 10B Easement for water pipeline only	1-0-13.7	Not recorded	1962/1997-1998
Kaipiha 7B Easement for water pipeline only	0-3-31.8	Not recorded	1962/1997-1998
Mangaora 1 Scenic Reserve	1-2-17	£5 ²⁴¹	1924/902
Mangaora 3 Scenic Reserve	18-0-02	£50 ²⁴²	1924/902
Mangaora 4 Scenic Reserve	6-1-03	£15 ²⁴³	1924/902
Orahiri 1s17 Bed of Mangawhero Stream Soil Conservation and River Control	0-1-05	Not recorded	1966/107
Mangauika 1B1 & Whakairoiro 5C2C2 Waterworks	1-3-18.8	Not recorded	1962/1997-1998

²⁴¹ 15/2/1928, 24 Mercer MB 222

²⁴² 15/2/1928, 24 Mercer MB 222

²⁴³ 15/2/1928, 24 Mercer MB 222

Block and Purpose	Area	Compensation paid	Gazette Ref
Mangauika 1B1 & Whakairoiro 5C2C4 Waterworks	0-1-01.9	Not recorded	1962/1997-1998
Mangauika 1B2s2B Waterworks	0-1-39.2	Not recorded	1962/1997-1998
Mangauika B2s2 Waterworks	428-2-00	Not recorded	1962/1997-1998
Sec 73 Block II Kārewa Native Township Health (District Nurse's Residence)	0-0-25	Not recorded	1953/664
Kaipiha 10B Waterworks	1-0-13.7	Not recorded	1962/1997-1998
Kaipiha 7B Waterworks	0-3-31.8	Not recorded	1962/1997-1998
Pirongia West 1s2F1B Landing Reserve	0-1-02	Not recorded	1908/2660-2661
Pirongia West 1s2H Landing Reserve	3-0-29	Not recorded	1908/2660-2661
Pirongia West 3B2E2D Scenic	10-3-38	£27-10-0d ²⁴⁴	1913/2628-2629
Pirongia West 1s2F1B Public School	2-3-06.84	£110 ²⁴⁵	1918/599-600
Pirongia West 3B2C4 Quarry	1-3-36	None recorded	1925/1951
Pirongia West 1s2F1B2B Public School	0-1-23.1	£65 ²⁴⁶	1942/2015
Pirongia West 1s2F1B2B Public School	0-1-02	£354-10-0d ²⁴⁷	1960/1640
Sec 1 Block VIII Pirongia SD Lot 5 DP 16085 ²⁴⁸ Waterworks	0-2-11	Not recorded	1962/1997-1998
Sec 1 Block VIII Pirongia SD Lot 6 DP 16085 ²⁴⁹ Waterworks	0-0-02.8	Not recorded	1962/1997-1998
Sec 3 Block VIII Pirongia SD ²⁵⁰ Waterworks	0-1-04.4	Not recorded	1962/1997-1998

²⁴⁴ (14/1/1914 & 17/2/1915, 18 Mercer MB 165-166 & 19 Mercer MB 193)

²⁴⁵ (14/4/1919, 21 Mercer MB 318-321)

²⁴⁶ (23/2/1944, 29 Mercer MB 182-185 & 199A) Subsequently set apart for Education at 2006/3466

²⁴⁷ (24/1/1961, 39 Mercer MB 323-324) Subsequently set apart for Education at 2006/3466

²⁴⁸ Easement for water pipeline only

²⁴⁹ Easement for water pipeline only

²⁵⁰ Easement for water pipeline only

(xiii) LOCAL GOVERNMENT

85. The Crown established local government throughout the country and delegated authority to local government in breach of Ngāti Hikairo tino rangatiratanga and without consultation with Ngāti Hikairo.
86. The Crown enacted various local government statutes to effect the establishment and powers of local government.
87. The Crown failed to ensure that local authorities established a relationship with Ngāti Hikairo that was consistent with the Treaty and its principles.²⁵¹
88. The Crown failed to ensure Ngāti Hikairo have had adequate representation and participation in decision-making in local government.²⁵²
89. The Crown passed the Local Electoral Act 2001 and the Local Government Act 2002 that delegated its responsibility to local government to ensure Ngāti Hikairo representation and participation in local government.

Particulars

- i. The Crown failed to ensure that local government, or such other bodies acting as agents of the Crown, worked with Ngāti Hikairo to develop proper sewerage, roading, and other infrastructure in Ngāti Hikairo's rohe.²⁵³
- ii. The Crown failed to ensure that local authorities, or other such bodies acting as agents of the Crown, protected water quality, wāhi tapu and places of cultural importance in Ngāti Hikairo's rohe.

²⁵¹ Luiten, #A24, p349

²⁵² Luiten, #A24, pp 347, 350

²⁵³ Luiten, #A24, p349

- iii. The Crown failed to ensure that the system of local government facilitated and served the interests of Ngāti Hikairo as part of its wider constituency.²⁵⁴
- 90. The Crown enacted the Resource Management Act 1991 which does not provide for nor protect the rangatiratanga of, and Kaitiaki responsibilities of, Ngāti Hikairo over their lands, forests, fisheries, waters, wāhi tapu, waterways, and other taonga.
- 91. The Crown through its delegated authority to successive local government has allowed them to develop and carry out restrictive planning policies which have meant that Ngāti Hikairo has been unable to develop land left in its control or hapū members' control.²⁵⁵

(xiv) RATING

- 92. The Crown failed to acknowledge and give effect to the principles of the Ōhākī Tapu regarding the requirement that Rohe Pōtae lands would not be subject to rating.
- 93. The Crown, in breach of Ngāti Hikairo tino rangatiratanga and without consultation with Ngāti Hikairo, empowered local government to impose a rating system on Ngāti Hikairo land which caused an unfair burden upon Ngāti Hikairo.
- 94. The Crown passed rating legislation which does not take account of Ngāti Hikairo values in respect of their lands.

Particulars

- i. The Crown and Native Lands Rating Act 1882:²⁵⁶ This Act provided that all Māori land in a borough and also within five miles of a public road was rateable (“the five-

²⁵⁴ Luiten, #A24, p412

²⁵⁵ Luiten, #A24, pp 24, 25, 412

mile rule”) and the rates if not paid by the owners were paid by the Colonial Treasurer and recouped by way of stamp duty when the affect land sold or leased.

- ii. The Rating Acts Amendment Act 1893:²⁵⁷ which, reinstated the five-mile rule and with exceptions, made Māori land rateable.
- iii. The Rating Act Amendment Act 1896:²⁵⁸ which introduced the ability for local government to nominate an owner where more than four owners and made provision for lease of the land subject to judgment to recoup the rates.²⁵⁹
- iv. The Native Rating Act 1904:²⁶⁰ which made more Māori land liable to full rate liability.
- v. The Rating Amendment Act 1910: which provided that all Māori freehold land was now liable to full and special rates on the same basis as general land.²⁶¹
- vi. The Native Land Rating Act 1924/Rating Act 1925: provided that if a Court charging remained unpaid after one year the Court could order, subject to the consent of the Native Minister, that the land be vested in the Native Trustee for sale, to pay the charge. The Native Trustee could also mortgage the land to pay the rates.
- vii. The power of a receiver or the Native/Māori Trustee to sell Māori land for rates arrears was not removed until the

²⁵⁶ Luiten #A24, p.37

²⁵⁷ Luiten #A24, p38

²⁵⁸ Luiten #A24, p43

²⁵⁹ Luiten #A24, p42

²⁶⁰ Luiten #A24, p42

²⁶¹ Luiten #A24, p44

passing of The Rating Powers Act 1988.

95. The Crown has imposed a rating system of Māori land that adopts a valuation²⁶² treating Māori land the same as general land.
 - i. This is addressed in the Local Government Rates Inquiry (2007) recommendations with a message for more central government leadership on the matter and all matters regarding the rating of Māori freehold land.²⁶³
96. The Crown empowered local government through the Māori Land Court to recover rates arrears by the obtaining of charging orders on Ngāti Hikairo lands to enforce the non-payment of local government rates.
97. Further the Crown empowered local government through the Māori Land Court to obtain orders for Ngāti Hikairo land to be taken and vested in the Māori Trustee or his predecessor and alienated often without consultation with the registered owners.

Rates Remission

98. The Crown passed Local Government (Rating) Act 2002 and delegated its responsibility to provide rates relief under certain conditions²⁶⁴ to local government providing for voluntary rates remissions policies.
99. Section 104 Rating Act 1925 provided that local government could apply for the exemption of land from rating.
100. Section 156 of the Rating Act 1967 provided local government with the ability to provide owners with rates remission on land

²⁶² Valuation New Zealand's application of the Rating Valuations Act 1998

²⁶³

[http://www.dia.govt.nz/Pubforms.nsf/URL/RISummaryReport.pdf/\\$file/RISummaryReport.pdf](http://www.dia.govt.nz/Pubforms.nsf/URL/RISummaryReport.pdf/$file/RISummaryReport.pdf)

that was undeveloped.

101. Section 102 of the Local Government Act 2001 requires all local government to have a policy on the remission and postponement of rates on Māori freehold land. However there is no requirement to actually adopt a policy that provides any such relief and no consistent approach by local government to this issue.

(xv) CROWN ADMINISTERED DISTRICT LAND BOARD

102. The Crown transferred much of the remaining Ngāti Hikairo tribal lands into the control and management of the relevant local District Māori Land Board and through the Board, failed to adequately consult or obtain proper consent from the individuals or chiefs of Ngāti Hikairo before alienating large amounts of lands and leaving many landless.
103. The Crown through the relevant local District Māori Land Board failed to adequately check when alienating Ngāti Hikairo lands whether the beneficial hapū owners of the lands had sufficient other lands for their reasonably foreseeable present and future needs.

Particulars

- i. In the case of the Pirongia West 1, 2B3 and 1 the Public Trustee sought to have Board confirm a sale and thereby confirmed that the seller was not 'landless', on the basis of information that the seller had employment. The Board only granted a lease at that time, but by 1914 the block was sold.²⁶⁴
- ii. In 1911, Te Aho Te Hae, one of four owners of the 160-

²⁶⁴ Luiten #A24, p327

²⁶⁵ Hearn, #A73, p605

acre Pirongia West 1s2F1A block offered 100 acres for sale at its May 1912 government valuation of £350. The Native Department indicated that the Native Land Purchase Board would consider the sale but only if all the owners had sufficient other lands, at that time deemed to be a minimum of 20 acres. The Crown acquired 150 acres of the block in 912 for £330 and the block was proclaimed Crown land in December 1913. A deduction of over £31 was made for survey costs. There is nothing in the correspondence to indicate whether the Waikato-Maniapoto Māori Land Board established how much other land the owners held.²⁶⁶

- iii. In July 1913, the three owners of the Pirongia West 1s2E2 block offered the 130-acre block to the Crown. The land had an October 1913 capital valuation of £162. The Native Land Purchase Board accepted the offer and a memorandum of transfer was duly forwarded to the President of the Waikato-Maniapoto Māori Land Board for action. From the purchase price the Waikato-Maniapoto District Māori Land Board deducted £10 for survey costs, while the vendors were also required to meet the cost of a licensed interpreter employed to identify one of the owners. The file contained no reference to any assessment being made by the Native Land Purchase Board or the Waikato-Maniapoto Māori Land Board as to how much other land the sellers held. The block was proclaimed Crown land in March 1915.²⁶⁷

²⁶⁶ Hearn, #A73, pp 500-501

²⁶⁷ Hearn, #A73, pp 500-501

(xvi) NATIVE TOWNSHIPS

104. The Crown has through the Native Land Court and the Native Townships Act 1895, caused and permitted the alienation, fragmentation and individualisation of communal tribal titles to the lands of Te Rohe Pōtae, without proper consultation or consent of Ngāti Hikairo.

Particulars

- i. The Native Townships Act 1895 as enacted and imposed upon Ngāti Hikairo was one of a series of Acts passed in the 1890s which aimed to extend Crown control over Māori land, and facilitate the spread of Pākehā settlement.²⁶⁸
- ii. The Native Townships Act was designed to allow townships to be established on Māori land where the owners were refusing to sell the freehold to the Crown or settlers.²⁶⁹
- iii. The Native Townships Act allowed for an area of up to 500 acres to be proclaimed as the site of a Native Township, without any requirement under the Act to gain the prior consent of the owners. Under the Act, the legal ownership and all authority was vested in the Crown, while the owners were reduced to the status of beneficial owners.²⁷⁰
- iv. There was no requirement written into the Act that Māori consent had to be sought before the Governor

²⁶⁸ Bassett #A62, p20

²⁶⁹ Bassett #A62, p342

²⁷⁰ Bassett #A62, p344

proclaimed an area as a Native Township.²⁷¹

- v. The Act did not contain any provisions ensuring that mahinga kai or Māori cultivation areas were included in the Native Reserves.²⁷²
- vi. Under the Act full legal authority over the native township passed to the Crown. Even the reserves intended for Māori were vested in the Crown for administration, rather than letting Māori continue to occupy and control them.²⁷³
- vii. Legislation was enacted which further precipitated the position of Māori under the Native Townships Act. The Native Land Court Act 1894 forbade the purchase of Māori land by private individuals, and re-imposed Crown pre-emption. The Lands Improvement and Native Lands Acquisition Act 1894 authorised the Crown to raise funds for the purchase of Māori land, along with the construction of roads and railways to access those lands.²⁷⁴
- viii. In March 1901 Hone Kaora and others petitioned the Minister of Lands for Kāwhia M to become a site for a township. In September 1902 the Crown established the Kārewa Township out of the Kāwhia M2 Block, otherwise known as the Papa-o-Kārewa block of (37 acres).²⁷⁵
- ix. In October 1901 Te Puru Township (of 23 acres) was established. This was the Kāwhia K2 Block.²⁷⁶

²⁷¹ Bassett #A62, p25

²⁷² Bassett #A62, p25

²⁷³ Bassett #A62, p27

²⁷⁴ Bassett #A62, p20

²⁷⁵ Bassett #A62, pp 69, 74

²⁷⁶ Bassett #A62, pp 82, 84

- x. The Crown purchased the entire Te Puru Township, of 23 acres, in 1912.²⁷⁷
105. The Crown enacted the Native Townships Act 1895 which had the effect of defeating chiefly and tribal authority and tino rangātiratanga.

Particulars

- i. While Māori retained beneficial ownership of native townships on paper, the Act took away any ability or opportunity for Māori to continue to exercise their tino rangatiratanga over their lands.²⁷⁸
- ii. Under the Native Township Act 1910 the Board controlling the lands were able to grant perpetual leases and a large number were established in the Kārewa Township.²⁷⁹
- iii. According to Bassett and Kay “*Although they were called ‘Native’ townships, the real purpose was to create Pākehā towns*”.²⁸⁰
- iv. From 1952 the Kārewa Township was vested in the Māori Trustee from the Waikato Maniapoto Māori Land Board. The Māori Trustee remains in control of various sections in the Kārewa Township.²⁸¹
- v. The Sheehan Commission and subsequent inquiries were strongly critical of the Māori Trustee administration

²⁷⁷ Bassett #A62, p8

²⁷⁸ Bassett #A62, p27

²⁷⁹ Bassett #A62, pp 147, 319

²⁸⁰ Bassett #A62, p342

²⁸¹ Bassett #A62, p285

and recommended that control should be returned to the owners. During the Māori Trustee's period of management lot valuations were often forgotten so that the lease rentals were left far too low for too long. Many lots could not be leased and some were occupied without rental payment.²⁸²

106. The Crown failed to guarantee and protect Māori rights to be treated as equal to Pākehā, despite Māori objections to the passing of the Native Townships Act 1895.

Particulars

- i. In response to the Native Townships Act 1895, Hone Heke objected to the manner in which the Government introduced class legislation that affected Māori alone.²⁸³
- ii. In Hone Heke's discussions with Māori from settlements across the North Island, he stated that Māori he had spoken with opposed this legislation upon the basis that it deprived them of the "same rights as Pākehā".²⁸⁴
- iii. A member of the House of Representatives debating the Native Townships Bill noted that the Bill "looked very like an attempt to force settlements on the Natives whether they wanted them or not".²⁸⁵

107. The Crown proclaimed native townships without any proper consultation with or input from Ngāti Hikairo generally.

²⁸² Bassett #A62, pp 347-350

²⁸³ Bassett #A62, p22

²⁸⁴ Bassett #A62, p22

²⁸⁵ Bassett #A62, p23

Particulars

- i. When the Kārewa Native Township was proclaimed in September 1902, Māori owners complained that they had not agreed to the conditions of the Native Townships Act. Māori made objections to the survey plan, requesting more reserves, but the objections were dismissed by the Crown.²⁸⁶
108. The Crown unjustly took land for roads, without compensation, through the imposition of the Native Township Act 1895.

Particulars

- i. Under the Act, all streets were deemed to be vested in the Crown in fee simple, as roads with the meaning of the Public Works Act 1894 without any payment or compensation to Māori owners.²⁸⁷
- ii. Under the Act all public reserves (not Māori reserves) were deemed to be vested in the Crown in fee simple for the specified purposes and dealt with as reserves under the Public Reserves Act 1881 without any payment or compensation to Māori owners.²⁸⁸
- iii. In Kārewa Native Township the amount of land taken in laying out roads, 17 acres 2 roods 11 perches, accounted for almost a third of the area of the township.²⁸⁹
- iv. In Te Puru Native Township, the Crown declared 1 acre 2 roods and 25 perches as Crown reserves and acquired 7 acres as roadlines. The practical effect of this was that

²⁸⁶ Bassett #A62, p347

²⁸⁷ Bassett #A62, p26

²⁸⁸ Bassett #A62, p26

²⁸⁹ Bassett #A62, p352

the Crown acquired 35 percent of Te Puru Township without any payment or compensation to Ngāti Hikairo owners of land in the Township.

109. The Crown failed to ensure that sufficient Ngāti Hikairo lands and resources were set aside as inalienable reserves for the present and future needs of Ngāti Hikairo in Te Puru, and Kārewa Native Townships.

Particulars

- i. Under the provisions of the Native Townships Act, up to 20 percent of the area of any Native Township could be set aside as native reserves.²⁹⁰
 - ii. Requests from Māori for reserves to be set aside in Kārewa Native Township were ignored by the Crown, with the requested reserves becoming Crown lands.²⁹¹
 - iii. In Kārewa Townships 7 acres out of 55 were set aside as Native Reserves, which was equivalent to 13 percent of the total area.²⁹²
 - iv. In Te Puru a total area of 2 acres 1 rood 37 perches of Native Reserves were set aside out of the 23 acres 3 roods 37 perches of Kāwhia K2 block. This represented approximately 10 percent of the area of the township.²⁹³
110. The Crown passed the Māori Affairs Amendment Act 1967 which permitted the Māori Trustee to compulsorily purchase “*uneconomic shares*” with the effect that some Māori lost their

²⁹⁰ Bassett #A62, p83

²⁹¹ Bassett #A62, p81

²⁹² Bassett #A62, p345

²⁹³ Bassett #A62, p346

interests in land.

Particulars

- i. The conversion of “uneconomic shares” in Māori land was a method adopted by the Crown to address the fractionation of ownership through succession. Two Commissions of Inquiry reported on problems associated with succession to Māori land in 1961 and 1965 (the Hunn Report of 1961 and the Pritchard Waetford Report of 1965). The recommendation of the Pritchard Waetford Report was that the problem of fractionation arising out of the succession to titles in Māori land could be ameliorated by the Māori Trustee being empowered to compulsorily acquire all shares in Māori land worth less than £100. This recommendation was enacted in section 124 of the Māori Affairs Amendment Act 1967.
- ii. Under section 124 of the Māori Affairs Amendment Act 1967 the Māori Trustee was empowered to acquire compulsorily any Māori land interests arising out of a succession application where those interests were worth \$50 or less. The provision was abolished by s23 of the Māori Affairs Amendment Act 1974.
- iii. Between 1970 and 1974 the Māori Trustee purchased the “uneconomic interests” of 21 Ngāti Hikairo owners in the Kārewa township. In 1974 the Māori Trustee still held (.1593 out of 91.9146 shares) in Kāwhia M2P11 and 7.7591 out of 139.1017 shares of Kāwhia M2P12.²⁹⁴

²⁹⁴ Bassett #A62, p279

(xvii) UNECONOMIC INTERESTS AND THE CONVERSION SCHEME

111. The Crown enacted the Māori Affairs Amendment Act 1967 which compulsorily converted certain Māori Freehold land into General title and thereby making the land easier to alienate.

Particulars

- i. The Māori Affairs Amendment Act 1967 provided for the “Europeanisation” of certain Māori Freehold lands. Under the Act there would be a compulsory change of status of Māori Freehold lands, where a block had four or less owners, and this was without consultation with nor permission from, the Māori owners.²⁹⁵
- ii. The Māori Affairs Amendment Act 1967 was designed to make it easier for Māori Freehold land that had been “Europeanised” to be alienated.²⁹⁶
- iii. Around 1,725 out of 51,277 acres awarded to Ngāti Hikairo outside the confiscation district were “Europeanised” between 1968 and 1973 (figures are in acres).²⁹⁷

Block	Area acres	Europeanised
Pouewe Block	44	0
Kāwhia	5,373	649
Pirongia West	36,289	594
Motukōtuku	198	65

²⁹⁵ Bassett and Kay, #A75, p415

²⁹⁶ Bassett and Kay, #A75, p415

²⁹⁷ Based upon the report by Douglas *et al*, #A21; Berghan #A60; To be supported by tangata whenua evidence

Block	Area acres	Europeanised
Waihohonu	1,093	0 ²⁹⁸
Mangawhero	26	0
Mangaora	799	0
Kaipiha	1,977	317
Mangauika	5,473	100
Kārewa Island	5	0
Totals	51,277	1,725

- iv. In particular, in the Kāwhia E2B1 block the share of Te Puhia Hikairo Rauparaha was declared uneconomic and vested in the Māori Trustee.²⁹⁹
- v. Most of the “Europeanised” lands of Ngāti Hikairo have been alienated.³⁰⁰

112. The Crown enacted the Māori Affairs Amendment Act 1967 that provided for the compulsory conversion of uneconomic interests.

Particulars

- i. The Māori Affairs Amendment Act 1967 allowed the Māori Trustee to compulsorily purchase certain “uneconomic interests” shares of a value less than \$50 or the Māori Trustee could purchase certain shares by agreement with the interest holder.³⁰¹

²⁹⁸ There may well have been “Europeanisation” of lots within the Waihohonu Block, Berghan, #A60, pp 1169-70 lists as “European” Waihohonu 6, 12, & Roads blocks (a total of 130 acres)

²⁹⁹ Bassett & Kay, #A75, p399; this matter is covered by the Wai 2291 claim made by her descendants

³⁰⁰ To be supported by tangata whenua evidence

³⁰¹ Bassett & Kay, #A75, pp 403, 406-7

- ii. The Māori Trustee, from 1968, purchased the following “uneconomic interests” from Ngāti Hikairo lands.³⁰²

Block	Purchased by agreement	Purchased by agreement	Compulsory Purchase	Compulsory Purchase
	Shares	Amount	Shares	Amount
Kāwhia M2P11	0	0	0.1593	\$102.98
Kāwhia M2P12	7.7591	\$621.69	0	0
Kāwhia R2C1B	56.2734	\$528.43	108.6862	\$386.54
Kāwhia T2s2B2B	38.1197	\$92.68	0	0
Kāwhia T2s4B2	1.1000	\$1,944.49	.7995	\$138.40
Kāwhia W2B	1.6666	\$111.07	0	0
Mangauika 1	0.0250	\$0.36	0.0375	\$0.54

(xviii) LAND MANAGEMENT

Vesting in the Māori Trustee

113. The Crown, or the Crown’s agent, took over ultimate management of various of the lands of Ngāti Hikairo to the near exclusion of the land management rights of the landowners.

Particulars

- i. Under s34 of the Māori Purposes Act 1950 the Māori Land Court had the power to compulsorily appoint the Māori Trustee as an agent for any lands where there were unpaid rates or where the lands were not cleared of

³⁰² Bassett & Kay, #A75, p411; To be supported by tangata whenua evidence

noxious weeds.³⁰³

- ii. This removed the requirement that:³⁰⁴

(...) the Court had to be satisfied as to all of the conditions set out in the legislation (540/1931), that is, that the land was unleased and unoccupied and not kept properly cleared of noxious weeds and that the Court considered an alienation to be in the interests of the owners or of the public. (...)

Section 34/1950 on the other hand required that only one ground be met before an order could be made appointing the Māori Trustee agent for the owners for the purpose of alienation. Either the land was unoccupied or not kept clear of noxious weeds or the beneficial owners could not be found. The grounds that owners had neglected to farm or manage the land diligently or had failed to pay rates which were charged against the land were innovations ensuring the success of almost every application.

- iii. Local Government authorities could apply to the Māori Land Court for vesting orders under part 3 of the Māori Purposes Act 1950 and Part 25 of the Māori Affairs Act 1953 (prior to that, section 540 Native Land Act 1931) in the Māori/Native Trustee, who could then alienate that land.³⁰⁵
- iv. The Crown through the agency of the Māori Trustee allowed the Māori Land Court to take land under those orders and vest in the Māori trustee for alienation without proper consultation with owners.
- v. Local Government members lobbied central government

³⁰³ Bassett & Kay, #A75, p226

³⁰⁴ Luiten, #A24, pp 226, 227

³⁰⁵ Luiten #A24, p,226

vigorously for the more expansive provision as a way of having Māori-owned land alienated so that it could in their view be productive and rateable.³⁰⁶

- vi. In 1954 the Māori Land Court heard various applications of the Kāwhia County Council in relation to certain Pirongia West Blocks seeking management by the Māori Trustee due to unpaid rates. In particular, the Court made orders, with agreement of the owners present, in relation to the Pirongia West 1s2A, 1s2B3A1, 1s2B3A2, 1s2B3B, 1s2B3C, 3B2D, and 1s2F1B2B.³⁰⁷
- vii. In between 1952 and 1954 the Māori Land Court heard various applications of the Kāwhia County Council in relation to certain Kāwhia blocks seeking management by the Māori Trustee due to unpaid rates and in some cases noxious weeds also. In particular the Court made orders, in some cases with the owners' present, in relation to Kāwhia A2D1, B2B, the amalgamated R2C1, T2s3A, T2s3B and W1.³⁰⁸

The Ōpārau Land Development Scheme

- 114. The Crown, or the Crown's agent, took over ultimate management of various of the Ōpārau Land to the near full exclusion of the land management rights of the Ngāti Hikairo landowners.

³⁰⁶ Luiten #A24, pp 219, 437-451; Luiten lists applications by local government authorities for orders in blocks where Ngāti Hikairo has customary interests. Not all were successful

³⁰⁷ Luiten, #A24, pp 450-1; Bassett & Kay, #A75, p306

³⁰⁸ Luiten, #A24, pp 444-446.

Particulars

- i. At an owners' meetings at Ngaruawahia and in Kāwhia on 13th and 14th December 1954 the owners present agreed to the inclusion of the Pirongia West 1s2A, 1s2B3A2, 1s2B3B, 1s2G1, 1s2G2A, 1s2G2B, 1s2G2C, 1A, and 4 (Te Kauri Kāwhia) Blocks as a Land Development Scheme under Part XXIV of the Māori Affairs Act 1953 and subject to the standard conditions.³⁰⁹
- ii. Under the Ōpārau Land Development Scheme, and as provided by Part 1 of the Native Land Amendment Act 1936, the Māori owners had to accept: "*the suspension of all the rights of ownership for an undefined period; that the Crown would make all investment and expenditure decisions without any right of consultation; the imposition of a charge to cover all expenditure; The imposition of interest charges on development expenditure; a liability to repay all development expenditure; the risk of loss of land on account of decision-making over which they had no control; and the possibility that their lands might pass into the hands of nominated occupiers not of their whānau or hapū*".³¹⁰
- iii. While Ngāti Hikairo iwi retained the ownership of their lands in the Ōpārau Development Scheme they were unable to exercise any of the usual rights associated with ownership – their ownership rights were displaced by State authority.

³⁰⁹ Hearn, #A69, p459

³¹⁰ Hearn, #A69, p181

- iv. On 11 August 1959 the Māori Land Court amalgamated the various blocks within the Ōpārau Development Scheme (the Pirongia West 1s2A, 1s2B3A2, 1s2B3B, 1s2G1, 1s2G2A, 1s2G2B, 1s2G2C, 1A, and 4 (Te Kauri Kāwhia) Blocks). The amalgamation was called the Ōpārau Block (1,389:2:19 acres).³¹¹
- v. The Crown purchased various blocks around the Ōpārau Development Scheme and they were formally consolidated into the Ōpārau Block on 4 June 1968 and the Ōpārau Block was now 2,048:3:00 acres.³¹² The Ngāti Hikairo owners had to purchase the interests acquired by the Crown on conclusion of the Scheme.³¹³
- vi. The Ōpārau Development Scheme made a low rate of farm return on capital (4.5%).³¹⁴
- vii. In the 1979 to 1980 years the Ōpārau Development Scheme had a surplus earning of \$49,879 which represented an approximate return on capital of 4.5%.³¹⁵
- viii. By June 1980 the Ōpārau Block was valued at \$1,044,702 and had \$179,179 total debt against the farm giving the owners' equity at around \$865,523 or a debt to equity ratio of 17%.³¹⁶

³¹¹ Berghan, #A60, p607; Hearn, #A69 p461

³¹² Berghan, #A60, p607; Hearn, #A69 p461

³¹³ Hearn, #A69, p518; Berghan, #A60, p607

³¹⁴ Hearn, #A69 p484; To be supported by tangata whenua evidence

³¹⁵ Hearn, #A69, p484

³¹⁶ Hearn, #A69, p483

- ix. At the conclusion of the Ōpārau Development Scheme there was a debt of \$397,262 against the Ōpārau Station. The Crown agreed to write-off \$285,662, leaving the owners with a remaining debt of \$111,600.³¹⁷
- x. The Crown, under pressure from owners, decided to write-off part of the debt as there was concern that the owners would receive farms with high debt levels and limited income combined with tax liabilities. By 1990 the Ōpārau Development Scheme lands had a total debt of \$397,262 from which the Government agreed to write-off \$285,662 leaving a residual debt of \$111,600.³¹⁸
- xi. The Ōpārau Block was managed by the Crown from 1955 and was not returned to its owners until 1989-1990.³¹⁹

Tainui-Kāwhia Incorporation

115. The Crown has established a mechanism, in the form of the Tainui-Kāwhia Incorporation, that has full management control of Ngāti Hikairo land, but is bound by legal process requirements rather than tikanga Māori.

Particulars

- i. Under s34 of the Māori Purposes Act 1950 the Māori Land Court had the power to compulsorily appoint the Māori Trustee as an agent for any lands where there were unpaid rates or where the lands were not cleared of

³¹⁷ Hearn, #A69 p487; To be supported by tangata whenua evidence

³¹⁸ Hearn, #A69, p487

³¹⁹ Hearn, #A69, p461

noxious weeds.³²⁰

- ii. In 1954 the local Kāwhia County Council took an action in the Māori Land Court seeking to have the management of various of the Kāwhia blocks transferred to the Māori Trustee on the basis that there were rates unpaid against those lands and/or noxious weeds were not cleared.³²¹
- iii. In March 1954 the Māori Land Court, having a number of applications under s34 of the Māori Purposes Act 1950, amalgamated a group of the blocks into a single block for management by the Māori Trustee. The amalgamated blocks were Kāwhia R2A9, R2A2, P83A1, P83A2, P83B, P84B, P85B, G2A, M1s2B. The amalgamation was called the Kāwhia R2C1 Block (307a 3r 15p) and the management was passed to the Māori Trustee for the period of approximately 1955 to 1965.³²²
- iv. On 5 December 1963, and during the period of the Māori Trustee management, part of the lands were compulsorily cut out of the Kāwhia R2C1 Block and amalgamated within the Tainui Kāwhia Incorporation of 2,616:0:11 acres.³²³
- v. In 1963, local Māori, including Ngāti Hikairo, formed the Kāwhia Sandhills Committee and afforestation proposals were discussed by Māori land owners and Māori leaders. At a meeting held on 1 June 1963, when some 65 owners

³²⁰ Bassett & Kay, #A75, p226

³²¹ Bassett & Kay, #A75, pp 300, 302, 375; Luiten, #A24, p445

³²² Bassett & Kay, #A75, pp 299, 425; Luiten, #A24, p273; Berghan, #A60, pp277, 285, 288

³²³ Cleaver, #A25, p179; Bassett & Kay, #A75, p358; to be supported by tangata whenua evidence; Berghan #A60, p1070

were present or represented, unanimous approval was given to a proposal to enter a long term lease with the government for the purpose of afforestation.³²⁴

- vi. On 21 August 1963, officers of the Māori Affairs Department met with the Māori owners of the lands that would be included in the afforestation area. The officers explained that it would be necessary to amalgamate the titles of the various blocks involved and establish an incorporation of owners. The management committee of the incorporation would then have to negotiate with the Forest Service in order to decide upon the terms by which the land was to be taken over by a lease for afforestation.³²⁵
- vii. Planting of pinus radiata appears to have been undertaken between about 1970 and 1977 on the Tainui Kāwhia block under the Crown lease. About 1,199 hectares was planted, most of the land was owned by Māori but the Crown owned part.³²⁶
- viii. NZ Forestry Limited acted as consultant to the Tainui Kāwhia Incorporation in the successful negotiation of the purchase of the Crown's shareholding and the on-sale of the first rotation cutting rights for the majority of the forest crop to Rayonier New Zealand Limited (RNZ). Under this agreement, RNZ was required to restock the forest after harvesting with TKI assuming full ownership and management of the second rotation.³²⁷

³²⁴ Cleaver #A25, p179

³²⁵ Cleaver #A25, p180

³²⁶ Cleaver #A25, p25

³²⁷ To be supported by tangata whenua evidence

- ix. The Incorporation used the money raised from the sale of the forest crop to RNZ to buy the Crown out of its share in the forest and for future forest management with the remainder as dividends to the owners.³²⁸
- x. Around the time of the establishment of the Kāwhia Tāinui Incorporation 3 existing urupā were cut out from the amalgamated block: Waimāori, Te Pahī and The Ngāti Toa urupā. A further urupā, Ōpio, was missed out. The Māori Land Court set aside areas for the 3 urupā (which included the “Ngāti Toa Urupā” (Takapūwāhia)) on 5 December 1963. The orders were then cancelled on 21 January 1976 before being re-establishing them on 21 January 1976. The Gazette notices can be summarised as follows:³²⁹

Area 5/12/1963	Area 21/1/1976	Urupā name
4:2:00	4:2:00	Pt Waimāori
13:0:00	2:0:00	Te Pahī
1:0:00	1:0:00	Ngāti Toa

- xi. The Claimants are concerned that about 11:0:0 acres has been removed from Te Pahī. The Claimants are concerned that the Ōpio urupā remains left out. Although it was originally considered by the Ngāti Hikairo shareholders and committee members to be registered and protected it appears, without clear reason, to have been excluded from the registration process. Ngāti

³²⁸ To be supported by tangata whenua evidence

³²⁹ To be supported by tangata whenua evidence

Hikairo are denied access to use the Ōpio urupā and to fence and manage it.³³⁰

- xii. Ngāti Hikairo find it difficult to become involved in management of their sacred sites because the overarching legal mechanism that the Crown has established in the form of the Incorporation. The mechanism makes it difficult for tribal decision-making in terms of tikanga Māori, because the Incorporation runs on a separate and legal kaupapa. As a consequence Ngāti Hikairo find it difficult to seek management changes as follows:³³¹
- a. The urupā are un-fenced. They presently remain subject to the potential damages of forestry and grazing;
 - b. There is no other general protection provided for the urupā, nor is their iwi access to use for contemporary burials;
 - c. Te Puia Hot Springs are a highly revered locality of cultural significance for Ngāti Hikairo and other iwi. Kāwhia is noted for its hot thermal springs off the Ocean Beach known as Te Puia Beach and available at low tides. The springs have always been enjoyed for recreation, but the water was also regarded as having medicinal qualities and being able to heal. The springs are suffering from heavy summer traffic and use. The permission of traffic to the springs has

³³⁰ To be supported by tangata whenua evidence

³³¹ To be supported by tangata whenua evidence

caused irreversible effects on the springs and the nearby dunes.³³²

- xiii. There are significant concerns regarding potential mining operations the incorporation has signalled an interest in. Ngāti Hikairo in discussions with the Incorporation is reduced to the status of “a submitter” in an RMA consultation process in relation to the future use of a hugely significant site to Ngāti Hikairo and others. This is an unacceptable position to be put in.³³³

(xix) SOCIO-ECONOMIC DISADVANTAGE

116. The Crown adopted and effected various policies, actions, and practices relating to, or affecting, Ngāti Hikairo people and our customary lands which had negative impacts upon our economic and social circumstances.
117. The Crown failed to provide proper and adequate education, health services, roading, housing, employment and other entitlements to Ngāti Hikairo, to the detriment of our socio-economic position. The Crown’s failure to deliver such entitlements has forced many Ngāti Hikairo people to move away from our ancestral lands.
118. The Crown introduced the Native Land Court, which had immediate and long-term socio-economic impacts on Ngāti Hikairo.

³³² To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p185

³³³ To be supported by tangata whenua evidence

(xx) FAILURE TO PROTECT NGA TAONGA TUKU IHO O NGĀTI HIKAIRO

119. The Crown has failed to support Ngāti Hikairo in the iwi's attempts to develop new marae and has overturned reservations without proper consultation or consideration of the ramifications.³³⁴
120. The Crown failed through various education policies to actively protect Te Reo Māori for Ngāti Hikairo individuals, and the tikanga, kawa, ritenga, waiata, karakia, whakapapa and other taonga, which are the collective responsibility of Ngāti Hikairo.
121. The Crown pursued assimilationist policies in education resulting in the near extinction of Te Reo Māori and tikanga among Ngāti Hikairo.
122. The Crown prohibited the use of Te Reo Māori in schools thereby derogating the right of Ngāti Hikairo to maintain and develop our language, culture and customs.
123. The Crown took the process of education out of the hands of Ngāti Hikairo elders. The Māori world view, language and culture were displaced by the economic and social world view promoted by the Crown.
124. The Crown failed to preserve tikanga Māori, failed to ensure Ngāti Hikairo retained full exclusive and undisturbed possession of our taonga and failed to provide for the practice of our religion and tikanga.

³³⁴ To be supported by tangata whenua evidence

(xxi) PROTECTION OF WĀHI TAPU AND TAONGA – SPECIAL CASE STUDIES

125. The Crown has failed to stop the excavation, desecration, and/or destruction wahi tūpuna, including the extraction of taonga from such sites.

Particulars

- i. In particular, Ngāti Hikairo considers that the Crown has failed to protect the following wāhi tūpuna:
 Whatiwhatihoe, Mātakitaki, Mangakāware, Te Rore, Pukerimu, Te Papa-o-Kārewa, Whatitiri, Pouewe, Te Pahī (Tainui-Kāwhia Inc), Waimaori (Tainui-Kāwhia Inc), Whatitiri (Kāwhia Public Cemetary), Ōpio (Tainui-Kāwhia Inc), Te Tokitoki and adjoining urupā, Te Hikitanga (Omimiti Street, Kāwhia), Whakamarumarū (Lentfer Lane, Kāwhia), Tangitekorowhiti (Kaora Street, Kāwhia), Te Papa-o-Kārewa (Kaora Street, Kāwhia), two Whatiwhatihoe urupā Mangauika Road, Pirongia), and Te Autapu (Retermeyer Track, Kāwhia) - (some of these sites are detailed further herein).

Pirongia Maunga

126. The Crown has failed to protect Ngāti Hikairo's ownership interests in Pirongia Maunga or to properly recognise and provide for the importance of the maunga to Ngāti Hikairo.

Particulars

- i. The Pirongia maunga itself as a symbol of Ngāti Hikairo identity. It is the home of several mauri of the iwi and Patupaiarehe. It is one of Ngāti Hikairo’s most important wāhi tupuna. Also, the forests and the resources therein are important to Ngāti Hikairo for numerous reasons.³³⁵
- ii. Pirongia Maunga was alienated through confiscation in the north and through land alienations and public works takings to the south (within the Pirongia West and Mangauika blocks). In the case of the land alienations Ngāti Hikairo believe that when individuals sold their undivided shares no one knew that their share would be partitioned out to include the maunga.
- iii. A significant portion of Ngāti Hikairo “Returned” lands awarded on the slopes of Pirongia Maunga were further alienated to the Crown and put into a scenic reserve for conservation purposes. These lands form the bulk of the Pirongia Forest Park.³³⁶ Various proclamations through the 1900s set apart the maunga land as State Forest.³³⁷
- iv. The maunga is presently managed by the Department of Conservation.³³⁸

³³⁵ To be supported by tangata whenua evidence

³³⁶ Innes, #A30, pp 80-97; to be supported by tangata whenua evidence

³³⁷ To be supported by tangata whenua evidence; see for example New Zealand Gazette, 1934, p2119

³³⁸ To be supported by tangata whenua evidence

Mātakitaki Pā

127. The Crown has failed to protect Ngāti Hikairo's ownership Mātakitaki Pā or to properly recognise and provide for the importance of the Pā to Ngāti Hikairo.

Particulars

- i. The Mātakitaki Pā was the home, or capital centre, of Ngāti Hikairo. It was sacked in 1822.³³⁹
- ii. Mātakitaki is the western section of three Pā that make up Mātakitaki Pā. The other two are Taurakohia and Puketutu.³⁴⁰
- iii. The site, Mātakitaki, was included within Lot 323, of 10.37 acres, awarded on 2 July 1868 to Hone Te One through the Compensation Court process. The grant was not subject to restrictions on alienation. Hone Te One transferred the property to his tamaiti whāngai, Hone Kaora. Kaora in turn conveyed the land to a European on 21 December 1891.³⁴¹
- iv. The Crown acquired the land from the European under The Public Reserves, Domains & National Parks Act 1928 as part of the Pirongia Domain on 10 July 1931. The land is presently classified as a reserve under the Reserves Act 1977. The land was later subject to Section 11 of the Waikato Raupatu Claims Settlement Act 1995 'which provides for residual Crown Land to be offered for

³³⁹ To be supported by tangata whenua evidence

³⁴⁰ To be supported by tangata whenua evidence

³⁴¹ To be supported by tangata whenua evidence; Innes, #A30, pp 31-32

purchase to a land holding trust for Waikato in certain circumstances'.³⁴²

- v. The Council's Management Plan for the Mātakitaki Pā doesn't even recognise Ngāti Hikairo. It recognises the nearest marae and Ngā Iwi Toopu o Waipā rather than the directly affected tangata whenua parties. Part of the site is leased by a farmer. Thus the site is continually the subject of poor management and consultation as it faces damage from farming practice. Registration through the Historic Places Act does not seem to provide any solution or real protection.³⁴³

Taumata Atua

- 128. The Crown has failed to properly care for and protect Taumata Atua and has not consulted Ngāti Hikairo in relation to the taonga.

Particulars

- i. At some time in the 1970's the taonga, Taumata atua, was taken by Junior Naturalists from Tiritirimatangi (which is part of the Ōpārau farm. This was during the time when the farm was under the management of Māori Affairs.³⁴⁴
- ii. The taonga was placed under the ownership of then Māori Monarch, and sent to the Te Māori Exhibition. It

³⁴² To be supported by tangata whenua evidence; Innes, #A30, pp 31-32

³⁴³ To be supported by tangata whenua evidence

³⁴⁴ To be supported by tangata whenua evidence

was placed in the Waikato Museum, and is currently at the Tainui Exhibition at Te Papa.³⁴⁵

- iii. The current information pertaining to the taonga is not fully correct.
- iv. The Crown and the museums should consult with the tangata whenua from where the Taumata Atua was taken.³⁴⁶
- v. The taonga is considered to be a mauri placed on the lands by the tūpuna Rakataura to ensure prosperity and protection. It should be returned to ensure tribal prosperity and protection.³⁴⁷

Kāwhia Pōhutukawa

129. The Crown has failed to adequately protect culturally significant Pōhutukawa trees at Kāwhia.

Particulars

- i. There is a large grove of Pōhutukawa trees along the shoreline and coastal areas of Kāwhia that are of cultural significance for Ngāti Hikairo. Some of the trees have been lost over the last century and some most important ones have been in danger.³⁴⁸
- ii. Two large Pōhutukawa trees on the waterfront at the southern end of the town are of particular interest to Ngāti Hikairo: Te Papa-o-Kārewa and Tangi-te-Korowhiti. Te Papa-o-Kārewa was a mooring for the Tainui waka and

³⁴⁵ To be supported by tangata whenua evidence

³⁴⁶ To be supported by tangata whenua evidence

³⁴⁷ To be supported by tangata whenua evidence

³⁴⁸ To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p188

Tangi-te-Korowhiti is a particularly sacred tree with caves beneath its roots where burials took place and where there was protection in ancient times from a magical woman.³⁴⁹

- iii. The existing Ōtorohanga District Plan, which became operative in 1999, states that notable trees are items of heritage value, but no coastal Pōhutukawa are currently registered as notable trees or as historic places. In the new proposed district plan the Pōhutukawa Papa-O-Kārewa and Tangi Te Korowhiti have been drafted to be registered as notable trees, as has a group of historic Pōhutukawa.³⁵⁰
- iv. There has also been a failure to protect sacred Pōhutukawa on the Crown-owned portions of the Tainui Kāwhia Block.³⁵¹

³⁴⁹ To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p188

³⁵⁰ To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p194

³⁵¹ To be supported by tangata whenua evidence

Te Tokitoki Urupā

130. The Crown failed to promptly return Te Tokitoki urupā following Ngāti Hikairo protest at its inclusion within the Kāwhia A1 Crown purchase block in about 1892.
131. The Crown constructed the Highway 31 along the Kāwhia Moana coastine without due regard for the sacred sites of Ngāti Hikairo, including Te Tokitoki.

Particulars

- i. On or about 5 April 1892 the Native Land Court defined the Crown's purchase interests in the Kāwhia A (Kōpare) block as the Kāwhia A1 block of 31 acres.³⁵²
- ii. Ngāti Hikairo protested because the Kāwhia A1 block included the Te Tokitoki Urupā. Te Tokitoki is an old urupā of Ngāti Hikairo on the coastline at Mangaora Inlet.³⁵³ The Crown agreed to return 5 acres for the urupā.³⁵⁴
- iii. The Crown took roads from within the Kāwhia Township and leading along the coastline to the township without compensation.³⁵⁵
- iv. In the years prior to 1979, the construction of the Kāwhia road along the Kāwhia harbour destroyed and desecrated part of the Ngāti Hikairo Te Tokitoki urupā. Several tūpāpaku were exposed.³⁵⁶

³⁵² Berghan, #A60, p252

³⁵³ To be supported by tangata whenua evidence

³⁵⁴ To be supported by tangata whenua evidence

³⁵⁵ Alexander, #A63, p64; Bassett #A62, p26

³⁵⁶ To be supported by tangata whenua evidence

- v. It was not until around 1979, following further protest due to the construction of the road, that the land was finally set apart as a Māori reservation for the purpose of an urupā.³⁵⁷ Only 4.2 acres was returned. The urupā is still used today. It is actually made up of two urupā: one on the shoreline and the other one contained within the current urupā reserve.³⁵⁸

(xxii) RESOURCE MANAGEMENT AND ENVIRONMENTAL ISSUES

132. The Crown failed to properly protect against the depletion and pollution of the lands, waters, waterways, environments, and resources of Ngāti Hikairo.
133. The Crown failed to properly provide for and recognize the intellectual and property rights to flora and fauna, foods, rongoa, and other taonga within the lands and waters possessed and enjoyed by Ngāti Hikairo.
134. The Crown failed to properly recognize and provide for the customary title and rights of Ngāti Hikairo to their rivers and waterways (including their waters, groundwaters, and associated resources).
135. The Crown further failed to protect the physical and spiritual health of the waters and waterways of Ngāti Hikairo.
136. The Crown has failed to recognise, protect, and provide for the customary rights, interests and associations of Ngāti Hikairo in their lands, waters, seas, foreshore and seabed by enacting

³⁵⁷ To be supported by tangata whenua evidence

³⁵⁸ To be supported by tangata whenua evidence

various legislation including the Resource Management Act 1991 and the various Foreshore and Seabed legislation since 2004.

137. The Crown has also failed to recognise, protect, and provide for the customary rights, interests, and associations of Ngāti Hikairo by applying the *ad medium filum aquae* common law rule and/or by failing to remedy any prejudice caused by the application of that common law rule.
138. The Crown has failed to properly recognise, protect, and provide for the ownership rights of Ngāti Hikairo over the waters of the *awa*, harbours, lakes, rivers, and other waterways including groundwaters.
139. The Crown has failed to protect the interests of Ngāti Hikairo by the compulsory taking of land on the banks and in the vicinity of the coasts, *awa*, harbours, lakes, and waterways for reserves and other 'public purposes'.
140. The Crown has failed to adequately recognise and protect the *wāhi tapu* of Ngāti Hikairo in and around the lands, waterways, and other *taonga* of Ngāti Hikairo.
141. The Crown has through various statutes, policies, practices, and other instrumentalities, including in particular the Resource Management Act 1991 expropriated from Ngāti Hikairo *te tino rangatiratanga* and management rights over the rivers, forests, waters, lands, and all *taonga* of Ngāti Hikairo without their consent and, in so doing, has failed to adequately provide for or recognise the role of Ngāti Hikairo as *kaitiaki* over these *taonga*.
142. The Crown has failed to adequately recognise, respect, or provide for the right of Ngāti Hikairo to undertake development

relating to their lands, seas, forests, and other taonga.

143. The Crown has failed to adequately recognise, respect, provide, and protect the right of Ngāti Hikairo regarding further degradation and contamination of the waters of their seas, harbours, lakes, awa, and other waterways including groundwaters.
144. The Crown usurped Ngāti Hikairo tino rangātiratanga over their lands, forests, fisheries, rivers, waters, waterways and other taonga within their customary lands and has failed to adequately provide for or recognize their role as kaitiaki over such rivers and waterways.
145. The Crown failed to adequately protect and provide for the exercise by Ngāti Hikairo of non-commercial customary fishing and the customary fisheries in their rivers and waterways.

Particulars

- i. In the Kāwhia Block the Paretao Tribal Eel Reserve (Kāwhia S) reserve was established in 1892 to protect the interests of eight hapū of Ngāti Hikairo in the eel fishery of the Paretao lagoon. The reserve was identified as inalienable and reserved as a tribal reserve of Ngāti Hikairo under the trusteeship of selected trustees. However, the lagoon was subsequently drained and then systematically alienated. This was a loss of a very significant customary resource for Ngāti Hikairo – both in terms of cultural and economic/subsistence significance.³⁵⁹
- ii. Ngāti Hikairo understands that a Wildlife Reserve was

³⁵⁹ To be supported by tangata whenua evidence; Belgrave *et al*, #A76, p20; Berghan, #A60, pp 275, 290

effectively imposed over Kārewa (Gannet Island) without, or without adequate, iwi or owner consultation.

- iii. In the view of Ngāti Hikairo, the Department of Conservation has not created, nor properly sought to establish, a relationship with Ngāti Hikairo consistent with the Treaty of Waitangi and the wishes of Ngāti Hikairo.

Kārewa Motu

- 146. The Crown has failed to recognise the kaitiaki roles of the 3 identified owners of Kārewa Island in 1889, by allowing succession to them.³⁶⁰
- 147. The Crown also failed to consult, or properly consult, the owners of Kārewa Motu and/or iwi before placing the motu under a Wildlife Sanctuary.³⁶¹

(xxiii) NGĀTI HIKAIRO EASTERN “NON-RAUPATU” CLAIMS

*Ko Pirongia te maunga
Ko Waipā te awa
Ko Mangauika te mania
Ko Te Rore te whenua²*

Background

- 148. Ngāti Hikairo people participated in the wars in the 1860s and lost lives and property at the battles of Rangiriri, Paterangi, Hairini, Waiari, Orākau, and others. Ngāti Hikairo suffered substantially in the battles and “[with] *other groups took a*

³⁶⁰ To be supported by tangata whenua evidence

³⁶¹ To be supported by tangata whenua evidence

³⁶² This pepeha arises from a kupu used by the Rūnanga o Ngāti Hikairo in 1865 in their claims for the previously confiscated Aratokau, Mātakitaki, Mangauika, Mangapakiaka, Mangatōtara and Te Rore Blocks upon hearing of the surveying in the Pirongia District. The hapū of Ngāti Hikairo identified in those claims were: Ngāti Purapura, Ngāti Horotakere, Ngāti Pare, Te Matewai.

prominent part in the defence of the Waikato".³⁶³ Ngāti Hikairo was named in a Crown proclamation in 1879 that named all of the iwi deemed to have "*been in rebellion*".³⁶⁴ Ngāti Hikairo considers they were never in rebellion, but were simply defending themselves after the Crown invaded. Ngāti Hikairo suffered as a consequence of the raupatu and confiscation losing about 68,000 acres. Ngāti Hikairo also accepted various refugees into their lands after the wars (who had lost all their lands to confiscation) and engaged in customary tuku whenua with some.

149. The Crown split the customary territory of Ngāti Hikairo as a consequence of the confiscation of the 1860s. A census of the Māori Population in 1878 identifies Ngāti Hikairo living at Kaipāpaka, Kāwhia North, Mangauika, Whatiwhatihoe and Waipā.
150. North of the confiscation line the Ngāti Hikairo territory extends from Māhaukura to Tahuanui, from Mangakarā to the mouth of Manga-o-Tama, including Te Rore, Pukerimu, & Pāterangi and then east to Ngāroto and Te Hinau-a-Tamatea north of Ōhaupo. Then south to Kaipaka on the Mangapiko Stream then to Tutupōrutu, then to the Mangapōuri Swamp, then to the mouth of the Mangapōuri Stream as it enters Waipa opposite Whatihatihoe (herein referred to as "Ngāti Hikairo Eastern lands").
151. The hapū of Ngāti Hikairo that associate with the Ngāti Hikairo Eastern lands are all the hapū with the exception of Ngāti Te Uru.

³⁶³ O'Malley, #A22, pp 59, 106, 109-130, 144-170, 179, 180

³⁶⁴ O'Malley, #A22, p580; *New Zealand Gazette*, no.109, 23 October 1879, p.1480

152. Ngāti Hikairo acknowledges that the “*Raupatu*”³⁶⁵ claims to Ngāti Hikairo Eastern lands have been dealt with by the Waikato Raupatu claims Settlement Act 1995 in relation to their Waikato affiliations. However, Ngāti Hikairo continues to have “*non-Raupatu*” claims within those lands which have yet to be inquired into and acknowledged. Further, the claims made herein are based upon Ngāti Hikairo affiliations which are distinctive and are not Waikato descent lines.³⁶⁶
153. These “Non-Raupatu” claims include claims within:
- i. Pirongia Parish;
 - ii. Ngāroto Parish;
 - iii. Mangapiko Parish; and
 - iv. Town of Alexandra West and East.
154. Attached to this Amended Statement of Claim is a map, marked “**B**”, that shows in a very approximate way, the Parishes within which Ngāti Hikairo hold customary interests and identifying where the Crown grants were made to iwi following confiscation.
155. Attached to this Amended Statement of Claim is a map, marked “**C**”, that shows in a very approximate way, the Crown grants that were awarded to Ngāti Hikairo individuals by the Crown (“the “Returned” lands”) following their confiscation but which have subsequently been lost through non-raupatu actions by the Crown.

³⁶⁵ As defined under Section 8 of the Waikato Raupatu Claims Settlement Act 1995

³⁶⁶ Should the Waitangi Tribunal determine that it is unable to inquire into the claim as a consequence of the Waikato Raupatu Claims Settlement Act 1995 then the Claimants seek to bring the information within this claim to the attention of the Waitangi Tribunal as context to the other claims of Ngāti Hikairo

“Non-Raupatu” land loss and claim issues

156. The Crown made the land awards within the Confiscation District to individuals rather than to the iwi of Ngāti Hikairo.

Particulars

- i. The Rūnanga o Ngāti Hikairo was represented by about 13 members in 1865 when it was applying to the Compensation Court for the return of lands within the Confiscation District. The applications were for the land to be returned as a collective. Several of the applications and letters state the application and the land is for the collective “me Ngāti Hikairo katoa”.
- ii. The initial returns and maps indicated that the land was going to be awarded to the collective “Ngātihikairo” iwi, however the final lands that were “Returned” were in individual title.³⁶⁷
- iii. The following Crown awards were made to Ngāti Hikairo individuals:³⁶⁸

Parish	Lot	Area	Grantee
Mangapiko	323	10.37	Hone Kaora (John Cowell) from Hone Te One
Pirongia	305	409.23	Matilda Morgan (Matire Te Rārangī)
“	306 & 330	250	Hone Te One
“	327	566	Hone Te One
“	329	200.33	Hone Te One
	344	24.999	Rahera Mere Puku
“	285-90, 295, & 352-365	3,287.20	Eruini Te Oka and 24 others
Ngāroto	15, 22, 23, & 24	203.21	Wiremu Kārewa

³⁶⁷ Innes, #A30, pp 80-97; to be supported by tangata whenua evidence

³⁶⁸ Innes, #A30, pp 80-97; to be supported by tangata whenua evidence; there were a few other very small township awards in “Newcastle” Hamilton West, Puhue 1B, Pukekura 13, but outside the Inquiry District

Parish	Lot	Area	Grantee
"	27, 28, 109, 118, & 119	256.06	Hone Te One
"	82	50.52	Hone Wirihana
"	99, 100, 101, & 102	201.35	Kipa Te Kotuku
"	104, 105, 110, & 111	202.61	Hone Whitu
"	112, 113, 114, & 115	204.24	Pipiwai
"	387	15.77	Mata Kaora
"	388	10.17	Matilda Morgan
"	84A	23.16	Opehia MacFarlane, Opehia did not seem to be part of the Ngāti Hikairo application
"	87 & 149	178.75	Opehia MacFarlane, Opehia did not seem to be part of the Ngāti Hikairo application
Township of Alexandra West	321	10.14	Hone Kaora (John Cowell) from Hone Te One
"	246	0.5	Wiremu Te Wheoro
Township of Alexandra East	196, 196A, & 386	1.5	Hone Kaora (John Cowell) from Hone Te One
"	202	1	Wiremu Te Wheoro
"	195	0.5	Wiremu Te Wheoro
Puniu Parish	341	49.91	Hone Te One
Total		6,157.73	

- iv. Nearly all of the Ngāti Hikairo grantees were the Runanga members and their immediate families.³⁶⁹
- v. When the awards were being surveyed in the Pirongia Parish in 1870, the surveyor Mr Richard Todd was killed. It was reported that Mr Todd received a number of warnings not to breach the aukati before he was killed.³⁷⁰ Certain Ngāti Hikairo traditions are that a reason for the

³⁶⁹ To be supported by tangata whenua evidence

³⁷⁰ Marr, #A78, pp 111, 315; to be supported by tangata whenua evidence

killing was that the iwi would not let Mr Todd survey the collective iwi block into individual lots. Subsequently, Lot 327 was sold to the Crown in 1875 to appease the whakamā that was brought upon Ngāti Hikairo. Ngāti Hikairo have suffered from the stigma associated with the killing and this had had a long-lasting effect on the mana of Ngāti Hikairo.³⁷¹

157. On the whole, the lands awarded by the Crown to Māori were of poor quality.

Particulars

- i. The majority of the awarded of lands “Returned” to Ngāti Hikairo individuals were within the southern Pirongia parish and within the area of least suitability for development and with most remaining forest.³⁷²
- ii. The lands did however contain parts of Pirongia maunga, Mātakitaki Pā, and Whatiwhatihoe marae.³⁷³
- iii. There were few awards in the Townships. Only about 0.76% of the Alexandra East Township land was granted to Māori.³⁷⁴ Only about 1.67% of the Alexandra West Township land was granted to Māori.³⁷⁵
- iv. The “Returned” lands were often surrounded by paper roads that were never actually formed.³⁷⁶

³⁷¹ To be supported by tangata whenua evidence; Innes, #A30, pp 57-58

³⁷² Innes, #A30, pp 49, 193

³⁷³ To be supported by tangata whenua evidence

³⁷⁴ Innes, #A30, p127

³⁷⁵ Innes, #A30, p145

³⁷⁶ Innes, #A30, pp 192, 193

158. The Crown failed to ensure Ngāti Hikairo retained enough of their lands within the Confiscation District for their present and future needs.

Particulars

- i. The Confiscation District almost divided the territory of Ngāti Hikairo in half. Yet from about 68,000 acres of their rohe within the Confiscation District, the Crown “returned” about 6,100 acres in individual titles. None of the lands “Returned” to Ngāti Hikairo individuals were given any restrictions against alienation.³⁷⁷
- ii. The majority of the “Returned” lands were lost to private purchases in a relatively short period after the awards in the 1870s through to 1930 (around 88%).³⁷⁸
- iii. Some of the awards of “Returned” lands appear to “ante-vested” to 13 March 1867 possibly to validate a pre-existing alienation. ³⁷⁹ For example, Lots 15 & 22-24 of the Ngāroto Parish were sold on 23 June 1869, 2 years prior to the issue of the grant in 1871 and accordingly, it appears, this was the reason the grant was ante-vested to 13 March 1867. ³⁸⁰ Lots 27-28, 109, & 118-119 of the Ngāroto Parish were sold on 7 July 1869, nearly 2 years prior to the issue of the grant in 1871 and accordingly, it appears, this was the reason the grant was ante-vested to 13 March 1867. ³⁸¹ Lot 329 of the Pirongia Parish was sold on 20 July 1869, about 1 year prior to the issue

³⁷⁷ Boulton, #A67, p35

³⁷⁸ Based upon the report by #A21; Innes, #A30; Boulton, #A67, pp 35, 194

³⁷⁹ #A21; Innes, #A30, p13

³⁸⁰ #A21; Innes, #A30, p36

of the grant in 1870 and accordingly, it appears, this was the reason the grant was ante-vested to 13 March 1867.³⁸²

- iv. Ngāti Hikairo estimates that the iwi has lost about 99.9% of their land inside the confiscation district as follows:³⁸³

Block	Area	Acres Remaining	Land lost
Pirongia Parish	26,173	94.8	26,078
Ngāroto Parish	21,572	0	21,572
Mangapiko Parish	18,968	0	18,968
Alexandra Township lots	1,656	1.5	1654.5
Totals	68,369	96.3	68,273

- v. The iwi interests in lands inside the confiscation district, and the types of losses of those lands, is approximately 68,000 acres as follows (figures in acres):³⁸⁴

Block	Total Area	Crown purchases from awards	Private purchases from awards	Other	Remaining for Ngāti Hikairo
Pirongia Parish	26,173	473	4411	164	94.8
Ngāroto Parish	21,572	0	1140	260	0
Mangapiko Parish	18,968	0	404	46.68	0
Alexandra Townships	1,656	0	10	6	1.5

- vi. Ngāti Hikairo estimate that the iwi has lost about 98.4% of the “Returned” lands that were awarded to Ngāti

³⁸¹ #A21; Innes, #A30, p36

³⁸² #A21; Innes, #A30, p36

³⁸³ Based upon the report by Douglas *et al*, #A21; Innes, #A30. Where any particulars assert matters that are the subject of the settlement of claims under the Waikato Raupatu Claims Settlement Act 1995 then such information is set out to provide context to the non-“Raupatu” claims and other claims herein

³⁸⁴ Based upon the report by Innes, #A30

Hikairo individuals inside the confiscation district as follows (in acres):³⁸⁵

Block	Area	Remaining	Land lost
Awards	6,130.7	96.3	6,061

- vii. Today, Ngāti Hikairo only have about 1.5 acres within the Alexandra East Township (Lots 196, 196A, & 386) and about 94.8 acres on the slopes of Pirongia Maunga within Lots 289 and 344 of the Pirongia Parish.³⁸⁶
- viii. Neither of the three areas of land are occupied by Ngāti Hikairo. In fact, the Alexandra East Township lands appear to have had Pākehā living on them without rent for quite some time and a recent subdivision that affected part of the land was not notified to the owners because the local council and consent-holder claimed they could not find any of the owners.³⁸⁷
- ix. A significant portion of Ngāti Hikairo “Returned” lands awarded on the slopes of Pirongia Maunga were alienated to the Crown and put into a scenic reserve for conservation purposes. These lands form the bulk of the Pirongia Forest Park.³⁸⁸
- x. The Whatiwhatihoe lands within the Confiscation District were awarded to Hone Te One within Lots 329 (about 200.3 acres) and 330 (about 96 acres) of the Pirongia Parish, both awarded under the New Zealand

³⁸⁵ Innes, #A30, pp 192, 194

³⁸⁶ Based upon the report by Innes, #A30; To be supported by tangata whenua evidence

³⁸⁷ To be supported by tangata whenua evidence

³⁸⁸ Innes, #A30, pp 80-97; to be supported by tangata whenua evidence

Settlements Act 1863 and the New Zealand Settlements Amendment and Continuance Act 1865. Both Lots did not have any restrictions against alienation and have been alienated.³⁸⁹

³⁸⁹ To be supported by tangata whenua evidence; Innes, #A30, pp 55-6, 58-9

E. NGĀ MAMAE – THE PREJUDICE

159. As a consequence of the Crown's legislation, its actions, omissions, practices and policies as set out in this Amended Statement of Claim Ngāti Hikairo has suffered and continue to suffer numerous prejudicial effects including:

- (a) the failure to respect the tribal institutions of Ngāti Hikairo and the iwi's self-determination of its membership and composition;
- (b) the loss of, or impairment to, their management control and te tino rangatiratanga over Te Rohe Pōtae, and including the Whatiwhatihoe marae, Pirongia maunga, and Paretao lagoon;
- (c) the dispossession of substantially all of their cultural, spiritual, economic and political base;
- (d) the loss of mana and the consequent loss of economic, cultural and political autonomy through the continuing erosion of rangatiratanga;
- (e) the damage to and reduction of the ability to carry out their duties, obligations, and functions as kaitiaki;
- (f) the loss of knowledge and understanding of their customs, tikanga, ture, kawa, reo Māori, traditions, whakapapa, role as kaitiaki, and customary practices relating to Te Rohe Pōtae and Whatiwhatihoe marae;
- (g) the degradation of the spiritual, economic, and social health of the people of the Whatiwhatihoe marae and failure to preserve their urupā for their descendants;
- (h) the damage and reduction of their ability to properly host manuwhiri with provisions of mahinga kai, mahinga tuna and

other material gifts from the resources within the Whatiwhatihoe marae area;

- (i) the obstruction and impediment to Ngāti Hikairo iwi, hapū and whānau structure, management and leadership, identity, culture, reo, tikanga and self-determination;
- (j) The imposition of other tribal authorities upon Ngāti Hikairo;
- (k) the loss and destruction, both wholly and partly, of their wāhi tapu;
- (l) the loss of their economic interests in and rights to develop their lands and resources in Te Rohe Pōtae;
- (m) the loss of their tribal lands within Te Rohe Pōtae and including the Whatiwhatihoe marae;
- (n) the damage to and gradual destruction of the social structure and organisation of the iwi, hapū and whānau;
- (o) the destruction of the traditional system of tenure;
- (p) being left with fragmented, meagre and individualised land holdings of little utility or value that are manifestly insufficient for the present and future needs of Ngāti Hikairo and its hapū;
- (q) being left insufficient land and resources to actively participate in the economy and enjoy the benefits of European settlement;
- (r) the damage to the natural environment of the hapū of Ngāti Hikairo and all its abundance of natural resources caused by the pollution of the lands, waterways, sea and air;
- (s) their experience of anxiety, hurt, stress and trouble; and,
- (t) a gross offence to their customary right, title, mana, ihi and wehi.

160. Accordingly the members of the Ngāti Hikairo hold, and have held for over 140 years, a strong sense of grievance against the Crown.
161. Furthermore the members of Ngāti Hikairo hold, and have held for over 140 years, a perception that:
- (a) The Crown has not acted in good faith, and;
 - (b) The Crown has not properly protected their customary rights and interests in, and associations with, Te Rohe Pōtae, and;
 - (c) The Crown has not properly protected their customary rights and interests in, and associations with, ancestral and traditional customary fishing grounds associated with Te Rohe Pōtae, and;
 - (d) The Crown has not kept to its solemn undertakings under the Treaty of Waitangi and Te Ōhākī Tapu.

F. TE UTU – THE RELIEF

162. The Claimants seek recommendations to remove, alleviate, or mitigate the prejudice inflicted upon and experienced by the members of the Ngāti Hikairo iwi and accordance requests recommendations from the Waitangi Tribunal that the Crown:

- (a) Provides a full comprehensive public apology for the actions and omissions regarding Te Ōhākī Tapu and the Whatiwhatihoe marae;
- (b) Provides for and works under the direction of Ngāti Hikairo iwi to institute, monitor, and regulate a programme seeking the recovery of Ngāti Hikairo tribal lands within Te Rohe Pōtae (including Whatiwhatihoe marae and Pirongia maunga);
- (c) Provides for and works under the direction of Ngāti Hikairo iwi to institute, monitor, and regulate a programme for the protection, growth, and recovery of the customary social structures of the tribes in Te Rohe Pōtae;
- (d) Protects, in full, the customary rights of the members of Ngāti Hikairo relating to the communal health and welfare systems of the tribes of Te Rohe Pōtae and associated traditional customary social structure protocols;
- (e) Protects, in full, the customary rights of the members of Ngāti Hikairo to gather, extract, or collect foods, rongoa, and all customary materials and resources of Te Rohe Pōtae;
- (f) Returns all Ngāti Hikairo tribal land owned by the Crown within Te Rohe Pōtae and any improvements thereon including reserved and conservation land to the members of Ngāti Hikairo iwi;
- (g) Pursuant to ss 8A-8H of the Treaty of Waitangi Act 1975, returns to Ngāti Hikairo tribe any and all memorialised land,

that is Ngāti Hikairo tribal land, within in Te Rohe Pōtae region including:

- (i) Lands held in Crown title, and;
 - (ii) Land held by any State Owned Enterprise, and;
 - (iii) Land held by any instruction under the Education Act 1989, and;
 - (iv) Land vested under the New Zealand Railway Corporation Restructuring Act 1990 or any interest in any such land and together with improvements thereon.
- (h) Pursuant to ss 8H-8HH of the Treaty of Waitangi Act 1975, returns to the Ngāti Hikairo iwi any and all Crown Forest land, that is Ngāti Hikairo tribal land, in Te Rohe Pōtae and the payment of full compensation under the Crown Forest Assets Act 1989;
- (i) Enacts legislation to recognise and provide for the ownership by the Ngāti Hikairo iwi of their tribal lands within Te Rohe Pōtae, including its waters;
- (j) Compensates the Ngāti Hikairo iwi for the prejudicial effects as a result of the Crown's legislation, acts, omissions, policies and practices as identified in this Amended Statement of Claim;
- (k) Makes provision for Ngāti Hikairo to exercise its mana whenua, tino rangatiratanga and kaitiakitanga through improved participation of representatives of Ngāti Hikairo iwi, and other Te Rohe Pōtae tribes, on all statutory boards, local and regional authorities, authorities, agencies, companies and other Crown and quasi-Crown organisations, Government bodies, agencies, and departments that

function within, or with regard to, Te Rohe Pōtae including its fisheries and other resources;

- (l) Provides statutory, regulatory and other appropriate mechanisms and resources to enable tribal leadership, self-regulation, management, and governance for the Ngāti Hikairo iwi within Te Rohe Pōtae and over tribal resources in Te Rohe Pōtae;
- (m) Engages with Ngāti Hikairo to settle the Treaty of Waitangi claims of the iwi including the “harbour claims” and the “non-Raupatu” claims under the Waikato Raupatu Claims Settlement Act 1995;
- (n) Pays full costs to Ngāti Hikairo for the preparation and presentation of this claim and the costs of recovering any land recommended to be returned or other costs incurred in securing the implementation of Tribunal recommendations;
- (o) Any further relief the Tribunal deems appropriate; and,
- (p) Such other relief as the Tribunal considers appropriate to:
 - (i) Recognise, support, and acknowledge the mana and tino rangatiratanga of Ngāti Hikairo over our customary lands, forests, waters, and taonga and all resources in or on the lands and river; and
 - (ii) to compensate for the loss of the way of life of the people who drew material and spiritual sustenance from the said lands, rivers and resources.

163. The Claimants seek the leave of the Tribunal to amend this Amended Statement of Claim in the light of further research, evidence and submissions which may be made in the future.

This Amended Statement of Claim is filed by DOMINIC GEORGE SUTHERLAND WILSON, solicitor for the Claimants, of the firm of Wackrow Williams & Davies Limited.

The address for service on the Claimants is at the offices of Wackrow Williams & Davies Limited Solicitors, Level 14, 48 Emily Place, Auckland City, Auckland.

Documents for service on the Claimants may be left at the address for service or may be:

- (a) Posted to the solicitor at Wackrow Williams & Davies Limited, PO Box 461, Shortland Street, Auckland; or
- (b) Left for the solicitor at a document exchange for direction to Wackrow Williams & Davies Limited, DX CP 20503, Auckland; or
- (c) Transmitted to the solicitor by facsimile to Facsimile No. (09) 377 6553.

MAP A

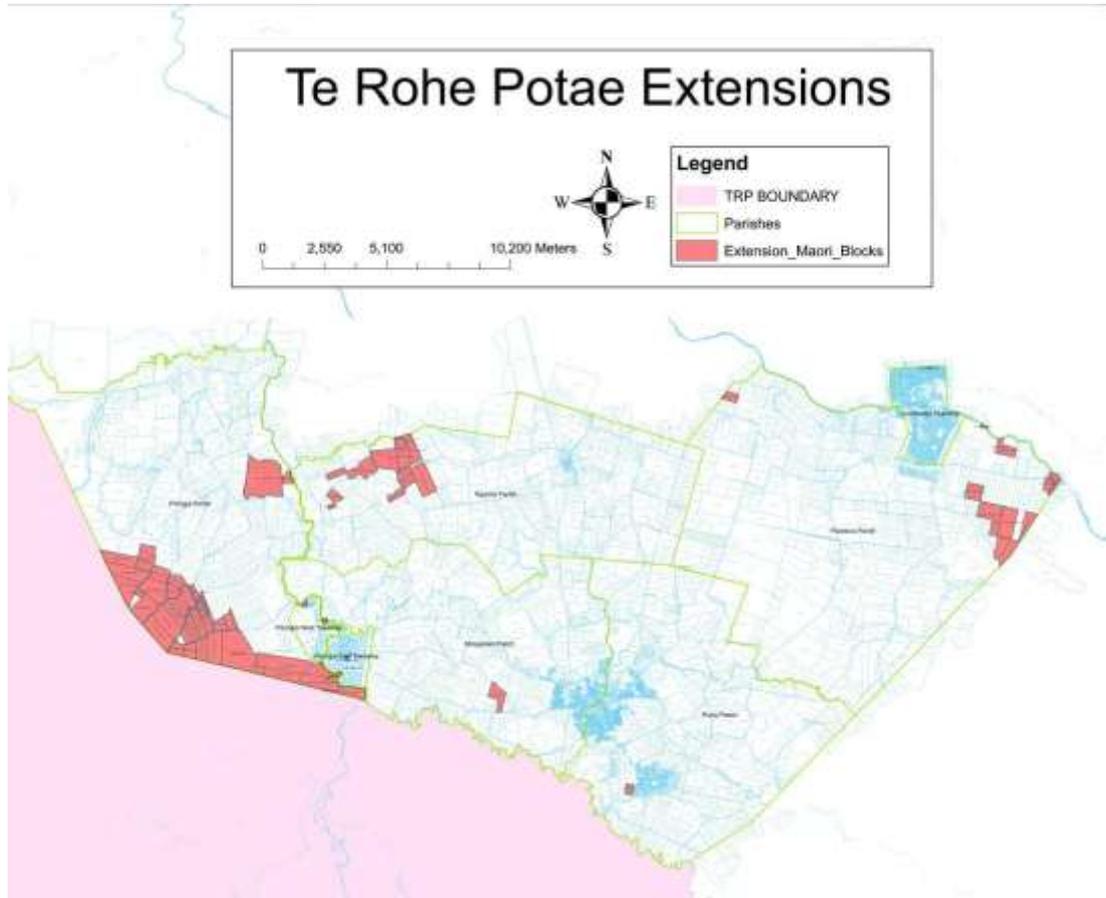
Approximate Core Rohe of Ngāti Hikairo



The above map only provides a very approximate area of the core customary interests of Ngāti Hikairo

MAP B

**Approximate area of lands “returned” to Ngāti Hikairo and others
within the Confiscation Area (within the Eastern Ngāti Hikairo
Lands)**



MAP C

Approximate area of lands “returned” to Ngāti Hikairo individuals within the Confiscation Area (within the Eastern Ngāti Hikairo Lands)

