

## APPENDIX II

# SUMMARY OF CLAIMS IN THE POVERTY BAY DISTRICT

AS AT 30 JANUARY 1997

### **Wai 91**

*Claimant:* Lewis Ruihi Moeau, on behalf of Rongowhakaata, Te Aitanga-a-Mahaki, and proprietors of Mangatu blocks, trustees for Paokahu and Kopututea owners

*Claim received:* 13 April 1987

*Claim regarding:* Section 28, block IV Turanganui Survey District (301.546 hectares)

#### *Issues*

This land, formally covered by water, was vested in the Crown under the Reserves and Other Lands Disposals Act 1953. The claimant wished that the land be retained by the Crown and not transferred under the State Owned Enterprise Act 1986 until the question of customary ownership was resolved.

### **Wai 129**

*Claimants:* Sue Te Huinga Nikora, Te Atauoterangi ii (Ngati Porou paramount chief), Wiremu Tamati Kirena, on behalf of Ngati Porou Mt Hikurangi Lands Claims Committee and Te Awemapara Trust, for hapu of Ngati Porou

*Claim received:* 14 November 1989

*Claim regarding:* The East Coast area from Tihirau mountain in the north to Mohaka River in the south

#### *Issues*

The claim deals with the failure of Crown to safeguard Ngati Porou rights to and interests in their lands, forests, marine and mineral resources, and culture. The claimants state that the confiscation of lands on the East Coast was illegal and unjustified as hapu of Ngati Porou were 'loyalist'. The claimants also state that the individualisation of land tenure and Crown granting of title after the 'rebellion' of Te Kooti, the manipulation by Crown agents, and the negligence of the Crown resulted in loss of 1.6 million acres of ancestral lands. The claimants believe that they have been prejudicially affected by the enactment of a variety of legislation listed in the statement of claim.

**Wai 163**

*Claimants:* Pani M Hawkins (Missie Hawkins) for the descendants of William Walker and Kararaina Whaanga

*Claim received:* 30 July 1990

*Claim regarding*

The land rights of Ema Whakamoraro, mother of William Walker. The claimants seek to have the Waitangi Tribunal investigate the means by which the land rights were transferred to George Walker, how the rights to the land that came from her to her son William were alienated, and the Crown's involvement in the alienation of the land. This claim concerns part of the Maraetaha block which also bounds on Te Kopua and the Maraetaha land of settler James Woodbine Johnson within the Gisborne district.

**Wai 274**

*Claimants:* Eric John Tupai Ruru on behalf of Te Aitanga a Mahaki and the shareholders of the proprietors of Mangatu blocks

*Claim received:* 24 February 1992

*Claim regarding*

Acquisition by the Crown of Maori freehold lands belonging to proprietors of Mangatu 1, 3, and 4 blocks. This is an area of 8521 acres described in a schedule attached to the statement of claim. (blocks xi, xii, xv, svi, Arowhana survey district, and blocks iii and iv, Mangatu survey district). Claimants state they have been prejudicially affected by the acquisition of these lands by the Crown for the purposes of establishing a permanent state forest under the State Forests Act 1949, known as the Mangatu State Forest. They claim that the acts, policies, and omissions of the Government leading to the acquisition of the land in 1962 have been contrary to the principles of the Treaty. As the state forest is Crown land available for the settlement of Te Aitanga a Mahaki claims within the rohe, they request that the Waitangi Tribunal recommend its return to the iwi.

**Wai 283**

*Claimants:* Eric John Tupai Ruru for Te Aitanga a Mahaki, and Tutekawa Wyllie for Ngai Tamanuhiri, and Peter Gordon for Rongowhakaata

*Claim received:* 26 March 1992

*Claim regarding*

The iwi of Turanganui a Kiwa have been prejudicially affected by the enactment of a variety of legislation designed to enable the Crown to confiscate lands in the district, and to grant the ceded land to the Colonial Defence Force and 'loyalist' Maori. The claimants state that they have been prejudicially affected by the Poverty Bay Land Titles Act 1874, which authorised the Native Land Court to investigate title to the remainder of ceded territory returned to the iwi and not adjudicated on by the Native Land Court. Additionally, they state that they have been prejudicially affected by the acquisition of Maori land in the rohe by the Crown under the Immigration and Public Works Act 1871, the Native Lands Act 1873, and its amendments. The claimants feel believe that the Government Native Land Purchase Act 1877 and the Native Land Purchase Amendment Act 1878 were also contrary to the principles of the Treaty of Waitangi.

## *Summary of Claims in the Poverty Bay District*

### **Wai 323**

*Claimant:* Joseph Anaru Hetekia Te Kani Pere, on behalf of Te Whanau O Wi Pere and others (Te Whanau a Kai, hapu of Te Aitanga a Mahaki, and Rongowhakaata)

*Claim received:* 10 November 1992

#### *Claim regarding*

Lands taken from Wi Pere and his people in 1869 due to his identification by the Crown as an 'active rebel'. It has, according to the claimant, been established that Wi Pere was not involved in any rebellion against the Crown. Te Muhunga and Patutahi blocks were 'ceded' to the Crown and as part of the confiscation of Te Muhunga the Crown proposed to take Whararaki, Wairereha, Waitawaki, and Tehapua blocks. Atkinson announced before the Poverty Bay Commission that it had been arranged between himself as Crown agent and Mr Graham, on the part of Maori, that the Crown should take these blocks in satisfaction of their rights over 'rebel' lands. The claimant states that the survey of the Muhunga Block was inaccurate and inconsistent with arrangements discussed with chiefs. The acreage ceded was to have been only 5000 acres, but 5595 was taken. The claimant also states that the Waitawaki block of 444 acres was Wi Pere's ancestral land and was not to have been included in the ceded area as arranged by himself as one of the principal negotiators with the Crown for confiscation. It is claimed that Atkinson, Crown agent, had verbally undertaken to address the matter of the discrepancy between the acreage promised and that which the Crown retained, but he had never acted on this promise. The claimant seeks a declaration that the Crown took the land wrongfully and also a determination of his and other claimants rights in the block.

### **Wai 337**

*Claimants:* Rapiata Darcy Ria for Te Runanga o Turanganui a Kiwa (Rongowhakaata, Te Aitanga a Mahaki, Ngai Tamanuhiri)

*Claim received:* 17 December 1992

#### *Claim regarding*

The former Maori freehold land contained in Awapuni blocks 1f, 1e, and 1a, taken under the Public Works Act 1894 for the purposes of a public cemetery on 4 March 1902. This land now comprises that known as Watson Park and its surrounds. Compensation of £961 4s 10d (\$1922.48) was paid on 20 June 1903 after a decision made in the Maori Land Court. The claimants state they have been prejudicially affected by these acts of the Crown and also by the enactment of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913, by which the purpose for which the land was taken was changed from that of a cemetery to a public reserve for general utility in order that the land be retained by the local body and not returned to the owners. The claimants state that this action by the Crown was contrary to the principles of the Treaty and that the Gisborne District Council was now seised of an estate in fee simple for general utility purposes. (Certificate of title 4b/410). The claimants ask that the Tribunal recommend the return of the land and any other relief it considers appropriate.

**Wai 347**

*Claimant:* Tutekawa Wyllie, for himself and descendants of Ngai Tamanuhiri (with support of Ngai Tamanuhiri Society Incorporated and Muriwai Marae Committee and Te Runanga o Turanganui a Kiwa)

*Claim received:* 30 March 1993

*Claim regarding*

The claimants stated they were likely to be prejudicially affected by the granting of any applications for coastal permits by the Gisborne District Council, under section 93(2) of the Resource Management Act 1991, to Engineering and Works, Gisborne District Council, for the purpose of discharging municipal wastewaters into the Bay from 1800 metres off shore at Midway Beach and to Port Gisborne Ltd, for the purpose of dredging the Port of Gisborne and dumping the material into the bay. The claimants requested that the Tribunal consider these and any other applications for coastal permits as part of their submission if these were likely to affect their Tamanuhiritanga, tino ranagiritanga mana moana within the boundaries of Kopututea to the north and Paritu to the south. The claimants stated that, contrary to the Treaty, their rights to tino rangatiratanga had not been protected. They claimed that their taonga mana moana had been depleted through the destruction of taunga ika, mataitai, and mahinga kai and could not be restored. They asked for adequate compensation for these losses through acts and omissions of the Crown and county councils operating under the legislation of successive governments. This will not be a matter for hearing by the Waitangi Tribunal as claimants have recourse to remedies under the Resource Management Act 1991.

**Wai 351**

*Claimants:* Janette Honey Waitai and Ruby Whaea o Mere Baty on behalf of themselves and the iwi represented by Te Runanga o Turanganui a Kiwa (Te Aitanga a Mahaki, Rongowhakaata, and Ngai Tamanuhiri).

*Claim received:* 1 June 1993

*Claim regarding*

The transfer by the Crown of Te Puni Kokiri Mortgage Portfolio to Housing New Zealand. The claimants state that they have been prejudicially affected by the Crown's failure to; actively consult with them or their runanga prior to the transfer of their mortgages to Housing New Zealand, actively protect their housing mortgages provided by the Crown, and to actively protect their homes acquired by way of Crown housing mortgages by transferring those mortgages from Te Puni Kokiri to Housing New Zealand. The claimants wish the Tribunal to address the issue of whether their houses are taonga under the terms of the Treaty. They submit that 'taonga' is an extremely broad term and is inclusive of Crown mortgages to Maori or homes acquired by way of these mortgages.

**Wai 390**

*Claimants:* Hone Meihana Taumaunu for Te Runanga o Paikea, Runanga of Te Aitanga a Hauiti and its constituent hapu

*Claim received:* 22 September 1993

## *Summary of Claims in the Poverty Bay District*

### *Claim regarding*

The rohe of Te Runanga o Paikea which overlaps that of Te Runanga o Ngati Porou and includes all the land, waterways, coastline and sea to the east of Turanganui and Waimata rivers, encompassing Te Toka a Taiau to the south and Tauwhareparae and Nuhiti to the north. The claimant states that the beneficiaries of Te Runanga o Paikea have been prejudicially affected by the Public Works Association Act 1889 and its subsequent amendments, under which the Crown-appropriated Maori land for public works in the rohe of Te Runanga o Paikea, of which only a small part continues to be used for the purpose for which it was taken. Also, the Native Lands Fraud Prevention Act 1870, under which Maori were protected from fraudulent dealings over their land, although such dealings within the rohe passed through the Native Land Court despite the protection of the Act. Under part 24 of the Maori Affairs Act 1953, land was acquired by the Board of Maori Affairs to set up farming operations which Maori owners would take over, but all monies spent on the land constituted a lien on the land and Maori owners were required to take out section 460 loans to repay the monies spent on the land. In the 1870s sales of Maori land to the Crown were conditional on reserves being maintained in perpetuity but these reserves were subdivided and sold. Crown Agents did not always hand over payments from the Crown to the sellers of land and the Crown adopted the policy of making pre-payments to secure the blocks prior to adjudication by the Native Land Court thus reducing Maori bargaining power and ensuring terms acceptable to the Crown. The Native Land Act 1909 consolidation schemes resulted in land not included in the schemes (and considered too small to farm or use productively) being deemed uneconomic by the Crown, who then purchased these lands. Crown purchase deeds used the word 'riihi' meaning lease, but these were in fact outright sales. Maori of Te Aitanga a Hauiti did not realise they were selling their land because of the use of the word riihi. Under the Native Land Court Act 1873, Maori land was individualised and as a result individual owners were pressured into selling, the mana of hapu and iwi to control their lands was denied, there were delays in all signatures being obtained, and where this happened the Crown had its interests determined and the Native Land Court partitioned a portion of the land for the Crown. The Crown purchased Maori land for no more than one to three shillings per acre, survey and court costs were charged to the land and to Maori by the Native Land Court. These liens effectively acted as a mortgage and land was sold if costs were not paid. It is, therefore, submitted by the claimants that large areas of land in the rohe were subjected to acts and omissions of the Crown and its agents.

### **Wai 499**

*Claimants:* Tanya Parearau Rogers for the Executrix of Mangatu Shares and Ngariki Kaiputahi o Mangatu

*Claim received:* 28 March 1995

### *Claim regarding*

The claimants state they have been prejudicially affected by the Crown's acquisition of Maori freehold lands belonging to Ngariki Kaiputahi, being Mangatu blocks 1, 3, and 4, for the purposes of establishing a state forest under the Forests Act 1949. They claim that the acts, policies and omissions of the Crown resulting in their acquisition of Mangatu 1 were contrary to the principles of the Treaty of Waitangi. They claim that the whole of these Crown lands should be available for the settlement of the historical grievances of Ngariki Kaiputahi arising from the acts of the Crown which resulted in the cession of that tribe's

## *Poverty Bay*

land. They ask that the Tribunal recommend that Mangatu 1,3, and 4 be returned to Ngariki Kaiputahi, and that they be given any other relief the Tribunal should think appropriate.

### **Wai 507**

*Claimant:* Owen R Lloyd for Ngariki Kaiputahi hapu and Trustees of Ngariki Kaiputahi Whanau Trust

*Claim received:* 26 April 1995, amended statement of claim Ngariki Kaiputahi Whanau Trust, 5 September 1995

#### *Claim regarding*

Claimant states that Ngariki Kaiputahi have been deprived of their tino rangatiratanga over lands, forests and reserves, mountains and mana due to the individualisation of title and the activities of the Native Land Court especially the 1881 decision (that which granted land to Wi Pere). The claimant states that the Government allowed claims by other groups to land at Mangatu in the early 1900s, and it awarded shares to the new claimants by deducting them from those who were already entitled. Some of the new owners were given the biggest shares. The Government passed legislation which made it difficult for the court to determine the real owners of the land. The claimants also complain of the instructions given to Crown Agents to use every means to prevent the inclusion of Hauhau in lists of claimants to the Poverty Bay Commission of 1869, which resulted in the true owners of lands being afraid to apply for the ascertainment of title. The claimants state that their tipuna Pera Uetuku and his son Te Hira were wrongfully imprisoned at Wharekauri on the Chatham Islands as Hauhau supporters, and were thus made subservient to those in power. Mangatu, the claimant states, was sold due to a mortgage debt. The claimants ask that the Crown return Mangatu to Ngariki Kaiputahi.

### **Wai 518**

*Claimants:* Stanley Joseph Pardoe, on behalf of Te Aitanga a Mahaki, Rongowhakaata, and Ngai Tamanuhiri.

*Claim received:* 21 June 1995, registered as per directions 26 June 1995

#### *Claim regarding*

Surplus Crown lands in Gisborne city and wider tribal areas of the iwi named above. The claimants state that they have and will be prejudicially affected by the failure of the Crown's protection mechanism for surplus Crown lands and the Crown's failure to protect surplus Crown lands capable of being returned to the iwi should their claims be accepted by the Waitangi Tribunal. It is claimed that the Government has failed to consult with the iwi in relation to the disposal of lands within their tribal area, and has knowingly disposed of surplus Crown lands in advance of investigations by the Tribunal. The claimants seek from the Tribunal a declaration that the Government's policy is inconsistent with the principles of the Treaty of Waitangi, and they ask that the Tribunal recommend that the Government halt the sale of all surplus Crown lands, including the Gisborne Intercity bus depot and workshop, until it has actively consulted with the iwi regarding a satisfactory protection for surplus Crown lands in the rohe.