

CHAPTER 1

INTRODUCTION

1.1 TE WHANGANUI A TARA AND ENVIRONS: THE INQUIRY AREA

This is a report on 13 claims relating to the area around Te Whanganui a Tara (Wellington Harbour or Port Nicholson), including Heretaunga (the Hutt Valley) and the south-west coast. More specifically, the inquiry area is defined by the boundaries of the New Zealand Company's 1839 deed of purchase for Port Nicholson, as extended in 1844 to the south-west coast. The boundaries of this area, which is sometimes referred to as the 'Port Nicholson block', are discussed at sections 3.5.5 and 8.7.1, and are illustrated in map 1. Situated within these boundaries are the whole of Wellington city and its suburbs, as well as Lower and Upper Hutt, and Wainuiomata. This area is the seat of government, a major population centre, one of New Zealand's most important ports, and the site of a great deal of business activity. It is also an area noted for its rugged terrain and scarcity of flat land. For all these reasons, certain land within this area has acquired very great financial value since the commencement of European settlement. In addition, it is an area with a complex history of Maori settlement prior to the arrival of Europeans, and as a result a number of Maori groups claim ancestral associations with the land.

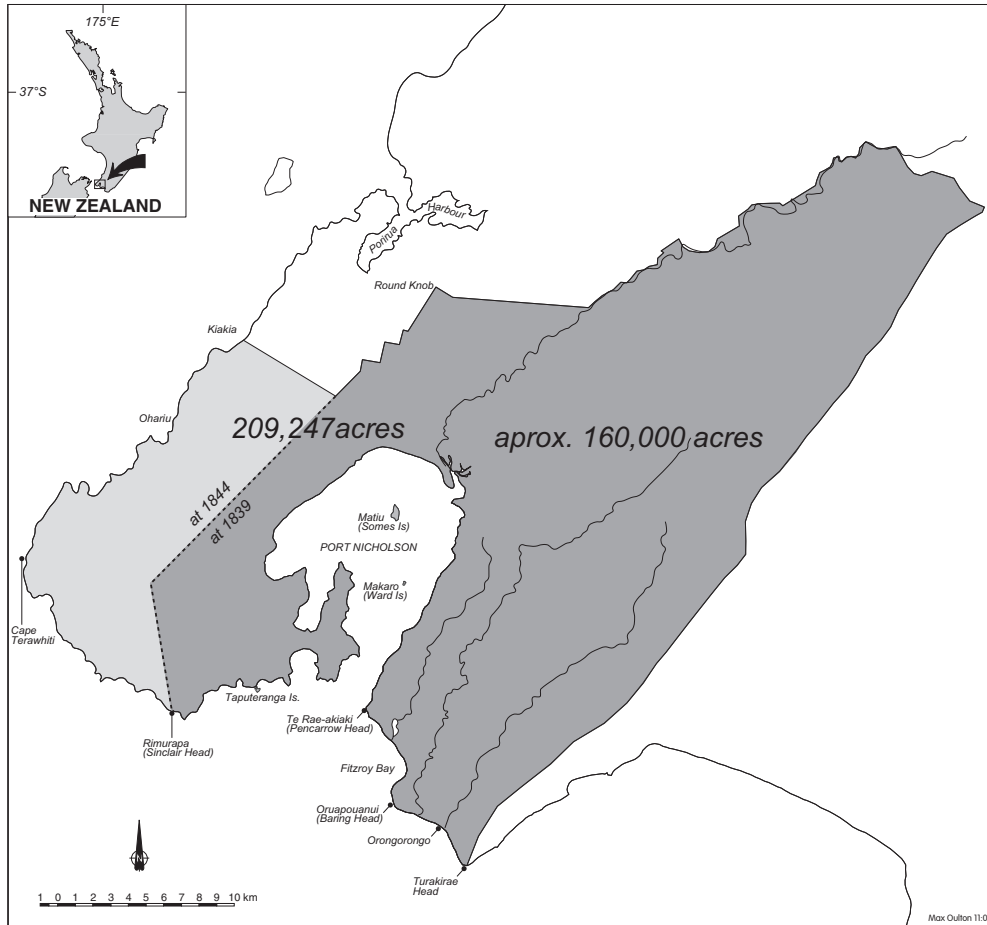
The history of this inquiry has also been a complex and lengthy one, dating back more than a decade. It began with a single claim relating to reserve land, then expanded into a much wider inquiry covering all claims within the Port Nicholson block. We therefore begin by outlining the history of the inquiry, before summarising the various claims which are included within it.

1.2 A BRIEF HISTORY OF THIS INQUIRY

In December 1987, Makere Rangiatea Ralph Love and Ralph Heberley Ngatata Love submitted a statement of claim to the Waitangi Tribunal on behalf of the beneficiaries of the Taranaki Maori Trust Board, the Wellington Tenths Trust, and the Palmerston North Reserves Trust, together with Nga Iwi o Taranaki. This claim, registered as Wai 54, included grievances

TE WHANGANUI A TARA ME ONA TAKIWA

1.2



Map 1: Boundaries of the Port Nicholson block –
1839 deed of purchase area, and 1844 extension to the south-west coast

relating to reserve land in Wellington and Palmerston North, as well as other claims relating primarily to Taranaki.¹ The claimants stated that they had been prejudicially affected by:

- ▶ the Crown's failure to ensure that one-tenth of the Port Nicholson block was reserved for specified Maori, as provided for in the 1839 deed of purchase for Port Nicholson;
- ▶ the exchange of reserve land in Port Nicholson for land of lesser value in Palmerston North;
- ▶ the taking of Wellington tenths reserve land for endowments; and
- ▶ the leasing in perpetuity of Wellington tenths and Palmerston North reserve land.

In March 1990, the claimants, concerned at the proposed sale of land in Wellington by Government departments and State-owned enterprises, asked the Tribunal for an urgent hearing of their claims on the ground that the proposed sales would prejudice and pre-empt those claims.²

1. Claim 1.2
2. Paper 2.5

Following a judicial conference in June 1990, the chairperson of the Tribunal directed that Wellington tenths issues should be separated from the Taranaki claims and registered as Wai 145, 'the Wellington Tenths claim'.³ The original statement of claim for Wai 54 continued to be the statement of claim for Wai 145, however, until an amended statement was filed in 1995. At a judicial conference in October 1990, claimant counsel argued that an early inquiry into the Wellington tenths claim was necessary on the grounds that the Crown, as head lessee of certain tenths land, was proceeding with new subleases without seeking a prior settlement of the tenths trust's claims to the Waitangi Tribunal, and also that the Crown was likely to sell Crown land in the Wellington area claimed by the trust. The following month, the Tribunal's chairperson directed that the Tribunal should conduct an inquiry into the Wellington tenths claim 'as soon as that is practicable', and constituted the Tribunal of William Wilson (the presiding officer), Professor Gordon Orr, and Georgina Te Heuheu to hear the claim.⁴ In March 1991, the Wellington tenths Tribunal was augmented by the appointment of the Right Reverend Manuhuia Bennett.⁵

The first hearing of the tenths Tribunal took place in March 1991. By Tribunal direction, this hearing was restricted to the issues of tenths reserve land leased to the Crown in perpetuity (including land in Pipitea Street, Wellington); tenths land taken by the Crown (including defence and railways land); and tenths land originally leased to the Crown or Crown agencies but later sold to third parties.⁶ In April 1991, the Crown advised that the Government was to undertake a review of the Maori Reserved Land Act 1955, with the aim of seeking a fair settlement of issues regarding the leasing of Maori reserved land.⁷ The review process proved to be a lengthy one: the initial review was completed in November 1991, but it was not until April 1993 that the Government released its proposals for a solution to Maori reserved land issues.⁸ A reserved lands panel was then appointed to consult on the proposals and report back to the Government. The panel reported in January 1994, although its report was not made public until later that year, and the Government's decisions on the reform of Maori reserved land leases were published in January 1995.⁹

While the review process was under way, hearing of the Wellington tenths claim was suspended, but in the meantime the tenths trust and the Crown entered discussions in the hope of negotiating a settlement. These negotiations proved unsuccessful, however, and, in April 1993, counsel for the claimants sought a resumption of the Wai 145 hearings.¹⁰ In July 1994, the Tribunal directed that the hearing of the matters originally granted urgency should resume, but be confined to certain properties in Russell Terrace and Pipitea Street nominated

3. Paper 2.6

4. Paper 2.8

5. Paper 2.21

6. Paper 2.19

7. Paper 2.25

8. Documents A42, A43

9. Documents B7, B7(a), (b), E1

10. Paper 2.39

by the claimants.¹¹ Mr Wilson having withdrawn from the Tribunal, Professor Orr took over as presiding officer in August 1994, and Professor Keith Sorrenson joined the Tribunal at the same time.¹² Hearings on the urgent matters were held in August, October–November, and December 1994, and closing submissions on these matters were presented at the December hearing. In November 1994, the Minister in Charge of Treaty of Waitangi Negotiations was authorised by the Cabinet to enter into discussions with the tenths trust and the chief executive of Government Property Services Limited (GPS) regarding properties at 9, 13, and 15 Pipitea Street, which had featured in the urgent hearings. As a result of those discussions, the Crown purchased the leasehold interests in the properties from GPS in March 1995 for the purpose of transferring the interests to the Wellington Tenths Trust in partial settlement of the Wai 145 claim.¹³

Despite the narrow focus of the urgent hearings, it became apparent quite early in the inquiry that much wider issues were involved in the Wellington Tenths Trust's claim, and this was confirmed when the Wai 145 claimants submitted a statement of issues in June 1994 and amended statements of claim in July and August 1995.¹⁴ The new statements of claim were much more detailed than the original Wai 54 claim and were not confined to questions concerning the tenths reserves. Meanwhile, the Waitangi Tribunal had received claims relating to the Wellington area from a number of other groups, and these claimants became concerned that the Wai 145 inquiry was no longer restricted to tenths reserves issues. If wider issues arising from the purchase of the Port Nicholson block were to be canvassed as part of the Wellington tenths inquiry, then all groups claiming an interest in this area would want an opportunity to be heard.¹⁵ The Tribunal agreed that they should be given this opportunity, and, at a conference with counsel for the Wai 145 claimants and the Crown in June 1995, Professor Orr indicated that other claims relating to the Port Nicholson block which were not represented by Wai 145 would need to be considered at the same time as Wai 145.¹⁶ A conference with counsel and claimant representatives was held in July 1995, and in October 1995 the Tribunal directed that a number of specified claims should be 'aggregated for the purposes of inquiry, under the appellation Wai 145 The Wellington Tenths Claim'.¹⁷ The Tribunal noted that:

Whether or not an overlapping claim should be fully examined in the current inquiry, depends on whether the resolution of that claim is necessary to dispose of The Wellington

11. Paper 2.49

12. Paper 2.52

13. Paper 2.135

14. Paper 2.48; claims 1.2(a), (b)

15. See papers 2.36, 2.65

16. Paper 2.64

17. Papers 2.66, 2.69. This decision also resulted in the consolidation of the record of inquiry for claim Wai 145, and the renumbering of some of the documents in the record of proceedings.

Tenths grievances, or whether the interests of the overlapping party in any property or with regard to future compensation, can be adequately acknowledged, safeguarded or reserved in the Tribunal's report on The Wellington Tenths, and dealt with later.¹⁸

With this direction, the Tribunal officially recognised that the issues involved in the Wellington Tenths inquiry had broadened, and that as a result the 'overlapping' claimants would have equal standing with the Wellington Tenths Trust in this inquiry. The October 1995 Tribunal direction aggregated the following claims with Wai 145:

| Claim | Claimants |
|---------|--|
| Wai 105 | Ihakara Porutu Puketapu and others |
| Wai 175 | Piri Te Tau and others for Rangitane o Wairarapa |
| Wai 183 | Eruera Te Whiti Nia |
| Wai 207 | Akuhata Wineera and others for Ngati Toa Rangatira |
| Wai 366 | Roger Herbert for Ngati Rangatahi |
| Wai 377 | David Churton for Ngati Tama Te Kaeaea Trust |
| Wai 415 | Tata Parata and others |
| Wai 442 | Mark Te One and others |
| Wai 474 | Michelle Marino for Ngati Tama and descendants of Te Kaeaea (Taringa Kuri) |
| Wai 543 | Ruth Harris for Rangitane ki Manawatu |

A number of other claims became part of the Wai 145 inquiry over the following three years. Wai 562 (Ihakara Porutu Puketapu for the Te Matehou and Puketapu hapu of Te Atiawa, Pipitea Pa land claim) was registered in January 1996.¹⁹ In March 1996, a claim by the Wellington Tenths Trust concerning land at 1–3 Pipitea Street was registered as Wai 571 and granted an urgent hearing (see s1.3.9). Two Muaupoko claims, Wai 52 and Wai 623, became part of the Wellington tenths inquiry in January 1998, after the claimants filed amended statements of claim providing sufficient detail in relation to the lands subject to the Wai 145 inquiry.²⁰ Quite late in the inquiry, in September 1998, two more claims were registered and joined the list of claims to be heard as part of the Wellington inquiry: Wai 734 (Toarangatira Pomare for Ngati Mutunga) and Wai 735 (Te Puoho Katene and Te Taku Parai for Ngati Tama ki Te Whanganui-a-Tara).²¹ Some claims have also been withdrawn or severed from the inquiry. The Wai 474 claimant joined her claim to Wai 377, and as a result Wai 474 was withdrawn in June 1997.²² Wai 415 was withdrawn in September 1997, while Wai 105, Wai 183, and Wai 660 (a claim registered in March 1997 concerning Hutt section 19) were severed

18. Paper 2.69

19. Paper 2.70

20. Papers 2.164, 2.166

21. Papers 2.194, 2.196

22. Paper 2.127

from the Wai 145 inquiry by a Tribunal direction of September 1998.²³ A summary of the claims reported on by this Tribunal follows in section 1.3.

The first hearing of the wider Wai 145 inquiry did not take place until February 1996. During that first hearing, the Wai 145 claimants applied for an urgent hearing of an application to the Tribunal seeking a recommendation for the resumption of a section of land at 1–3 Pipitea Street, adjacent to Pipitea Marae. This land had been vested by the Crown in a State-owned enterprise and subsequently sold to a private company, which proposed to build townhouses on it.²⁴ The Tribunal granted both the request for an urgent hearing and a subsequent claimant application for the severance of this specific claim from the wider Wai 145 claim.²⁵ The claim for resumption was accordingly registered as Wai 571, but the severance was only temporary, as Wai 571 was aggregated with Wai 145 in May 1996.²⁶ The urgent hearing regarding the application for the resumption of the land took place in March 1996, but while the hearing was in progress the Crown purchased the freehold interest in this property and placed it in the Wellington regional land-bank for use in a possible future Treaty claims settlement.²⁷ The leasehold interest in 11 Pipitea Street was also purchased by the Crown in 1996 for inclusion in the Wellington regional land-bank.²⁸ In May 1997, the Crown and the tenths trust reached a settlement in relation to the properties at 9, 13, and 15 Pipitea Street, the Crown having purchased the leasehold interest in them in March 1995. Under the deed of agreement signed by the two parties, the Crown surrendered that leasehold interest to the tenths trust and made a payment of \$70,000 to the trust as a settlement to be charged against any future final settlement of the Wai 145 claim.²⁹

In July 1997, the Tribunal began hearing evidence from some of the claimants not represented by the Wellington Tenths Trust. Following Mrs Te Heuheu's withdrawal from the Tribunal in August 1996, it had continued with a quorum of three, but, in November 1997, John Clarke was appointed to the Tribunal so that it could continue sitting while Professor Sorrenson was overseas for the first half of 1998.³⁰ In June 1998, the Tribunal granted an application from the tenths trust for an urgent hearing in respect of the proposed GPS share float, and, owing to the absence of Professor Sorrenson and the illness of Bishop Bennett, the Tribunal was constituted for the purpose of that hearing to comprise Professor Gordon Orr, John Clarke, and Areta Koopu.³¹ The trust's request for an urgent hearing was prompted by the Government's decision to sell nine GPS properties in Wellington city. The trust was

23. Papers 2.112, 2.144, 2.200

24. Papers 2.78, 2.79

25. Papers 2.80, 2.81, 2.84, 2.85, 2.86

26. Papers 2.86, 2.94

27. Document J1; paper 2.185, p 4

28. Document J1

29. Paper 2.134, 2.135

30. Paper 2.155

31. Papers 2.176, 2.179

concerned that, while these properties would still have memorials under section 27B of the State-Owned Enterprises Act on their titles (meaning that the Waitangi Tribunal could make binding recommendations for their return to Maori), it might become more difficult to access these properties as part of a settlement of the Wai 145 claim.³² Moreover, the proposed sale of those properties came only a month after the Minister in Charge of Treaty of Waitangi Negotiations refused to rule out the repeal of the Tribunal's power to order the return of section 27B memorialised land.³³ The tenths trust therefore applied to the Tribunal for a recommendation that the proposed GPS share float be stayed until the Wai 145 claimants' land negotiation position had been adequately protected or, alternatively, that the terms of the float be varied to make direct provision for the potential settlement of the Wai 145 claims.³⁴

The Tribunal heard the urgency application in June 1998, and the following month it released its decision on the proposed GPS share float. The Tribunal recommended that, before proceeding with the share float, the Crown should undertake to ensure that the provisions of the Treaty of Waitangi (State Enterprises) Act 1988, giving the Tribunal the power to make binding recommendations for the return to Maori of section 27B memorialised land, should remain in place and unaltered until any proposed changes to those provisions had been approved by the New Zealand Maori Council and sanctioned by the Court of Appeal. If the Crown declined to implement this recommendation, the Tribunal recommended that it should, following negotiation and agreement with the tenths trust and other claimants in the Wai 145 inquiry, land bank sufficient memorialised properties to adequately protect the claimants.³⁵ The Government rejected both recommendations in August 1998, arguing that it could not rule out legislation on any issue and that further land banking was unnecessary since there was no shortage of Crown-owned land in Wellington which could be returned to the claimants as part of any settlement. Treaty Negotiations Minister Douglas Graham did, however, issue an assurance that the Government was not considering changing the memorial system, that it would consider making such a change only if it felt that the entire settlements process was in jeopardy, and that any changes would be made in consultation with Maori.³⁶

Hearings continued in the second half of 1998, then closing submissions from the claimants and the Crown were heard in March, April, and May 1999. Most of the claimant groups submitted replies to the Crown's closing submissions in May 1999, but the Wellington Tenths Trust's response was received in July 1999.

32. Paper 2.169

33. *New Zealand Herald*, 13 April 1998, in doc 14, supporting document 9

34. Paper 2.181

35. Paper 2.185

36. Paper 2.189

1.3 THE CLAIMS

We next introduce the claimants and the claims which are part of the Wellington inquiry and which are considered in this report. These summaries are based mainly on the claimants' most recent statements of claim and, for those claimants who made them, their closing submissions. This section provides a general overview of the claims and the key issues which they raise, but it does not attempt to cover all of the specific issues which are part of each claim.

1.3.1 Wai 52

Wai 52 is a claim by the late Tamihana Tukapua and others on behalf of Ngai Tara/Muaupoko. The claimants state that Muaupoko were originally known as Ngai Tara, and that in the early nineteenth century Ngai Tara occupied the area 'bounded by the Tararua Ranges in the east and the Tasman Sea in the west, from Sinclair Head in the south to the Rangitikei River in the north'.³⁷ They maintain that Ngai Tara/Muaupoko were in possession of the Wellington area when Ngati Toa and its Taranaki allies migrated to the area, and that the Taranaki tribes had not established customary rights to the land by the time of the Port Nicholson deed of purchase in 1839. Their main grievance, therefore, is that the Crown failed to recognise or protect the interests of Muaupoko within the Port Nicholson block. The claimants say that they have been prejudicially affected by the Crown's failure to consult or deal with Muaupoko, to protect their interests in land and resources, to set aside reserves for them, or to compensate them for the loss of their land and resources.

1.3.2 Wai 145

Wai 145 is a claim by the late Makere Rangiatea Ralph Love and Ralph Heberley Ngatata Love on behalf of the beneficial owners of the Wellington Tenths Trust and Palmerston North Reserves Trust. The Wellington Tenths Trust was established in 1985 and represents the interests of the beneficial owners and the beneficiaries (the families of the owners) of the Wellington tenths reserves. The beneficial owners are descendants of the Te Atiawa/Taranaki whanui people who were living in the Wellington Harbour area at the time of the New Zealand Company's Port Nicholson deed of purchase in 1839, as determined by the Native Land Court in 1888. The Wai 145 claim also represents beneficial owners of reserves in Palmerston North awarded to the Maori of Waiwhetu Pa in exchange for reserved land in the Wellington area.³⁸ The claimants state that they constitute the single tangata whenua iwi of greater

37. Claim 1.16(e)

38. The interests of the beneficial owners of these Palmerston North reserves are represented by the Palmerston North Reserves Trust, which was established in 1979.

Wellington, being predominantly Te Atiawa but now including ‘peoples descended from all the iwi of Taranaki’.³⁹

The Wai 145 claim covers two main topics: the acquisition of Maori land within the Port Nicholson block and the administration and alienation of the land reserved for Maori within this area. The claimants say that the 1839 New Zealand Company ‘purchase’ of Port Nicholson was invalid; that it was only in 1844 that Maori, under considerable pressure, signed deeds of release and received compensation for the land at Port Nicholson; that, even in 1844, Maori gave up only the land specified in the schedule to the deeds of release and did not relinquish ownership of the much larger area of unsurveyed land (sometimes referred to as ‘surplus’ or ‘waste’ land); and that the Crown assumed ownership of this unsurveyed land without making any payment to Maori. Thus, the claimants argue, Maori in Wellington lost their land through a process which was deeply flawed and which left them deprived of some 137,000 acres of land which they had never sold. The second part of the Wai 145 claim concerns the so-called ‘tenths’ reserves set aside for Maori in the Port Nicholson block. The claimants’ main grievances in relation to the tenths are that some tenths reserve land was taken by the Government for endowing to various institutions, including Wellington Hospital and Wellington College, or for public works purposes; that the remaining tenths were poorly administered and that Maori were denied involvement in administering these reserves; and that the tenths reserves administered on behalf of Maori were made subject to leases in perpetuity with a fixed percentage rental system which has meant that the rent received by the beneficial owners has been well below market rates. An additional grievance put forward by the Wai 145 claimants concerns the alienation of the foreshore from Maori and the destructive effects of harbour reclamations.

1.3.3 Wai 175, Wai 543

Wai 175 and Wai 543 are claims by Jim Rimene and others on behalf of Rangitane. Although they are still registered as separate claims, they are now both covered by the same statement of claim, and the Rangitane claimants presented a single closing submission to the Tribunal. The claimants state that, prior to 1839, Rangitane exercised tino rangatiratanga over the whole of the Port Nicholson block. As do the Muaupoko claimants (Wai 52 and Wai 623), the Rangitane claimants say that, by dealing only with the Taranaki tribes during the Port Nicholson purchase process, the Crown failed to recognise or protect the pre-existing interests of Rangitane, who say that they were tangata whenua in the area.

39. Claim 1.2(d)

1.3.4

1.3.4 Wai 207

Wai 207 is a claim by Akuhata Wineera and others on behalf of Ngati Toa Rangatira. The claimants state that in 1840 Ngati Toa Rangatira had customary interests and rights within an area the boundary of which ran from Whangaehu in the north east to the Tararua Ranges, south to Turakirae Heads, across Cook Strait to Kaikoura, and then west to Arahura.⁴⁰ Their claim thus includes the area of the Port Nicholson purchase but also covers a much wider area. The aspects of the claim which relate to the Wellington inquiry area concern ‘the failure of the Crown to sufficiently recognise and provide [for] Ngati Toa in respect of its interests in the Port Nicholson block, including Wellington proper, and the forcible extinguishment of its interests in the Hutt Valley’.⁴¹ The claimants argue that by 1840 Ngati Toa had established customary interests in the Port Nicholson area by right of conquest, but that Ngati Toa were expelled from this area by Crown action and consequently prevented from exercising these customary interests.

1.3.5 Wai 366

Wai 366 is a claim by Roger Herbert and Wayne Herbert on behalf of Ngati Rangatahi, a hapu of Ngati Maniapoto with close kinship links to Ngati Toa. The claimants say that Ngati Rangatahi occupied land in the Hutt Valley which had been granted to them by the Ngati Toa chiefs Te Rauparaha and Te Rangihaeata, and that by the early 1840s they were acting independently of Ngati Toa. The claim states that Ngati Rangatahi had secured rights to the Hutt Valley land which they occupied both in terms of Maori custom and in terms of the guarantees contained in Governor FitzRoy’s 1845 Crown grant to the New Zealand Company, but that they lost these rights as a result of their forced expulsion from the Hutt Valley by Crown forces in 1846. The claimants’ grievances concern the Crown’s alleged failure to recognise and protect Ngati Rangatahi’s rights, the expulsion of Ngati Rangatahi from the Hutt Valley, and the failure to compensate Ngati Rangatahi for the loss of their lands and cultivations.

1.3.6 Wai 377

Wai 377 is a claim by David Churton and Michelle Marino on behalf of Ngati Tama Te Kaeaea Trust, a body claiming to represent descendants of the Ngati Tama chief Te Kaeaea (more commonly known as Taringa Kuri). The claimants in Wai 377, like the Wai 145 claimants, argue that both the original 1839 deed of purchase and subsequent attempts by the Crown to complete this purchase were deeply flawed. They also say that the Crown failed to recognise and protect Ngati Tama’s distinct interests in land in Wellington, and that the

40. Claim 1.5(a)

41. Document N8

reserves set aside for Ngati Tama were inadequate and badly managed. An additional grievance is the expulsion of Ngati Tama from the Hutt Valley, where Taringa Kuri's people had resettled and where, according to the claimants, they had established rights.

1.3.7 Wai 442

Wai 442 is a claim by Mark Te One and others of Te Atiawa and Taranaki iwi, on behalf of the descendants of the owners of the original Waiwhetu Pa. The claim concerns the taking of Waiwhetu Pa land under the Public Works Act 1908 for river protection purposes, and the Crown's failure to offer this land back to the owners or their descendants once it was no longer required for this purpose.

1.3.8 Wai 562

Wai 562 is a claim by Ihakara Porutu Puketapu on behalf of the Te Matehou and Puketapu hapu of Te Atiawa. The claim concerns the alienation of Pipitea Pa and the Crown's failure to give Te Atiawa control of their reserves in Wellington. However, evidence presented by the claimant to the Tribunal makes it clear that he is also concerned to ensure that the benefits of any settlement of the Wellington tenths claim should not go only to the current beneficial owners of the tenths reserves, represented by the Wellington Tenths Trust. In the claimant's view, all descendants of those Te Atiawa who were in occupation of land in the Wellington area at the time of the Port Nicholson purchase should benefit from any settlement.⁴²

1.3.9 Wai 571

Wai 571 is a claim by Ralph Heberley Ngatata Love on behalf of the Wellington Tenths Trust. It concerns land at 1–3 Pipitea Street, Wellington, which was the subject of an urgent hearing by the Wellington tenths Tribunal in 1996. The Wai 145 claimants asked for this specific claim to be severed from the wider Wai 145 claim, and as a result it was registered as a separate claim, but Wai 571 was subsequently aggregated with the other claims in the Wai 145 inquiry. For more information about this claim, see the history of the Wai 145 inquiry above.

1.3.10 Wai 623

Wai 623 is a claim by John Hanita Paki and others on behalf of Muaupoko. The territory in which they claim customary rights is essentially the same as for the other Muaupoko claim (Wai 52). The claimants say that Muaupoko were the original inhabitants of the Wellington

42. Document K5

area and that they remain tangata whenua there, and that the Crown therefore violated their rights by failing to recognise or deal with Muaupoko's interests in the Port Nicholson block.

1.3.11 Wai 734

Wai 734 is a claim by Toa Rangatira Pomare on behalf of Ngati Mutunga. The claimants state that Ngati Mutunga had customary interests and rights in the Wellington area, having taken possession of land in this area alongside the other Taranaki tribes, and that the Ngati Mutunga interest survived the departure of most Ngati Mutunga for the Chatham Islands in 1835. The Ngati Mutunga interest was neither recognised nor protected by the Crown, according to the claimants, who say that they have suffered prejudice as a result.

1.3.12 Wai 735

Wai 735 is a claim by Te Puoho Katene and Te Taku Parai on behalf of Ngati Tama ki te Whanganui-a-Tara. The issues raised by this claim are essentially the same as for the other Ngati Tama claim (Wai 377): the flawed nature of the Port Nicholson purchase process, the Crown's failure to recognise and protect Ngati Tama's distinct interests, the inadequacy of the reserves set aside for Ngati Tama, and the expulsion of Ngati Tama from the land they had occupied in the Hutt Valley.

1.4 THE REPORT

We now report on the foregoing claims. In doing so, we take a roughly chronological approach, beginning with the history of Maori occupation of the area to 1840. We then examine the complex process by which the New Zealand Company acquired title to the Port Nicholson block, and this is followed by several chapters dealing with the history of the reserves set aside for Maori in this area. There is also a chapter on claims relating to the Wellington Harbour and foreshore. Along the way, we make findings in relation to the claims of breaches of the principles of the Treaty of Waitangi, and these findings, along with our recommendations, are summarised in the final chapter of this report.