

Appendix 1

Summary of Ngai Tahu Ancillary Claims, Findings, and Recommendations

KAIKOURA

No	Claim area	Claim	Finding	Recommendation
1	Waiharakeke J Omih K	Taken for scenic purposes without knowledge of owners; only Maori land taken; not returned to tribe when no longer required	Treaty breach re lack of consultation and notification in taking Waiharakeke; in taking Omih K2 for scenic purposes; and in failing to first offer Omih K2 back to descendants; Crown should, in general, gain Maori consent before acquiring land for public works by lease, licence, or easement, the freehold being necessary only in exceptional circumstances	
2	Mangamaunu A	Worthless land; excessive land taken for road with no compensation; taken for scenic purposes without knowledge or consent of owners; only Maori land taken; not returned when no longer required	Treaty breach re roads, both excessiveness and lack of compensation; provision of alternative lands in compensation may have been appropriate; Crown failure to protect the tribal estate	Landless plight of Ngai Tahu in Kaikoura should be regarded in settlement negotiations

CANTERBURY

3	Taerutu	Inappropriate allocation of fishery; destroyed through drainage and river control	Treaty breach re destruction of fishery	Alternative regional inland and estuarine fisheries should be developed for use of tribe
4	Waimaiaia	Fishery easement too small; destroyed through drainage; landlocked reserve	Treaty breach re destruction of fishery	As above
5	Torotoroa	Fishery and reserve lost to tribe	Treaty breach re destruction of fishery but land reserve still held	As above
6	Te Aka Aka	Fishery destroyed through river management; prevented from camping there	Treaty breach re destruction of fishery; accretion and claim for land should be pursued in Maori Land Court	As above
7	Te Ihutai	Fishery compulsorily acquired for sewage works	Treaty breach re loss of fishery	As above
8	Ahuriri Lagoon	Fishery destroyed through drainage	Treaty breach re loss of fishery	As above

9	Tutaepatu Lagoon	Fishery should be vested in tribe	Supported finding in main report that Crown failed in Treaty duty to protect fishery	Tutaepatu Lagoon should be vested in Ngai Tahu and developed as a fishery resource for tribal use in joint management scheme with Crown; Crown to provide financial, technical, scientific and management resources
10	Pukatahi, Te Houriri	Fisheries destroyed; lack of access; sea encroachment	Treaty breach re loss of fisheries; access can be sought in Maori Land Court; no breach in respect of sea erosion	Alternative regional inland and estuarine fisheries should be developed for use of tribe
11	Wainono Lagoon	Fishery should be managed by tribe; end to commercial eel fishing	Supported by Tribunal	Wainono Lagoon should be developed in partnership with Ngai Tahu as a fishery resource for the use of the tangata whenua found entitled to mahinga kai by Maori Land Court
12	Taumutu commonage	Perpetual lease of commonage land denies Maori owners' use	Treaty breach	As set out in <i>Ngai Tahu Report 1991</i> , p 1063
13	Ellesmere landing	Land should be returned to Ngai Tahu	Not upheld	
14	Hawea-Wanaka	Fishing reserve sold by Maori Trustee; landless natives land not allocated; reserve at Bushy Point not granted	Treaty breach re fishing reserve and landless natives land	Negotiations should immediately be recommenced on a value-for-value exchange in land to the satisfaction of Ngai Tahu; land to be vested in descendants of original allocatees

ARAHURA

15	South Westland reserves	Areas should have been reserved to tribe	Treaty breach as found in 1991 report	Landless plight of Ngai Tahu in south Westland should be regarded in settlement negotiations
16	South Westland reserves	Reserves inadequate in quantity and quality; 1892 food reserves not granted	Treaty breach upheld as found in 1991 report	Sections 318 and 319 or other land in same region should be returned
17	Arawhata MR 1	Reduced by public works acquisition	Treaty breach re failure to set aside reserve	
18	Bruce Bay MR 6	Reduced by public works acquisitions; no compensation	Treaty breach re failure to notify owners of takings; Crown should have provided alternative lands in compensation; Crown failure to protect tribal estate	

19	Whataroa MR 20, MR 21, MR 22	Forced to sell MR 20 for low price; MR 21 and MR 22 taken for public works	Not upheld on either counts, but notes further reduction of tribal estate	
20	Bruce Bay	Gold-bearing reserve under threat from outside interests; Maori no longer have right to mine foreshore	Deferred, pending further argument and consideration from claimants	
21	Poerua	Disappearance of reserve	No finding, lack of information	
22	Kaniere	Dispossessed of land through Land Transfer Act 1952	Not upheld	
23	Taumaka and Popotai Islands	Islands should have been vested tribally, not in individuals	Deferred until further recourse by claimant to Maori Land Court	
24	Paringa MR 3	Reserved from purchase but not allocated	Not upheld	
25	Okarito MR 19	Reserved from purchase, now reduced in size	Not upheld	
26	Waimea MR 28	Reserved from purchase but not allocated	Not upheld, but notes further reduction of tribal estate	
27	Watarakau MR 45	Reserved from purchase but not granted, taken for public works	Treaty breach in failure to grant title to land and notify owners of taking	
28	Kawatiri MR 39, MR 40, MR 41	Taken for public works	No finding, but notes further reduction of tribal estate	
29	Pakihi MR 29	Reserved from purchase but not allocated	Not upheld	
30	Greymouth MR 51	No longer Maori land	Not upheld	
31	Greymouth MR 86	No longer Maori land	Not upheld	
32	Manakiaiaua 853, 854, 855	Reserved for landless Ngai Tahu but not allocated	Not upheld	
33	Whakapoai	Allocated to landless Ngai Tahu but not granted	Treaty breach	Title to the block should be vested in descendants of those originally entitled or alternative land granted
34	Toaroha	Section 2479 allocated to Henare Meihana but not granted, section 2386 set aside for landless natives but not allocated or reserved	Not upheld on either count	
35	Mokihinui	Native Trustee failure to administer land properly	No finding	

36	Ahaura	Measures not taken to prevent river erosion	No finding	
37	Taramakau MR 27	Measures not taken to prevent river erosion	Not upheld, but notes further reduction of tribal estate	
38	Oparara	Measures not taken to prevent river erosion	Not upheld	
39	Orowaiti	Relates to non-alignment of sections	Not upheld	
40	Westport town sections	Maori Trustee's amalgamation of town sections on one title	Not upheld	
41	Mawheranui	Maori Trustee's poor administration of the reserve without consultation with owners	Treaty breach re lack of consultation	
42	Whakapoai	Lack of consultation with reserve owners	Treaty breach re lack of consultation and granting of perpetual lease	
43	Westport sections 721, 732	Sold without consultation with owners	Treaty breach re lack of consultation	
44	Kotukuhakaoho MR 34	Reserves reduced through excessive roading and railways	Treaty breach re lack of notification and consultation in taking land although roads and railway links beneficial	
45	Kaiata MR 33	10-acre strip taken for railway	Not upheld	
46	Arahura MR 30	Excessive roading; Maori Trustee's poor administration of the reserve without consultation with owners; wrongful application of revenue	No finding on excessive roading; no breach in respect of flood damage; Tribunal again finds breach in lack of consultation	
47	Freeholding and incorporation	Maori Trustee's attitude not good	No finding	

OTAKOU

48	Moeraki	Crown grants not recognised as valid titles; Maori landowners have no power to evict squatters	Not upheld	
49	Moeraki	Ngai Tahu women not included in entitlement to main reserve	Not upheld, but notes inadequacy of original reserves	
50	Karitane	Ownership and maintenance of foreshore reserve	Treaty breach	Question of accretion should be referred to the Maori Land Court for inquiry under s 29 Te Ture Whenua Maori Act 1993

51	Taiaroa Head	Land taken for defence and not returned when no longer required	Treaty breach re lack of notification in taking land; may not have been necessary to take freehold, leasehold should have sufficed; lack of consultation with owners about change in use	Ownership of lot 33 and part lot 27 should be returned to Karetai descendants; headland reserves should be vested in Otakou runanga; Ngai Tahu should be involved in the management of the reserves in tripartite arrangement between Ngai Tahu, DOC, and Dunedin City Council; descendants of Korako Karetai should also be involved in the management; the interests and activities of the Otago Peninsula Trust must remain unaffected
52	Harington Point	Land taken for defence, no compensation and not returned when no longer required	Treaty breach re failure to return land to descendants of original owner	Section 75 should be returned to descendants of Wi Potiki as planned
53	Tatawai	Fishery destroyed through drainage, silting, floodwater control, legislation	Treaty breach	Alternative regional inland and estuarine fisheries should be developed for the use of the tribe
54	Taieri	Half-caste sections reserved but not allocated	Not upheld	
55	Waikouaiti	Restrictive regulations prevent use of fishery	Treaty breach	Crown should undertake effective consultation with Ngai Tahu in the management of the lagoon and ensure the resumption of fishing by the tribe on a traditional basis

MURIHIKU

56	Maranuku	Land taken for public works without consultation with owners	Treaty breach	
57	Maranuku	Land taken for public works without consultation with owners	Treaty breach	This area should be returned to Ngai Tahu owners entitled
58	Maranuku	Timber on reserves taken without knowledge or payment to owners	Not upheld	
59	Maranuku	Urupa disturbed by road construction, no compensation paid	No finding, but notes earlier comments on lack of consultation in taking land	
60	Tautuku	Urupa disturbed by construction of car park	Not upheld	
61	Waimumu	Land taken for public works and not returned when not needed	Treaty breach re lack of notification in taking land, failure to return surplus area, failure to compensate	Lots 1, 3, and 4 should be returned to original owners; compensation for section 65 should be

			owners	determined
62	Waimumu	Land set aside for landless natives not allocated, since resumed by the Crown	Not upheld, but notes inadequacy of land granted under the scheme	
63	Forest Hill	Owners denied a fair price for timber on sections	Not upheld	
64	Omaui	Reserve taken for scenic purposes	Not upheld	
65	Omaui	Crown offered to pay half price for land	Not upheld	
66	Invercargill	Land sold by Maori Trustee without any consultation with owners	Treaty breach	
67	Aparima	Land taken for public works and not returned when no longer required; area of Maori road widened and made public	Treaty breach re lack of consultation in taking land and failure to return land to original owners; freehold need not have been taken, lease would have sufficed	Landless plight of Aparima Maori should be taken into account in remedies
68	Aparima	150-metre building restriction and water rights application without consultation with affected Maori owners	No finding, lack of jurisdiction, but refers to earlier findings on lack of consultation	
69	Aparima	Landing reserve has been rezoned industrial	No finding, lack of jurisdiction	
70	Aparima	Owners affected by designation of property as recreational	No finding, lack of jurisdiction	
71	Aparima	Cemetery on reserve has been disrupted	No finding, lack of jurisdiction	
72	Aparima	Areas of importance should be reserved	Supported, referred to claim 73	
73	Aparima	Land taken for recreation reserve should be returned	Treaty breach re Crown failure to protect tribal estate	Landless plight of Ngai Tahu from Aparima region should be regarded in settlement negotiations
74	Aparima	Council's refusal to grant permanent permit for Maori village reconstruction	No finding, lack of jurisdiction	
75	Aparima	Areas of importance should be returned to the tribe	Supported, referred to claim 73	Landless plight of Ngai Tahu from Aparima region should be regarded in settlement negotiations
76	Aparima	Maori sections being used by farmer without rent being paid	Not upheld	
77	Riverton/Oraka	17 half-caste sections of poor quality; access must be built by owners	Treaty breach re poor quality of land granted	

78	Merivale	Maori land became general land without any sale	No finding, lack of jurisdiction, referred to Maori Land Court	
79	Oraka	No compensation for land used for road and for shingle taken	No finding, lack of jurisdiction, referred to Maori Land Court	
80	Oraka	Land gifted for school should be returned when no longer required for the purpose	Not upheld	
81	Oraka	Crown's promise to grant title to high-water mark not kept	Not upheld, lack of jurisdiction, referred to Maori Land Court	
82	Ouetota	Pahi pa site should have been included in original reserve	Not upheld	
83	Te Waewae Bay	Section of half-caste land has never been recorded in lands and survey record files	No finding	
84	Te Waewae Bay	Difficulty in extracting rents from Pakeha squatters	Not upheld	
85	Te Waewae Bay	Sandhill Point is a Ngai Tahu urupa	Supported	Minister of Maori Affairs should apply to Maori Land Court to have land reserved under s 339 Te Ture Whenua Maori Act 1993 and vested in those Maori entitled
86	Rowallan	Land reserved for landless natives not used and now Crown land	Not upheld	
87	Waiau	1700 acres resumed by Crown on grounds other land had been awarded instead	No finding	
88	Wairaurahiri	Disappearance of Maori land between Lakes Hauoko and Poteriteri	Not upheld	
89	Wairaurahiri	Ngai Tahu ownership of land under threat; denied access to the land	Treaty breach	Crown should either allow incorporation to market forest or compensate for lost milling opportunities; Crown should also reimburse incorporation for costs incurred in seeking to market its timber

RAKIURA

90	Paterson Inlet	Tupuna's land has been lost	Not upheld	
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91	Paterson Inlet	Crown's attempt to purchase Maori land inconsiderate; objects to 'uneconomic interests' legislation	Not upheld	
92	Port Adventure; Toitoti	Landless natives land allocated to individuals, should be returned to Ngai Tahu unconditionally	Treaty breach	Port Adventure and Toitoti blocks should be completed as to survey and re-vested in the persons found to be entitled by order of the Maori Land Court within 12 months of presentation of this report
93	Port Adventure, Chew Tobacco Bay, Little Glory Harbour	Scenic reserves should be vested in incorporated society to facilitate access and administration of landless natives blocks	Supports need for access to main reserves	Application should be made to Maori Land Court and/or High Court for granting of access

LEGISLATION ETC

94	Titi Islands	Lack of consultation	Referred to past findings on consultation	
95	Maori Affairs Amendment Act 1967	Power to will land to individuals outside family, wants Act repealed	Referred to provisions in Te Ture Whenua Maori Act 1993 which remedy matter	
96	Historical sites	Should be protected; tangata whenua representation on local bodies	Referred to past findings on consultation, representation, provisions in Te Ture Whenua Maori Act 1993	
97	Town and Country Planning Act 1977	Restricts building on Maori land	Referred to Resource Management Act 1991 and earlier finding	
98	Maori Incorporation rules	Do not reflect Maori system, power to alienate lands should be repealed	Referred to Te Ture Whenua Maori Act 1993 and changed law	
99	Town and Country Planning Act 1977	Should be reviewed to give clearer meaning to Maori-related terms	Referred to Resource Management Act 1991, past findings on consultation and representation	
100	Maori language	Loss of the language and culture	Referred to past findings in <i>Te Reo Maori Report 1986</i>	

CLAIMS NOT REPORTED ON

101	Kaikoura E	Loss of area in exchange	No record of grievance
102	Kie Kie H	Excessive roads through reserve	No record of grievance
103	South Bay F	Loss of landing reserve	No record of grievance
104	Haututu L	Land never received in exchange	Dealt with in claim 1
105	Houhoupounamu Lagoon	Degradation to fishery	Dealt with in claim 3
106	Taumutu	'Claim to village of Taumutu'	Dealt with in claims 13 and 14
107	Koru Creek	'Claim for right to Koru'	Geographical reference, not a claim
108	Waihao 903	Of poor agricultural value	Not a specific grievance
109	Te Anau	Section offered back to tribe at price incongruous with original purchase price	Not considered to be a grievance
110	Waitaha	Family land taken without notice	No information
111	Otakou Peninsula	Claim right to live at kaik	No information
112	Tautuku	Refers to 1000-acre award	Not clear as to issue of grievance
113	Waimumu	Proposal of joint management refused by Crown	No information
114	Rowallan and Alton	Objection to small pockets of Crown land; two-chain widths of the road	No information
115	Murihiku cemeteries	Should be reserved	Capable of resolution in Maori Land Court
116	Maori titles	Titles need search as much of it became general land under 1967 amendment	No specific information
117	Timber fifths	Revenue not spent on Maori roads	No information