

THE MAUNGAHARURU-TANGITŪ HAPŪ
and
THE TRUSTEES OF THE MAUNGAHARURU-TANGITŪ TRUST
and
THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

25 MAY 2013

PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected the Maungaharuru-Tangitū Hapū and breached the Treaty of Waitangi and its principles; and
- provides an acknowledgment by the Crown of the Treaty breaches and an apology; and
- settles the historical claims of the Hapū; and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the governance entity that has been approved by the Hapū to receive the redress; and
- includes definitions of –
 - the historical claims; and
 - the Hapū; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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DEED OF SETTLEMENT

DEED OF SETTLEMENT

THIS DEED is made between

THE MAUNGAHARURU-TANGITŪ HAPŪ

and

THE TRUSTEES OF THE MAUNGAHARURU-TANGITŪ TRUST

and

THE CROWN

WHAKAMOEMITI WHAKATUWHERA

Kia whai korōria, hōnore, harerua kia IHOA O NGĀ MANO tūāuriuri whaioioi e kī te rangi me te whenua ki tōna korōriatanga e TE MATUA, TE TAMA, TE WAIRUA TAPU me ngā ANAHERA PONO ko TE MĀNGAI hei tautoko āiane ake nei āe.

Ko te wāhi tuatahi kia tū wātea mātau ki mua i te aroaro o IHOA O NGĀ MANO nā reira e tāpae ana mātau ko ngā hē katoa o te tinana me te wairua kia whakahokia ki te wāhi kua whakaritea mō ngā mea hē katoa. Kia noho mātau i roto i te ngākau rīpenetā, kia whānau hou ai i roto i te wairua o te pono me te tika ki mua i a koutou, mā TE MĀNGAI hei tautoko mai āiane ake nei āe.

E TE MĀNGAI e ngā ANAHERA PONO e TE TOKOTORU TAPU ka tāpae atu nei tēnei KAWANATA e tūpono mātau ngā Hapū me te Kāwanatanga o Niu Tirenī i raro i te Tiriti o Waitangi kia uhia ki roto i te kapu o te ringa o IHOA O NGĀ MANO kia whai hua o mātau tūmanako i roto i te māramatanga o te aroha noa o IHOA O NGĀ MANO me te taro i roto i tō koutou korōriatanga, ture wairua, ture tangata ko IHOA te piringa ka puta ka ora. Ko TE MĀNGAI hei tautoko āiane ake nei āe.

E TE MĀNGAI e ngā ANAHERA PONO e TE TOKOTORU TAPU arataki ārahi ai mātau ngā Hapū o Ngāti Marangatūhetaua, Ngāti Tauira, Ngāti Kurumōkihi me Ngāti Te Ruruku hei tūtuki i a mātau hiahiatanga wawata rānei hei whakahua hei whakapuāwai i ngā wawata me ngā hiahiatanga mō ō mātau whānau whānui me ngā uri whakatipu e haere mai nei kia piki te māramatanga, piki te ora, piki te kaha me te rangimārietanga ki ō mātau tinana me ō mātau wairua, kia whakaūngia ki roto i te kaha o tō aroha noa, paeheretia ki tō rangimārie mō ngā wā katoa, mā TE MĀNGAI hei tautoko āiane ake nei āe.

MIHI

Tau ana tā Tūpai tokotoko ko Papauma ki te tihi o Tītī-a-Okura ki te wāhi e kiia nei ko Tauwhare Papauma. I taua tokotoko rā te mauri o ngā manu. Ka poua a Papauma ki te maunga, ā, ka haruru. Nā reira i kiia ai ko Maungaharuru.

Ka tū te kārearea i te keokeonga o Tarapōnui-a-Kawhea. Ka rere. Nōna e hāro ana ka titiro whakatau iho ia ki ngā awa o Waikari, Waitaha, Anaura e ahu mai nei i te mātāpuna kai Maungaharuru. Ka puta atu te wai o Waikari i Te Puta a Hinetonga ki Omoko, pātōtō ki te ata, pātōtō ki te pō.

Ka rere whakatetonga te kārearea me tana kite iho i Te Wai-o-Hingānga, ka tahuri atu ki te rāwhiti ko Te Ngarue, he tipua, he taniwha.

Ka kite iho taua kārearea i ngā roto e kiia nei ko te waiū o ō tātau tīpuna. Ko Te Pōhue. Ko Opouahi he wāhi tapu, he roto tuna. Ko Orakai, ko Waikōpiro ngā kanohi o Tūtira. Ko Tūtira he pātaka kai, he orange ngākau, he orange wairua, he orange tangata.

Tahuri mai te kārearea ki uta me tana rongo i ngā tai o Moeangiāngi, Arapawanui, Waipātiki, Tangoio, Tangitū e papaki kau ana. Ko Tangitū he tohorā, he kaitiaki. Ka kitea e te kārearea ngā hāpuku e rere ana i ngā toka o Omoko, Whakapao, Urukara, Te Ngaio-iti, Te Ngaio-nui, Whakatapatu, Kōtuku, Te Ahiaruhe, Tarahau, Rautoetoe, Te Una, Panepaoa, Pānia.

Rere anō ana te kārearea, tau ana ki te puhikaioore o te rewarewa e tū ana i te taha o Punanga te Wao, ā, ko te whakairinga o te kupu, te whakapiringa o te tangata, ki reira whakatā ai. Arā te whare tīpuna o Ngāti Marangatūhetaua, Ngāti Tauira, Ngāti Kurumōkihi me Ngāti Te Ruruku.

Ā, ka hoki anō te kārearea ki te keokeonga o Tarapōnui-a-Kawhea. E hia kē ngā pā kua kitea, nā reira i puta atu ai te whakatauākī, 'Ko tō rātau pā kai ngā rekereke'.

Mai i Maungaharuru ki Tangitū, mai i Waikari ki Keteketerau, nikā rā ngā ino whakaheke o Punanga te Wao e tū whakangāueue ana, nō konei mātau.

Ki te hunga kua popohe. Ko koutou i te tino huatakitanga o te haerenga nei. Kāore koutou i rongo i ōna hua. Ko pīkoko, ko nako, ko whakangoto ko whakangonge ngao i āki kia mutu pai te kaupapa nei. Mā wai e whakatika te waka ka tītoki? Mā wai e whakaara te iwi ka hē? Aku manu kōrero ki te nohoanga pahī, aku manu hakahaka ki ngā iwi. Ko koutou tēnā hai whakamaunga atu mā te hinengaro, mā te ngākau, mā te kanohi o te iwi, ko mātau ki tō koutou nā ataarangi. Ko te aunga o te moe ki a koutou, ko te aunga o te moe ki a koutou. Nikā ō uri e whakamānawa atu nei. Tatau ana te pō i a rātau, whiti mai ana te rā i a tātau, nō reira tēnā koutou, tēnā koutou, tēnā tātau katoa.

The staff of Tūpai, named Papauma, perforated the apex of Tītī-a-Okura at a location referred to as Tauwhare Papauma. That staff contained the life-force of bird life. Due

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to this event the mountain reverberated and roared. Hence the mountain's name, Maungaharuru.

The Kārearea stands upon the peak Tarapōnui-a-Kawhea. He takes flight. Whilst in flight, he looks intently, absorbed by the tributaries of Waikari, Waitaha, Anaura the waters of which emanate from Maungaharuru. The waters of Waikari flow out through Te Puta-a-Hinetonga on to the reef of Omoko, consequently giving us the proverb 'Pātōtō ki te ata, pātōtō ki te pō'.

The Kārearea takes flight towards the south and sets his eyes upon the river Te Wai-o-Hingānga, now he looks to the east and gazes upon the river Te Ngarue, a phenomenon, a denizen, a custodian.

As the Kārearea journeys on, he scans the lakes which are deemed to be the life-blood of our ancestors. Te Pōhue being one of these lakes. The sacred site of Opouahi with its profusion of eels. Orakai and Waikōpiro, the eyes of Tūtira. And Tūtira, celebrated as a place of sustenance to replenish one's mind, body and soul.

The Kārearea now turns towards the shoreline, being within audible range to hear the tides of Moeangiangi, Arapawanui, Waipātiki, Tangoio and Tangitū caressing the shoreline. Tangitū, a whale, a guardian.

The Kārearea becomes aware of groper swimming the reefs of Omoko, Whakapao, Urukara, Te Ngaio-iti, Te Ngaio-nui, Whakatapatu, Kōtuku, Te Ahiaruhe, Tarahau, Rautoetoe, Te Una, Panepaoa, Pānia.

The Kārearea again proceeds on his journey and comes to rest on top of the Rewarewa tree, within view of Punanga te Wao, the place where our stories and history are held, where its descendants gather. The ancestral house of Ngāti Marangatūhetaua, Ngāti Tauira, Ngāti Kurumōkihi and Ngāti Te Ruruku.

The Kārearea now returns to the peak, Tarapōnui-a-Kawhea. During his excursion, he has seen copious amounts of dwellings, hence the proverb 'their lodgings were in their heels'.

From the illustrious mountain Maungaharuru, to the emerald-coloured sea Tangitū, from the flowing waters of Waikari to Keteketerau, the descendants of Punanga te Wao stand steadfast and proud in saying, 'this is our home'.

To those who have crossed the Rubicon. You who were at the commencement of this journey, who never witnessed its end. You who were motivated by a desire for this journey to reach a successful conclusion, we give salutations to you. The question is posed, who will re-navigate the ship when off-course? Who will re-build the tribe when needed? My speaking birds that charmed the assembled, that swayed the peoples' councils. You were the exemplar in the minds and hearts of the people, our unsurpassed, and we bask in your glory. Let the soundness of sleep be your reward, let the soundness of sleep be your reward. Accordingly, we, your progenies, express our immense gratitude to you. The long night has settled upon you, those of us who remain are shone upon by the rays of the sun, tēnā koutou, tēnā koutou, tēnā tātau katoa.

TIROTIRO KAU AU

Tirotiro kau au
ki marae kāinga
E rā

*I solemnly gaze across the sacred
courtyard of my Ancestors in search
of kindred spirits in amongst the
assembled
Memories arise in sorrow*

Kei whea koutou
e ngaro nei
e te iwi
E rā

*Where are you all?
The vanished souls
lost to the gathered clan*

Taku aroha
ki ngā tai e ngunguru
E rā

*My memories well up deep emotions
to pulsate within like a rhythmic sea,
ebbing and exceeding.*

E rite mai ki te iwi
e ngunguru noa nei
E rā

*Soulful echoes of memoirs mingling
with the murmuring, caressing hums
drifting in from the gathered throng*

Takoto mai
ki te pā kōiwi
E rā

*Farewell my esteemed Ancestors
lie, rest in your tombs of the black
dark*

Ka tōkia tō kiri
e te anu mātao
E rā

*Your remains forever cloaked with
the dank shroud of the bitter stinging
cold*

1 BACKGROUND

BACKGROUND

- 1.1 In this background section, the Hapū describe their kōrero tuku iho (Hapū history) about their origins and takiwā (traditional area). The Hapū also discuss their pursuit of redress and the Waitangi Tribunal inquiries into their claims.

THE HAPŪ AND THEIR TAKIWĀ

- 1.2 The Hapū are commonly known as –
- 1.2.1 Ngāti Marangatūhetaua (also known as Ngāti Tū);
 - 1.2.2 Ngāti Kurumōkihi;
 - 1.2.3 Ngāi Te Ruruku (ki Tangoio); and
 - 1.2.4 Ngāi Taura.
- 1.3 Their collective takiwā (traditional area) is generally described as extending from Maungaharuru (the Maungaharuru range) in the west, Tangitū (the sea) in the east, the Waikari River in the north to Te Wai-o-Hingānga (Esk River) to Keteketerau (the former outlet of Te Whanganui-ā-Orotu) in the south.
- 1.4 The Hapū are tāngata whenua within their takiwā. They have held, and continue to hold, ahi-kā-roa (long occupation) since the original inhabitants first settled the land. Even in the era of the musket, the invasion by surrounding iwi and the exodus of many Ngāti Kahungunu hapū to Te Māhia, there were Hapū whānau who remained on the land.
- 1.5 Today, their marae is located at Tangoio.
- 1.6 Some parts of the takiwā towards Te Whanganui-ā-Orotu in the south are shared with a closely related, neighbouring hapū based at Petane. Similarly, in the area bordering the Waikari River and northwards to the Waitaha Stream, the takiwā is shared among the descendants of Te Keu-o-te-rangi (see clause 1.26 regarding Ngāi Tahu).

THE ORIGINS OF THE HAPŪ

- 1.7 The origins of today's Hapū came from the following early groups of people within the takiwā –
- 1.7.1 Ngāti Whatumamoa: the descendants of the explorer chief Mahu Tapoanui. Mahu's direct descendant Te Orotu established his people permanently at Ahuriri;
 - 1.7.2 Ngāti Awa: the descendants of the explorer Toi Kairakau (also known as Toi Te Huatahi). Toi established his southernmost pā (fortified village) at the head of the Tangoio valley; and

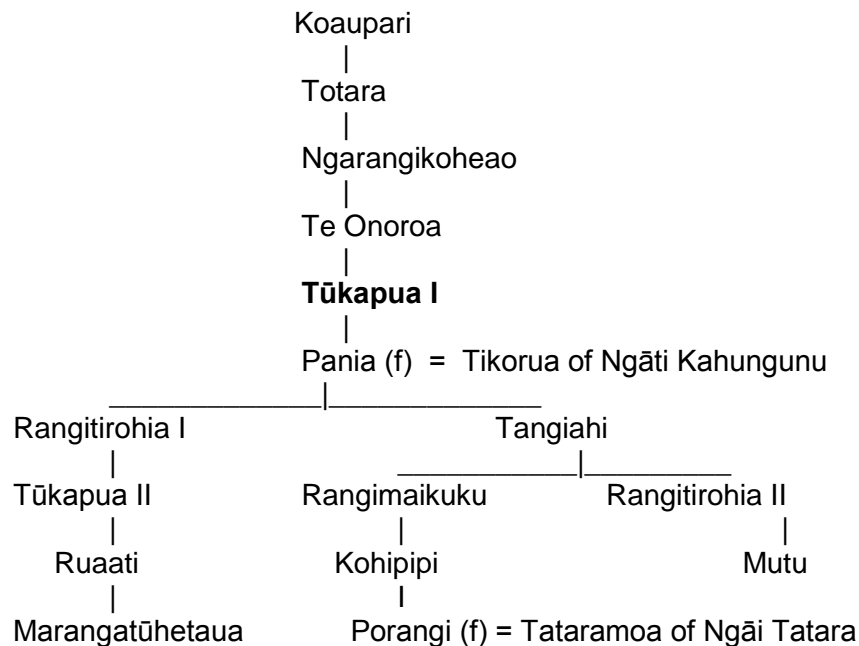
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- 1.7.3 Ngāi Tahu: the descendants of Te Keu-o-te-rangi originally inhabited the lands bordering the Waikari River.

MARANGATŪHETAUA

- 1.8 Below is a whakapapa (genealogical) chart showing the descent lines of some of the key Ngāti Tū tīpuna (ancestors).



- 1.9 Tūkapua I is the source ancestor of Ngāti Tū. Tūkapua I is a direct descendant of Toi Kairakau, the famous navigator and seafarer who established his southernmost pā at the head of the Tangoio valley, aptly called the Pā-o-Toi. Descending through Toi's son Awanuiarangi (of Ngāti Awa), a great, grandson named Te Koaupari, came to Ahuriri from the Bay of Plenty. Tūkapua I is the great, great, grandson of Te Koaupari.
- 1.10 Although Tūkapua I is the source ancestor for Ngāti Tū, the name of the hapū is Ngāti Marangatūhetaua. The Hapū takes its name from Marangatūhetaua, its famous fighting chief in recognition of his many deeds and the respect that his people had for him. Marangatūhetaua is a descendant of Tūkapua I.
- 1.11 Ngāti Tū's pā include Pukenui (at the head of Te Ngarue Stream), Te Pōhue, Motu-o-Rūrū at the junction of the Mangaone River and the Waikinakitangata Stream and Te Rae-o-Tangoio, an elevated promontory in the Tangoio valley which jutted into the (former) Tangoio lagoon, Whakaari and Ngāmoerangi.

Ngāti Whakaari

- 1.12 Ngāti Whakaari is a section of Ngāti Tū; that lived at Petane. Their founding chief is Whakaari. He is a descendant of the Ngāti Tū chief, Kohipipi through his son Te Kaupeka. The pā site Whakaari (also known as Flat Rock) is believed to have been named after the ancestor Whakaari.

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Ngāi Te Aonui

- 1.13 Rangitirohia II of Ngāti Tū married Hinekahu of (a different) Ngāi Te Aonui based in the Wairoa district. Their son was Mutu, and their descendants also became known as Ngāi Te Aonui and were based at Moeangiāngi. The source of their mana whenua was through Rangitirohia II. Over time, Ngāi Te Aonui was absorbed by Ngāti Tū through further intermarriage. Ngāi Te Aonui were also known to have occupied the pā Te Puku-o-te-Wheke at Arapawanui.

Ngāti Rangitohumare

- 1.14 Ngāti Rangitohumare takes its name from Rangitohumare, the first wife of Te Huki of Wairoa. Rangitohumare was born and raised at Oueroa pā in Heretaunga. They had numerous children, including Te Hauwaitanoa. Te Hauwaitanoa settled at Arapawanui and it is from Te Hauwaitanoa's descendant, Toroa, that Ngāti Rangitohumare descend. A small hapū, Ngāti Rangitohumare was over time absorbed into Ngāti Tū through intermarriage. Ngāti Rangitohumare were known to have occupied the pā Te Puku-o-te-Wheke at Arapawanui.

Ngāi Tauira

- 1.15 The origins of Ngāi Tauira go back to another group of early inhabitants, Ngāti Whatumamoa. Ngāti Whatumamoa are the descendants of the explorer Mahu Tapoanui. Although Mahu did not live at Ahuriri, he visited the area as part of his explorations. It was Te Orotu, a direct descendant of Mahu, who seven generations later established his people permanently at Ahuriri. Te Whanganui-ā-Orotu (also known as the Napier Inner Harbour) takes its name from this tipuna. Heipipi, is the principal pā of Ngāti Whatumamoa and spreads along the Petane hills between Bay View and Kaimata. Eventually Orotu abandoned the area, leaving Ahuriri in the possession of his son Whatumamoa, the eponymous ancestor for Ngāti Whatumamoa.
- 1.16 Tunuiarangi (also known as Tunui), was a tohunga, leader of Ngāti Whatumamoa and chief of Heipipi pā. Tauira, the eponymous ancestor of Ngāi Tauira, was the great, grandson of Tunui. Ngāi Tauira is an ancient Hapū, preceding Ngāti Tū, and has largely been absorbed by Ngāti Tū through intermarriage. Tauira and his descendants were based on the Te Waka part of Maungaharuru and their pā sites included Pirinoa, Taurua-o-Ngarengare and Tauwhare Papauma.

NGĀTI KURUMŌKIHI (FORMERLY KNOWN AS NGĀI TATARA)

- 1.17 Ngāti Kurumōkihi were formerly known as Ngāi Tatarā. They are a group who emerged from the interaction between Ngāti Tū and the Ngāti Kahungunu migrants, Taraia I and his generals, who had come into the takiwā. One of Taraia's most influential generals was Kahutapere II. Kahutapere married Hineterangi of Ngāti Awa (of the tāngata whenua) and established himself at Otiere pā on Roro-o-Kurī island in Te Whanganui-ā-Orotu. They had five children, one of whom was Tataramoa, the eponymous ancestor of Ngāi Tatarā.
- 1.18 Kahutapere wished to establish his children in various areas. Tataramoa was invited by Mutu of Ngāti Tū to live at Moeangiāngi, and later at Tūtira. After his arrival at Tūtira, Tataramoa married Porangi, the daughter of the Ngāti Tū chief, Kohipipi. He then established his residence at Te-Rae-o-Tangoio. His father-in-law, Kohipipi lived nearby at Pukenui pā, and then later at the Pā-o-Toi.

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- 1.19 Living at the same time as Tataramoa was Ngāti Tū chief, Marangatūhetaua. Marangatūhetaua lived at Ngāmoerangi pā which was located on the south side of Te Ngarue river mouth and within sight of Tataramoa's pā, Te Rae-o-Tangoio. Marangatūhetaua was in charge of Ngāti Tū's warriors and it is said he gave Tataramoa the task of stopping raiding war parties.
- 1.20 Sometime later, Tataramoa and his wife parted. Tataramoa and his people then occupied a pā on the hilltop south of the Moeangiāngi river mouth. Tataramoa remained particularly associated with Moeangiāngi on the coast and with the inland areas around Lake Tūtira.
- 1.21 At that period in history Tataramoa's people were known as Ngāi Tatara, but later events at Lake Tūtira saw the hapū change its name to Ngāti Kurumōkihi.
- 1.22 Ngāi Tatara pā include the twin pā sites on neighbouring peaks, a short distance north-east of Lake Opouahi, namely, Kokopuru and Matarangi. These pā are associated with the principal Ngāi Tatara chief of later times, Waiatara. At Tūtira are other Ngāi Tatara pā including the island pā - Tauranga-kōau, Oporae and Te Rewa-o-Hinetu.

NGĀI TE RURUKU (KI TANGOIO)

- 1.23 Marangatūhetaua and Tataramoa were both getting on in years when friction broke out between their people and another hapū that was interfering with the eel baskets of Ngāti Tū, and taking eels from Tūtira. They also went to the fishing grounds at Tangitū and seized the waka (canoes) of Ngāti Tū and Ngāi Tatara and drove the local people away in the process.
- 1.24 Marangatūhetaua sought the help of Te Ruruku, a Wairoa chief. Te Ruruku helped Ngāti Tū and Ngāi Tatara to repel the invaders and in return he was gifted land. Tribal archives record, "ko Waipātiki nā Marangatū i tuku ki a Te Ruruku" – Marangatūhetaua gifted land at Waipātiki to Te Ruruku. Included within this gift was the pā, Te Wharangi, located on the hill to the north of the Waipātiki River mouth. Therefore, Ngāi Te Ruruku gained their occupation rights within the takiwā through tuku whenua, and such rights were specific to those who maintained ahi-kā-roa, namely the descendants of Hemi Puna and Taraipine Tuaitu. Other pā associated with Ngāi Te Ruruku include Ngāmoerangi, Whakaari and Te Puku-o-te-Wheke at Arapawanui.
- 1.25 Alongside Ngāti Tū and Ngāti Kurumōkihi, Te Ruruku and his descendants became responsible for the military stability of a considerable takiwā comprising the lands of Ngāti Tū, Ngāti Kurumōkihi and Ngāi Tahu. The reputation of these lands rested on its bounty as a food resource. It possessed the superior fishing grounds of Tangitū, the coveted eeling lakes at Tūtira and its tributaries, the tributaries of the Waikari River and the renowned bird-snaring grounds of Maungaharuru.

NGĀI TAHU

- 1.26 Ngāi Tahu was a small hapū which had ahi-kā-roa along the Waikari and Waitaha Rivers and their tributaries. The eponymous ancestor of Ngāi Tahu is Tahumatua II. Tahu's descendant, Te Keu-o-te-Rangi, fathered four children: Toenga, Tukapuarangi, Te Whiunga and Hinekaraka. The descendants of these four children were known as Ngāi Tahu and those who maintained their occupation were the tāngata whenua. Various branches of Ngāi Tahu were known by other names and represented

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smaller family groups, such as Ngāti Hikapii, Ngāti Hineiro, Ngāti Moe, Ngāti Peke, Ngāti Rangitakuao, Ngāti Tataku and Ngāi Te Maaha. There are kāinga and pā associated with Ngāi Tahu along the Waikari, Anauro and Waitaha Rivers and their tributaries. The kāinga and pā of Ngāi Tahu in the lower Waikari River area, and as far north as the Waitaha Stream, include Kumarawainui, Tutaekaraka, Hurihanga, Takapuwahia, Tokatea, Pukepiripiri, Puketaiata, Tauwhare and Kaiwaka. The kāinga and pā in the upper Waikari River and its tributaries include Te Nakunaku, Waipopopo, Tawhitikoko, Patokai and Tiekenui.

LANDS AND TAONGA OF THE HAPŪ

- 1.27 The following whakataukāki (tribal proverb) of the Hapū describes the takiwā of the Hapū and refers to the abundance of resources within the takiwā.

Ka tuwhera a Maungaharuru, ka kati a Tangitū,
Ka tuwhera a Tangitū, ka kati a Maungaharuru.
When the season of Maungaharuru opens, the season of Tangitū closes,
When the season of Tangitū opens, the season of Maungaharuru closes.

- 1.28 The resources available on the coast at Tangitū when combined with those available in inland areas meant that the Hapū had nourishment all year without having to leave their tribal boundaries. Hence another Hapū whakataukāki,

“Ko tō rātau pā kai ngā rekereke”, “their fortified villages were in their heels”.

- 1.29 Tohunga (high priests) from the Tākitimu waka instilled the mauri (life force) of birdlife on Maungaharuru and the mauri of fishlife along the coastline. These rich resources are taonga (treasures) to the Hapū.
- 1.30 The importance of various taonga, significant sites and places, are detailed in the Hapū values and statements of association set out in the documents schedule.

THE HAPŪ PURSUIT OF REDRESS

- 1.31 Te Tiriti o Waitangi / the Treaty of Waitangi was not signed by the Hapū. The Hapū acknowledge, nevertheless, Te Tiriti o Waitangi and value the possession of their lands and taonga as guaranteed in the second article of the Treaty.
- 1.32 For generations, the Hapū have sought redress for the many breaches of the Treaty by the Crown. They have made claims, petitions, submissions and taken legal action to seek redress for Treaty breaches.
- 1.33 The Hapū have filed various claims with the Waitangi Tribunal, to have their grievances heard, reported on and acknowledged.
- 1.34 Led by Te Otane Reti, members of the Hapū were a part of the Wai 55 claim, which was lodged with the Waitangi Tribunal in 1988. This claim dealt with Te Whanganui-ā-Orotu, the Napier Inner Harbour, and addressed the rights and interests of Ngāti Tū and Ngāi Te Ruruku, and other hapū with rights and interests in Te Whanganui-ā-Orotu.

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1: BACKGROUND

- 1.35 In 1992 the Hapū, together with other groups, lodged their joint claim in respect to the Mohaka-Waikare raupatu (confiscation), Wai 299. This claim covered the Mohaka–Waikare confiscation district, “which lay roughly between the Ahuriri block to the south, the sea in Hawke Bay to the south-east, the Mohaka block to the north-east, and the 39th parallel or provincial boundary to the north.”
- 1.36 The original Wai 299 claimants were Bevan Taylor, Gerald Southern, Arona Rangitere Taurima, Fred Reti, Rere Puna, Heitia Hiha, and Tania Hopmans.
- 1.37 The Hapū of Ngāti Tū and Ngāi Te Ruruku were also a part of the Wai 400 claim, which was lodged in 1993 and covered the former Ahuriri block, which was one of the three early Crown purchases in Hawke’s Bay arranged by Donald McLean in 1851.
- 1.38 One of the Hapū, Ngāi Tahu, also had claims to the lands within the Mohaka Block, Wai 119, which was also one of the early Crown purchases in 1851.
- 1.39 The Wai 119, 299 and 400 claims were heard by the Waitangi Tribunal as part of the Mohaka ki Ahuriri Inquiry, Wai 201.
- 1.40 The Hapū were also part of the Wai 692 claim, which was lodged in 1998 and raised matters in relation to Napier Hospital and health services with both historical and contemporary aspects.

TE WHANGANUI-Ā-OROTU WAITANGI TRIBUNAL INQUIRY

- 1.41 The Waitangi Tribunal Inquiry into Te Whanganui-ā-Orotu took place between 1993 and 1994, and the Tribunal reported in 1995.
- 1.42 Te Whanganui-ā-Orotu was the estuarine lagoon which formerly occupied a large area north and east of Napier until the time of the Hawke’s Bay earthquake in 1931. The estuary was a vitally important fishing and resource-gathering area for the Hapū and they made continued efforts to protect their position regarding the lagoon.
- 1.43 The claim related to the loss and despoliation of the lagoon and its islands, which the claimants argued was their “taonga over which they have rangatiratanga and which, but for statute law, rightfully belongs to them.” The claimants argued that they had never sold the lagoon or its islands, but the Crown had taken them by asserting that Te Whanganui-ā-Orotu had been included in the Ahuriri purchase of 1851. The Tribunal agreed that the claim was well founded and made a number of recommendations for remedies.
- 1.44 The Hapū have agreed that their claims to Te Whanganui-ā-Orotu will be settled by another group mandated by the Hapū and others, and recognised by the Crown.

NAPIER HOSPITAL AND HEALTH SERVICES CLAIM WAITANGI TRIBUNAL INQUIRY

- 1.45 The Waitangi Tribunal Inquiry into the Napier Hospital and Health Services claim was included in the Mohaka ki Ahuriri inquiry and took place between 1998 and 2000. The Tribunal’s *Napier Hospital and Health Services Report* was released in 2001.

DEED OF SETTLEMENT

1: BACKGROUND

- 1.46 The claim related to the Crown's obligation to provide for the health and wellbeing of Māori and to honour a promise to provide health and hospital services from a particular site. The contemporary aspects of the claim included the regionalisation of Hawke's Bay hospital services to Hastings and the closure of Napier Hospital.
- 1.47 The Tribunal found in regards to the contemporary aspects of the claim that the claimants' concerns were well founded and recommended the establishment of a bicultural community health centre. A Deed of Settlement of the contemporary aspects of the claim was signed on 3 October 2008.
- 1.48 The Hapū have agreed that their historical claims regarding the Napier Hospital and health services will be settled by another group mandated by the Hapū and others, and recognised by the Crown.

THE MOHAKA KI AHURIRI WAITANGI TRIBUNAL INQUIRY

- 1.49 The Waitangi Tribunal Inquiry into the Mohaka ki Ahuriri district took place between 1996 and 2000. The first hearing was held at Tangoio Marae.
- 1.50 The Wai 299 claimants stated that their claim was "primarily a raupatu grievance." They expressed the position that, "[t]he evidence for the claimants has shown that ultimately the principles in the Treaty were to be subordinated to the self-interest of the Crown's policies for colonial settlement as well as the personal interests of its members of government."
- 1.51 The Tribunal's, *Mohaka ki Ahuriri Report* was released in 2004. The Tribunal reported that the claims of the Hapū were well founded, and concluded that the Crown has breached the Treaty in a number of ways. In particular, the Hapū wish to highlight the following breach conclusions:
- 1.51.1 the Crown negotiated unscrupulously to purchase land at Ahuriri and Mohaka in 1851, and negligently failed to involve the Hapū in the negotiations for Ahuriri;
 - 1.51.2 the Crown was against assisting Māori to develop their land. Its fixation on acquiring Māori land meant that in the end Māori were left with precious little land to develop;
 - 1.51.3 the Ikaroa District Māori Land Board imposed tough leasing conditions on Hapū lessees;
 - 1.51.4 the Crown was unjustified in its attacks on Pai Mārire followers at Omarunui and Petane, and its subsequent pursuit of the escapees, and destruction of their (and others') property;
 - 1.51.5 the Crown unlawfully confiscated land from the Hapū, and had no basis for depriving the Hapū of ownership of the Tangoio and Maungaharuru blocks within the boundaries of the confiscation;
 - 1.51.6 the Crown did not provide any redress for its exclusion of the Hapū from the title for the Kaiwaka block in 1870, despite Hapū protests over many years,

DEED OF SETTLEMENT

1: BACKGROUND

and the expensive legal action they unsuccessfully took to be included in the title;

- 1.51.7 the Crown 'returned' confiscated blocks to named individuals, some of whom had no customary right to it;
 - 1.51.8 the Crown 'did not honour its promise to pay for the cost of surveying the land it returned to Māori ownership in the confiscation, and failed to enforce restrictions on alienation it had agreed would be imposed on this land except to suit its own purposes;
 - 1.51.9 the Crown failed to adequately protect the environment in Mohaka ki Ahuriri including Lake Tūtira, coastal reefs and other places. Controls on the slash and burn practices of European pastoralists were eventually put in place, but these "have often been too little and too late". This failure negatively impacted on the resources that the Hapū treasured and the little land they retained; and
 - 1.51.10 the Crown failed to make adequate efforts to halt Māori depopulation and improve the health and living standards of the Hapū to standards equal to that of Pākehā. The native land legislation imposed a revolution in Māori land tenure that seriously undermined the social, political, and economic structures of customary Māori society.
- 1.52 The Tribunal recommended that the Crown and claimants negotiate for the settlement of the claims in light of its findings as to breaches of the Treaty and that the claimants' current views must be taken into account.
- 1.53 The Tribunal also commented that it should be taken into account that the Mohaka-Waikare raupatu claimants (including the Hapū) have never been compensated as have others suffering confiscations in other districts, who were then able to put monies towards social and economic advancement of their hapū/iwi.

MAUNGAHARURU-TANGITU INCORPORATED MANDATE AND NEGOTIATIONS

- 1.54 After the release of the Tribunal report, Maungaharuru-Tangitu Incorporated (MTI) approached the Crown on behalf of the Hapū to begin negotiations.
- 1.55 In 2008, the Hapū and Ngāti Hineuru were recognised as a 'Large Natural Group' by the Crown for negotiation purposes.
- 1.56 The Maungaharuru-Tangitū Hapū gave MTI a mandate to negotiate a deed of settlement with the Crown and submitted a Deed of Mandate dated 28 March 2009 to the Crown.
- 1.57 The Crown recognised the mandate on 20 October 2009.
- 1.58 MTI and the Crown –
- 1.58.1 by terms of negotiation dated 26 June 2010, agreed the scope, objectives, and general procedures for the negotiations; and

DEED OF SETTLEMENT

1: BACKGROUND

- 1.58.2 by agreement dated 22 September 2011, agreed, in principle, that the Hapū and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement.
- 1.59 The agreement in principle was signed at Parliament by MTI and representatives of more than 100 kaumātua and other members of the Hapū who attended the signing.
- 1.60 Since the agreement in principle, MTI and Ngāti Hineuru progressed in separate negotiations with the Crown.
- 1.61 Since the agreement in principle, MTI and the Crown have negotiated, and have initialled, a deed of settlement.

RATIFICATION AND APPROVALS

- 1.62 The Hapū –
- 1.62.1 have, in December 2012, by a majority of 95.23%, approved the governance entity receiving the redress; and
- 1.62.2 have, since the initialling of the deed of settlement, by a majority of 97.94%, ratified this deed and approved its signing on their behalf by the governance entity.
- 1.63 Each majority referred to in clause 1.62 is of valid votes cast in a ballot by eligible members of the Hapū.
- 1.64 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 11 May 2013.
- 1.65 The Crown is satisfied –
- 1.65.1 with the ratification and approvals of the Hapū referred to in clause 1.62; and
- 1.65.2 with the governance entity's approval referred to in clause 1.64; and
- 1.65.3 the governance entity is appropriate to receive the redress.

AGREEMENT

- 1.66 Therefore, the parties –
- 1.66.1 in a spirit of co-operation and compromise and with an open and honest intent wish to enter into this deed settling the historical claims; and
- 1.66.2 agree and acknowledge as provided in this deed.

2 HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgements and apology to the Hapū in part 3 are based on this historical account.

EARLY YEARS OF MĀORI AND PĀKEHĀ INTERACTION IN HAWKE'S BAY

- 2.2 In the 1840s and 1850s the Hapū were affected by social and economic changes. This included the arrival of Christianity, which led to the construction of decorated Christian chapels at Petane, Tangoio, Arapawanui and other villages. In the 1840s there were shore whaling stations at Moeangiāngi and Whakaari (Tangoio). Some men from Tangoio were involved in commercial whaling at Te Māhia. Wheat and maize was shipped from Tangoio to Napier.

CROWN PURCHASING IN THE 1850S AND 1860S



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.3 In the early 1850s the Crown decided to acquire a large amount of land in Hawke's Bay. The Crown was keen to purchase land for settlement rather than allow Māori to lease it to settlers. The Crown's chief land purchase agent, Donald McLean commenced negotiations for large scale purchases in Hawke's Bay in 1851. Among the first acquisitions were purchases in 1851 of 265,000 acres at Ahuriri and 85,700 acres at Mohaka.

The Ahuriri Purchase 1851

- 2.4 In April 1851, the Governor instructed McLean to purchase the Ahuriri block for the lowest price Māori would accept. By 2 May 1851 McLean had secured an agreement to buy the Ahuriri block for £1,500. However there was much discontent among the Tangoio people about this price before a deed was signed by Māori in November 1851. On 15 November, McLean recorded in his diary that this discontent had probably arisen because the Tangoio people were not consulted in the first phases of the sale. McLean had informed the Tangoio people two days earlier that it was too late to change the arrangements.
- 2.5 The Crown led Māori to believe that they would derive considerable economic benefits from selling their land to the Crown in order to persuade them to accept low prices. A deed of sale was signed on 17 November 1851.
- 2.6 The Crown agreed to reserve less than one percent of the Ahuriri block for Māori. The three principal reserves were at Roro-o-Kurī Island within Te Whanganui-ā-Orotu (also known as the Napier Inner Harbour or Napier Lagoon), Wharerangi and Puketitiri. However, the Crown did not establish any mechanism to ensure these reserves would always remain in Māori ownership, and by the 1920s all the reserves had been sold.
- 2.7 The 1851 deed of sale described Te Whanganui-ā-Orotu as one of the boundaries of the purchase. The plan attached to the deed shades Te Whanganui-ā-Orotu red and includes it within a dark red line which marks the boundary of the purchase. McLean wrote in his diary that he showed this plan as he read the deed before it was signed. The Crown considered the nearly 8,000 acres of Te Whanganui-ā-Orotu to have been included in the purchase.
- 2.8 However, the Hapū have long protested that Māori did not intend to sell Te Whanganui-ā-Orotu in 1851. Several inquiries have drawn different conclusions about this issue. In 1916 the Solicitor-General concluded that the wording of the Ahuriri deed did not include Te Whanganui-ā-Orotu within its boundaries, and that the boundary shown on the map had been drawn in error. In 1920 the Māori Land Claims Commission concluded that Māori had understood Te Whanganui-ā-Orotu was included in the Ahuriri purchase. In 1948 a Native Land Court Judge reporting on a petition about this issue, concluded that only a small proportion of Te Whanganui-a-Orotu had been included in the sale.
- 2.9 The Hapū consider that their tīpuna (ancestors) did not agree to sell Te Whanganui-ā-Orotu, and that the Crown subsequently assumed ownership without justification.

The Mohaka Purchase 1851

- 2.10 In April 1849 three Waikare rangatira (chiefs) offered land to the Crown in return for a large payment and the introduction to their district of many settlers with whom they could

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

trade. The Crown did not immediately follow up this offer, but by January 1851 McLean was keen to purchase as much land in the Mohaka district as possible.

- 2.11 By March 1851 the Crown was negotiating to purchase a large block in the Mohaka district. On 6 March, Waikare Māori offered to include land between the Waitaha Stream and the Moeangiāngi River in the block to be acquired by the Crown. However, by 1 April 1851 the owners had decided to retain this land for their own use, and the Crown's negotiations were focused on a block between the Waikari and Mohaka Rivers. The Crown sought to purchase the Mohaka block as cheaply as possible, and by July 1851 a price of £800 had been agreed.
- 2.12 A deed of sale was signed in December 1851 that provided for the Crown to pay £800 in four annual instalments of £200. There was some dissatisfaction when the deed was signed that the Crown would not pay all the purchase money at once. The Crown did not complete payment of the purchase money until 1855. In April 1855 the Crown paid a final instalment of £300 of which £100 was paid to the Waikare people. They protested about the size of the payment which McLean acknowledged was small. McLean wrote in his diary that Māori would consider the payments to be inadequate unless they received the collateral advantages the Crown had led them to expect from the development of settlement on the land that they sold.
- 2.13 The deed did not provide for any reserves to be set aside for Māori along the north bank of the Waikari River. In 1851 Waikare Māori retained a large amount of land on the south bank, but customary interests in this land were later extinguished as part of implementing the Crown's policy of confiscation. Although much of the land was returned to individual members of the Hapū, by the 1930s the Crown had purchased most of it.

Other Purchases before 1865

- 2.14 In the late 1850s and in the 1860s the Crown negotiated to purchase two other blocks in the takiwā or traditional area of the Hapū. Between April and June 1859 the Crown purchased 2,000 acres at Arapaoanui in three transactions. Between July 1859 and November 1860 the Crown purchased 12,000 acres at Moeangiāngi for £310.
- 2.15 In 1865 the Crown made a down payment of £100 for 8,000 acres on the Maungaharuru Range. The purchase was to be completed after the land had been surveyed. The Crown completed the Maungaharuru purchase in 1868 when a deed of sale was signed providing for the Crown to acquire 7,760 acres for £185. In 1866 the Crown paid £400 for 4,470 acres at Otumatai (also known as Otumatahi). There is little information about the negotiation of these transactions beyond the deeds that were signed. The Hapū have long held the view that the customary title to these blocks was never completely or fairly extinguished.
- 2.16 All of the blocks the Crown purchased in the late 1850s and in the 1860s were enclosed within land that the Crown would later make subject to its policy of confiscation.

The Introduction of the Native Land Laws

- 2.17 Parliament established the Native Land Court under the Native Land Acts 1862 and 1865, to determine the owners of Māori land "according to native custom" and to convert

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

customary title into title derived from the Crown. Through these laws the Crown also set aside its pre-emptive right of purchase, allowing Māori owners to lease and sell their lands to private parties or to the Crown. The Crown intended these Acts to facilitate the opening up of Māori customary lands to Pākehā settlement. Māori were not represented in Parliament when this legislation was introduced, and the Hapū were not consulted about these Acts.

- 2.18 The native land laws introduced a significant change to customary land tenure. The titles available under the native land legislation were awarded to individuals and undermined tribal control of land alienation. The Crown expected that this change would eventually lead Māori to abandon the tribal and communal structures of traditional land holdings.
- 2.19 The Native Land Act 1865 provided for titles to Māori land blocks to be awarded to a maximum of ten individual owners. There were no provisions in the Act to prevent these individuals from dealing with the tribal lands they were awarded as their personal property.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Land Purchases Under the Ten Owner Rule: Moeangiangi Reserve 1866, Petane & Te Pahou Blocks 1870



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.20 In June 1866 the Crown agreed with two individuals to purchase 1,000 acres that had been reserved for Māori in the 1859 Crown purchase at Moeangiāngi on the condition that they obtain a title for the reserve from the Native Land Court. Later in 1866 the Court held hearings in Napier to determine the ownership of this block as well as blocks of more than 10,500 acres at Petane, and nearly 700 acres at Te Pahou.
- 2.21 Neither of the Moeangiāngi sellers lived on the block. One seller presented evidence to the Court identifying himself with another iwi, but based the sellers' claim to Moeangiāngi on descent from Tataramoa the eponymous ancestor of Ngāti Kurumōkihi who were previously known as Ngāi Tata. The other witness to testify was Te Retimana Ngarangipai who had lived at Moeangiāngi and who only appeared because he happened to be in Napier during the hearing. Te Retimana identified himself as belonging to Ngāti Kurumōkihi and made his claim to Moeangiāngi under the ancestor Mutu of Ngāi Te Aonui. The Court named him one of three owners of the Moeangiāngi reserve, along with the two sellers from whom the Crown had purchased.
- 2.22 The Court's hearings for the Petane and Te Pahou blocks led to ownership of each of these blocks being awarded to ten individual owners several of whom were from the Hapū.
- 2.23 On 12 January 1867 the Crown proclaimed the confiscation of the Mohaka-Waikare district. Te Pahou block was just outside the boundaries of this district, but the Moeangiāngi and Petane blocks were within it. However, the Moeangiāngi and Petane blocks were not treated as part of the block proclaimed for confiscation, and the titles awarded by the Court continued to have legal effect.
- 2.24 Later in 1867 the Crown completed the purchase of the interests in the Moeangiāngi reserve of the two sellers with whom it had previously negotiated for a price of £160. In 1870 a Pākehā settler purchased all of Te Pahou, and eight of the ten shares in Petane. He agreed to pay £100 for each share in Te Pahou, and £200 for each share in Petane.
- 2.25 In 1873 the Crown established the Hawke's Bay Commission to investigate a number of complaints Māori were making about the operation of the ten owner rule in Hawke's Bay. The Commission heard evidence about a large number of blocks including Moeangiāngi, Te Pahou and Petane. In the case of Petane there were complaints by some people with customary interests in Petane about being left out of the 1867 Crown grant. The Commission criticised the manner in which a reserve such as that at Moeangiāngi could be awarded to only a few individuals when it was probable that a whole community must have interests in this land. It recommended that the ten owner rule be repealed.
- 2.26 Later in 1873 the Crown paid Te Retimana £80 for his interests in the Moeangiāngi reserve. The Native Land Act 1873 repealed the ten owner rule, but the repeal did not have retrospective effect.
- 2.27 The owners of the Petane and Te Pahou blocks who had sold their shares complained about being paid with liquor and goods for their interests. The Commission concluded that the Pākehā purchaser had fairly paid for the shares by providing credit at the store he operated.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

OMARUNUI AND THE MOHAKA-WAIKARE CONFISCATION

Omarunui

- 2.28 The Battle of Omarunui in October 1866 was a key turning point in the history of the Hapū, and led to the Crown proclaiming the confiscation of the Mohaka-Waikare block in 1867.
- 2.29 In 1866 the Crown had yet to conclude peace agreements with all Māori it had fought against in the New Zealand wars. In August 1866, several rangatira from Ngāti Hineuru wrote to McLean, the senior Crown official in Hawke's Bay, to say they would lead a party to Hawke's Bay in response to his invitation to negotiate peace terms. In September 1866 an armed party of about one hundred, which included some individuals from the Hapū, came to Petane hoping to meet with McLean.
- 2.30 This party stayed at Petane for several weeks. They told a Crown official who visited there that they had come to Hawke's Bay in response to an invitation from McLean. On 4 October most of the party at Petane moved to Omarunui a few miles away. The inhabitants of Omarunui left their pā which was in the hands of the newcomers for the following week.
- 2.31 On 5 October McLean wrote to the leaders of the party encamped at Omarunui to ask them to explain their intentions.
- 2.32 In correspondence between 5 and 8 October the leaders of the party encamped at Omarunui indicated that they were expecting to meet McLean in light of his invitation to come to Hawke's Bay. At no time did the party at Omarunui attack anyone.
- 2.33 On 8 October 1865 McLean decided that the party encamped at Omarunui were a threat to the security of the region surrounding Napier. It is not clear why McLean came to this view. He ordered Crown military forces to begin preparations to neutralize the threat he perceived.
- 2.34 At midnight on 11 October 1865 Crown military forces began to surround Omarunui. McLean hoped that a display of overwhelming military force would induce those inside the pā to surrender. In the morning though, the Crown sent an ultimatum to them demanding that they surrender within one hour or face attack. The Crown declined a request for more time, and Crown forces assaulted the pā when the ultimatum expired without the occupants having surrendered. Those encamped at Omarunui had taken no additional steps to further fortify the pā.
- 2.35 Crown forces killed about 23 of those inside Omarunui in about two hours of fighting. One Pākehā and two Māori fighting as part of the Crown's military forces were also killed. The battle ended when most of those inside Omarunui surrendered, once it became obvious to them that further resistance was hopeless. Some managed to break out and flee towards Te Pōhue, but they were pursued and mostly killed or captured.
- 2.36 At the same time as Omarunui was attacked, Crown military forces also attacked and defeated those who had remained at Petane. Those attacked at Petane included a small number of people who had ridden down from Tītī-a-Okura since the main body moved to Omarunui.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

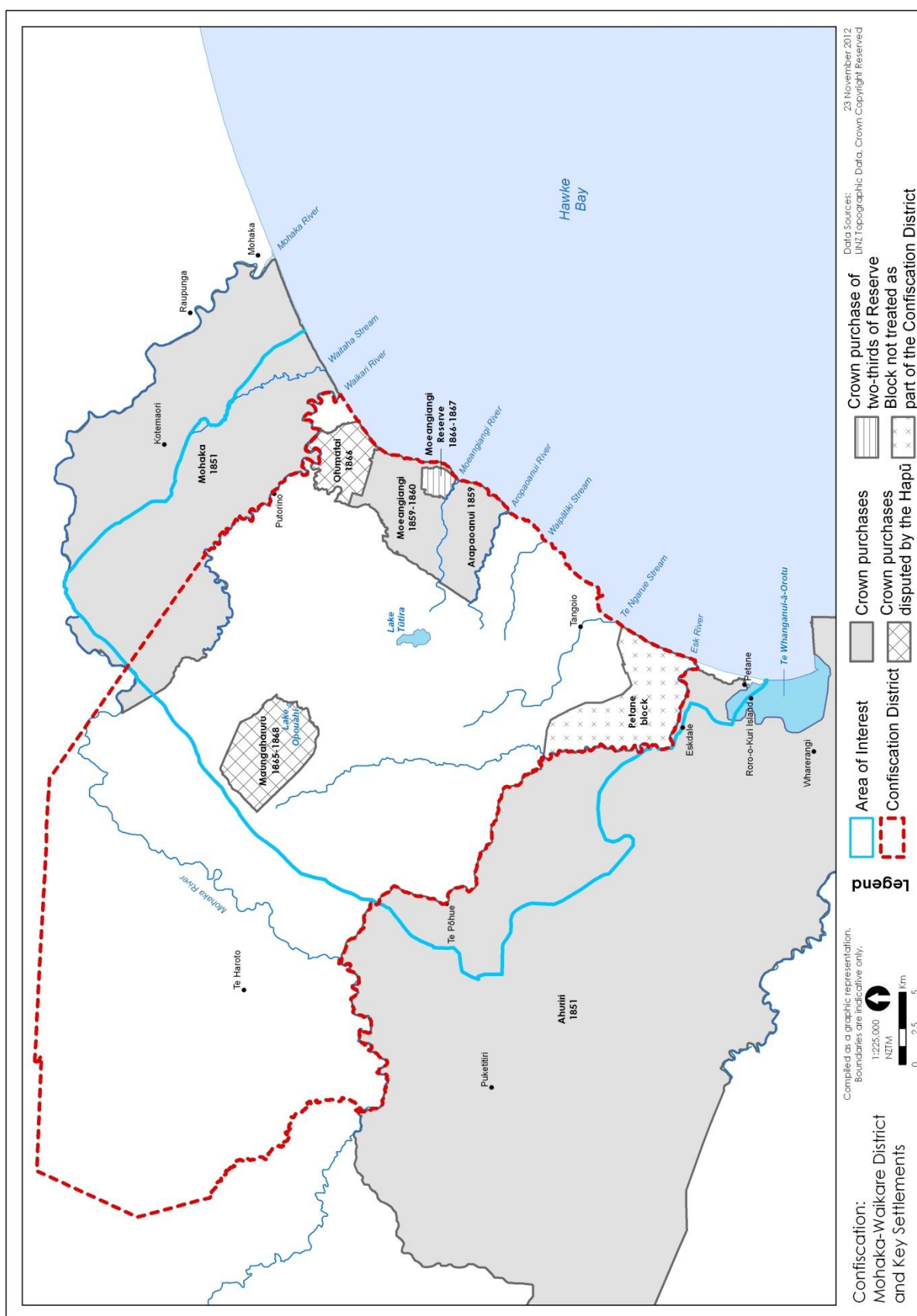
- 2.37 The Crown captured 86 prisoners and transported most to the Chatham Islands. The Crown's prisoners included at least seven men who belonged to Ngāti Tū and at least six who belonged to Ngāti Kurumōkihi. The Crown held the prisoners in harsh conditions on the Chatham Islands for nearly two years. At no time were the prisoners given a trial. In July 1868 Te Kooti led the prisoners in an escape to the mainland.
- 2.38 The escaped prisoners became known as the Whakarau, and were soon embroiled in a bitter war against the Crown. In January 1869 Crown forces summarily executed a number of prisoners who had been captured after an assault on a Whakarau pā at Ngatapa. The identity of most of those executed is not definitely known. It is possible that some of them may have affiliated to the Hapū. Tribal history records that several of the Hapū escapees returned home, but it is unclear when this may have occurred.
- 2.39 In general the Hapū did not oppose the Crown in the conflicts of the 1860s. Some Hapū members were involved in the conflicts as allies of the Crown. Others did not participate at all. Many would later characterise themselves as "Loyal Natives" in petitions to the Crown.

Mohaka-Waikare Confiscation

- 2.40 During the 1860s it was Crown policy to confiscate land from those it considered rebels, and the New Zealand Settlements Act 1863 was enacted to facilitate such confiscations.
- 2.41 On 8 January 1867 McLean recommended that what became known as the Mohaka-Waikare district be confiscated pursuant to the New Zealand Settlements Act. McLean described the proposed confiscation district as an area lying between Petane and the Waikari River along the coast and extending inland to the Hawke's Bay provincial boundary.
- 2.42 On 12 January 1867 the Crown proclaimed that it would confiscate land belonging to rebels in the Mohaka-Waikare district. The proclamation was made by an Order in Council under the New Zealand Settlements Act 1863.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.43 The Crown proclaimed that it would not retain the land of any loyal inhabitants within this district, and any “rebels” who submitted to the Crown within a reasonable time frame would receive only a “sufficient quantity” of land that was “adequate for their maintenance”.
- 2.44 The New Zealand Settlements Act was punitive in nature, and did not provide a definition of “rebel”. Although members of the Hapū were involved in the battle at Omarunui, they were at no time in a state of rebellion.
- 2.45 The Crown did not define the district selected for confiscation with reference to iwi and hapū boundaries. The district was a large area lying between the Mohaka and Ahuriri Crown purchases of 1851 and the Hawke’s Bay provincial boundary. Some land within the district was already Crown land, including the 1859 Crown purchases of the Arapaoanui and Moeangiangi blocks. The incomplete purchase of the Maungaharuru block was also within the district.
- 2.46 The Crown did not establish any judicial inquiry into interests within the Mohaka-Waikare district, and did not establish any judicial inquiry to determine who had been loyal and who had been in rebellion. The Compensation Court, used in some of the other confiscated areas, did not sit in Hawke’s Bay. Nor was any process equivalent to the Tauranga Commissioners or the Poverty Bay Commission established with respect to this confiscation. The process of collecting the names of the persons to whom the returned blocks were to be allocated to was left entirely up to Crown officials.

The Mohaka-Waikare Deeds and the Mohaka and Waikare Districts Act 1870

- 2.47 On 8 May 1868 the Crown signed a deed with a number of Hawke’s Bay rangatira returning some of the Mohaka-Waikare district to Māori ownership and retaining the remainder as Crown land. However, the deed was never implemented. In July 1868 the prisoners who had been sent to the Chatham Islands escaped, and the Crown became embroiled in further fighting against them. In 1869 the Crown began renegotiating how much land the Crown would retain, and how much would be returned to Māori. A second Mohaka-Waikare deed was signed on 13 June 1870. The 1870 deed split the Mohaka-Waikare district into smaller blocks, provided for the Crown to retain the Tangoio North block of 9,050 acres and for various blocks of land to be returned to Māori named in the agreement. The Hapū maintain that the Maungaharuru block of 8,000 acres was also retained by the Crown as they believe its purchase had not been completed. Most of the official correspondence about the negotiation of the 1870 deed has been lost.
- 2.48 Although the Maungaharuru, Moeangiangi and Otumatai blocks lay within the boundaries of the confiscated district, they were excluded from the 1870 deed on the grounds that the Crown had already purchased them. The Petane block was also excluded from this agreement despite lying within these boundaries because the Native Land Court had awarded it to Māori owners before the confiscation proclamation was issued.
- 2.49 The blocks returned to Māori individuals in the takiwā were –
- 2.49.1 Tangoio ki te tonga (35 names);
- 2.49.2 Pakuratahi (13 names);

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.49.3 Arapaoanui (37 names);
- 2.49.4 Tutira (40 names);
- 2.49.5 Tatara-o-te-Rauhina (14 names);
- 2.49.6 Purahotangihia (27 names);
- 2.49.7 Awa-o-Totara (39 names);
- 2.49.8 Waikare (37 names);
- 2.49.9 Te Kuta (36 names);
- 2.49.10 Kaiwaka (1 name); and
- 2.49.11 Heru-a-Tureia (36 names).



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.50 The 1870 deed provided that the returned blocks were to be inalienable “both as to sale and mortgage” and that they were to be held on trust “in the manner provided, or hereinafter to be provided, for Native Lands under trust”. The deed did not clarify whether interests in the returned blocks were equal, or whether they were held according to Māori custom.
- 2.51 The deed was given legal effect by the Mohaka and Waikare District Act 1870. This Act declared the deed valid and binding. The Act also provided authority for the award of Crown grants for the blocks to be returned to the individual Māori named in the deed.
- 2.52 In 1878 the Mohaka and Waikare Districts Act was inadvertently repealed. In 1881 the Native Land Acts Amendment Act included provisions revalidating both the 1867 confiscation and the 1870 deed. By this time much of the returned land was leased to Pākehā settlers.

The Native Land Court hearing of 1882

- 2.53 The 1881 Act provided for the Native Minister to apply to the Native Land Court to determine ownership of the Mohaka-Waikare blocks which were to be returned under the 1870 legislation. The Native Land Court usually awarded ownership of Māori land to individuals it determined to have customary rights to the land. Members of the Hapū saw the 1881 Act as providing an opportunity to apply to the Court to award the Mohaka-Waikare lands to their customary owners. However in July 1882 when the Native Land Court considered this application, it proceeded on the understanding that the only persons who could be recognised as having an interest in the land were those named in the 1870 deed or their successors.
- 2.54 When the Court declined the application to investigate the ownership of the Mohaka-Waikare blocks according to Māori custom, the customary rights holders walked out of the court in protest led by their rangatira Anaru Kune of Ngāti Tū and Ngāti Kurumōkihi, Hemi Puna of Ngāi Te Ruruku, Te Teira Te Paea of Ngāti Tū and Ngāti Kurumōkihi and Manaena Tinikirunga of Ngāi Tauira. A Crown agent then read out to the Court the names of individual Māori listed for each block in the 1870 deed and the Court simply recorded them as the owners. The Native Land Court never subsequently conducted an investigation of title to Hapū lands on the basis of customary interests.

“A GROSS AND UNPARDONABLE FRAUD”: THE KAIWAKA CASE

- 2.55 Kaiwaka (30,765 acres) was one of the largest and most valuable of the Mohaka-Waikare blocks returned to Māori ownership. The 1870 deed vested Kaiwaka solely in the ownership of a rangatira from another hapū as a reward for services he had provided to the Crown. The Hapū consider that this Ahuriri rangatira had no customary interests in the Kaiwaka or any other block in their takiwā. No other block was vested in just one individual. The same Ahuriri rangatira also received a shared interest in all of the other Mohaka-Waikare blocks.
- 2.56 The Hapū considered the Ahuriri rangatira was a trustee for the customary owners. During the 1870s the Ahuriri rangatira passed on rental income from Kaiwaka to several Hapū rangatira, who then distributed it among the customary owners. However, after the Ahuriri rangatira died in 1880, his children began to treat Kaiwaka as their own property. The customary owners of Kaiwaka received no further income from it.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.57 In 1889 Hemi Puna, a rangatira of Ngāi Te Ruruku and other members of the Hapū joined a petition to the Crown claiming that the Ahuriri rangatira had no rights in Kaiwaka, and had intended to return it to the customary owners before he died. The petitioners requested that the Native Land Court investigate the ownership of Kaiwaka, and award it to its customary owners. The Native Affairs Committee, which inquired into the petition, reported that it appeared the intention of the 1870 deed was for the persons awarded titles to the returned blocks to hold the land as trustees.
- 2.58 However the Crown did not take any steps to create a trust over those blocks. In November 1895 the Crown granted ownership of the Kaiwaka block to the children and several other relatives of the Ahuriri rangatira. This was the only Crown grant for any of the “returned” blocks issued by this time.
- 2.59 In 1896 members of the Hapū initiated legal proceedings in which they sought a declaration that the Ahuriri rangatira awarded title in 1870 had been their trustee. This case went straight to the Court of Appeal, which found that no trust had been created. In addition to their own legal expenses the Hapū members who brought this case were ordered to pay the substantial legal costs of the legally recognised owners of Kaiwaka who had opposed their lawsuit.
- 2.60 The Hapū, led by Te Teira Te Paea a rangatira of Ngāti Tū, then bore the expense of an appeal to the Privy Council in London. The Hapū argued that the Crown stated it would protect the interests of loyal Māori when it first proclaimed the confiscation of the Mohaka-Waikare district in 1867. They reasoned it was therefore inconsistent for the sole owner awarded Kaiwaka in 1870 not to be held as their trustee. The defendants argued that the block had passed absolutely to the grantee and then to his heirs. However, the Privy Council agreed with the New Zealand Court of Appeal that there was nothing to show that there had been any intention to create a trust. The Privy Council dismissed the appeal and the Hapū were again ordered to pay the respondents’ costs as well as their own.
- 2.61 In 1903 the Hapū sent a petition about Kaiwaka directly to King Edward VII, but he was advised by his Ministers that the matter was for the government of New Zealand to decide. The New Zealand government refused to intervene. In May 1910 the Crown paid more than £14,000 for Kaiwaka subdivisions 1 and 2A. None of the land acquired by the Crown was returned to the customary owners of Kaiwaka.
- 2.62 The balance of Kaiwaka remaining in Māori ownership, block no. 2B, was offered for sale to the Crown in 1912. While the Crown was considering this proposal the owners successfully applied to the Native Appellate Court to convert the balance of the Kaiwaka block from Native freehold land to general land. This change meant that the land could now be sold freely to private purchasers. Negotiations between the Crown and the owners of Kaiwaka 2B appear to have ended at this time.
- 2.63 The net effect of the Crown’s actions with regard to the Kaiwaka block was that the customary title of the customary owners was extinguished. The Hapū consider that the vesting of this block in a single individual, and the Crown’s persistent opposition to the search for relief by the Hapū via legal proceedings, and by petition, over a period of some fifty years, was equivalent to the block being confiscated and retained by the Crown.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

CROWN PURCHASING OF THE MOHAKA-WAIKARE BLOCKS: AN OVERVIEW

- 2.64 In 1909, individual Hapū members who had land returned to them under the 1870 deed were mostly deriving income from the leasing of much of this land, which the 1870 deed had provided could not be sold.
- 2.65 In 1911, the Crown initiated negotiations to purchase the land returned to individual Hapū members in 1870. The Native Land Act 1909 provided for Māori landowners to make collective decisions about the alienation of their land. Māori land could be sold if a majority of owners present at a meeting organised by the local District Māori Land Board, had approved a sale. However, in 1913 the jurisdiction of the Land Board to call a meeting with respect to one of the returned blocks was challenged on the grounds that no Crown grants had ever been issued to the Māori owners to whom the Crown agreed to return the land in 1870.
- 2.66 In 1914 the Solicitor-General concluded that as the Mohaka-Waikare blocks had been confiscated, they remained Crown land until Crown grants were issued to the individual Māori owners. The Solicitor-General recommended the enactment of new legislation to deal with the Mohaka-Waikare titles. He concluded that whether the shares in the blocks should be equal or determined by Māori custom, was a matter for the Native Land Court to determine. In response Parliament enacted section 4 of the Native Land Claims Adjustment Act 1914 which provided for all the returned blocks to become Māori freehold land. The legislation deemed all interests in the Mohaka-Waikare returned blocks to be equal.
- 2.67 Meanwhile, the Crown continued its efforts to purchase land in the returned blocks. The Crown used its power under the native land legislation to issue a proclamation prohibiting the owners from leasing or selling the Heru-a-Tureia block to a party, other than the Crown. A private party was keen to lease Heru-a-Tureia, but could not do so while the proclamation was in force.
- 2.68 In February 1912 the Crown made an offer at a meeting of owners of Heru-a-Tureia. This offer was rejected, and in August 1912 the owners asked the Crown to remove its proclamation so that they could lease the block privately.
- 2.69 However the Crown would not agree to remove its proclamation. In 1913 an amendment to the native land legislation empowered the Crown to purchase land from individual owners. The Crown proceeded to do so, despite the opposition to selling that the owners had expressed collectively at the 1912 meeting of the owners.
- 2.70 The native land legislation provided for such Crown proclamations to expire after several years. However, when the proclamation for Heru-a-Tureia expired, the Crown issued a fresh proclamation. The Crown's approach to negotiations left the owners no choice but to sell to the Crown if they wished to derive any economic benefit from their land. The Crown maintained its monopoly powers over the Heru-a-Tureia block until 1923 by which time it had acquired the entire block through purchases from individual owners.
- 2.71 The Crown sought to acquire as much land as it could in the blocks it purchased, even where the owners had made offers to sell which provided for them to retain some land in their takiwā as an economic base in the region. One catalyst for the wave of Crown purchasing during the 1910s was the extension of the Wellington to Napier railway line to Gisborne through a part of the the Mohaka-Waikare district. In August 1913, a group of

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Hapū owners led by Ni Puna offered to sell land to the Crown inland of the proposed railway route in the Awa-o-Totara, Purahotangihia, and Tutira blocks. This offer envisaged that the Hapū would retain the land in these blocks on the seaward side of the railway line.

- 2.72 However the Crown sought to purchase all the land in these blocks on both sides of the railway. In December 1913, after issuing a proclamation prohibiting alienations to private parties, the Crown presented offers to purchase all of Purahotangihia and Awa-o-Totara to meetings of the owners of these blocks. Both meetings passed resolutions approving the Crown's purchases. Some Purahotangihia owners subsequently protested to the Crown that title should be investigated and shares should be defined before the Crown commenced purchasing, but in 1915 all of Purahotangihia, and most of Awa-o-Totara, became Crown land.
- 2.73 The Crown adopted a similar approach to negotiations in other blocks. It issued a proclamation prohibiting alienations to private parties of land in the Arapaoanui and Pakuratahi blocks in 1915, and made purchase offers to meetings of the owners. These were rejected, but by the end of 1917 the Crown had purchased most of these blocks from individual owners.
- 2.74 In 1916 the Crown also made a purchase offer to the owners of Tatarao-o-te-Rauhina after imposing its monopoly powers. This offer was rejected, but the Crown made another offer to a meeting of owners in 1917. Despite the assembled owners twice rejecting Crown offers, the Crown then approached the owners individually, and had purchased all of Tatarao-o-te-Rauhina by 1923.
- 2.75 In 1913, at the same time as it was in negotiations over the railway blocks, the Crown entered into negotiations for Te Kuta, after receiving an offer of sale from absentee owners. The Crown issued a proclamation against alienations to private parties in Te Kuta, and a Crown purchase offer was accepted at a meeting of owners in December 1913, subject to the interests of four resident non-sellers being retained. The Crown obtained most of the block in 1915 while the non-sellers retained an area beside the Waikari River including their kāinga and urupā.
- 2.76 The Crown negotiated for all the land it acquired in this district as a monopoly purchaser. The native land legislation provided for the Crown to issue proclamations prohibiting private competition for land the Crown wished to acquire for a period of one year, and for such proclamations to be renewed for a further two years. In negotiations for Heru-a-Tureia, Arapaoanui, Pakuratahi and Tatarao-o-te-Rauhina the Crown issued proclamations, renewed them, and then issued fresh proclamations when the original proclamations expired under the provisions of the native land legislation.
- 2.77 The Crown's use of these proclamations denied owners income from their land for long periods which placed pressure on them to sell to the Crown if they needed to derive income from their land.
- 2.78 By 1931 the Crown had purchased nearly all of the returned Mohaka-Waikare blocks. The Crown acquired interests in the Kaiwaka, Heru-a-Tureia, Awa-o-Totara, Purahotangihia, Te Kuta, Arapaoanui, Pakuratahi, Tatarao-o-te-Rauhina, and Tutira blocks totalling over 100,000 acres, leaving little more than 4,500 acres as Māori land by 1931.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.79 This was too little land for the Hapū to maintain a viable presence in the region and their takiwā.

THE COMPULSORY VESTING OF TANGOIO SOUTH IN THE IKAROA DISTRICT MĀORI LAND BOARD

- 2.80 The Tangoio South block of 965 acres was vested in 35 owners by the Mohaka-Waikare deed of 1870. Tangoio Marae is located on this block, and its coastal lagoon was a valued source of kai moana. The flat portions of Tangoio South were used for gardening, but its hilly parts were infested with blackberry by the beginning of the twentieth century.
- 2.81 In February 1907 the Crown vested the Tangoio South block in the Ikaroa District Māori Land Board for the purpose of bringing the blackberry infestation under control. The owners resented this Crown action to which they did not consent. In November 1907 some owners petitioned Parliament seeking to recover control of their land from the Board. The Native Affairs Committee at Parliament referred the petition to the government for consideration, but the Crown did not restore Tangoio South to the owners' control.
- 2.82 In October 1908 a group of owners met with the President of the Board and again requested that the block be returned to the owners. They were told they would need to make an application to the government but it was unlikely that their request would be granted.
- 2.83 The Board instead leased much of Tangoio South to several of the owners who were required to pay rent to the Board. The leases required the lessees to control the blackberry infestation, but in November 1911, nearly five years after the block was vested in the Board, a Crown official reported that the block was still badly infested with blackberry.
- 2.84 In February 1917 the Native Land Court, acting at the request of the owners, partitioned Tangoio South. Beneficial interests in a large section of 839 acres were awarded jointly to all of the owners as Tangoio South 27, and the remaining land was divided into 26 small lots in which beneficial interests were awarded to individuals or family groups.
- 2.85 In March 1917 some owners offered to sell a portion of Tangoio South to the Crown. However in August 1917 the Crown declined this offer because of the continuing, heavy infestation of blackberry on the block.
- 2.86 In December 1917 a number of owners petitioned the Board to re-vest sections 1-26 of Tangoio South in the owners, but the President of the Board replied that it had no jurisdiction to do this. The owners then sent their petition to the Crown, but the Crown did not act on the owners' request to promote legislation providing for the transfer of their land to their own control. In 1922 the owners wrote to the Member of Parliament for Eastern Māori seeking his assistance in having these lots returned. They wrote that this would make it easier to run their stock, and that the lessees were unable to pay rents owed to the Board. The Board was unwilling to hand back the land especially because of the unpaid rent.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.87 In August 1923 Tangoio South 27 (the residue block) was partitioned into 17 blocks ranging from 20 to 100 acres in size.
- 2.88 In August 1924 the owners sought assistance from the Member of Parliament for Eastern Māori after several local bodies levied rates on sections 1 to 26. In October 1924 the Crown informed the owners that only a small area where their meeting house and marae were located could be exempted from rates. According to the Crown, the owners received the same benefits as Europeans from roads that rates were used to pay for, but the owners pointed out that the Crown had not paid for land it had taken from them for roads. The owners estimated that the road from Panepaoa (at Tangoio beach) to Waikare was 24 miles long and the road from Tangoio South to the Aropaoanui River was 10 miles long, therefore approximately 3,000 acres had been taken from them for roads without any compensation.

TUTIRA

- 2.89 Much of Tutira had been leased to settlers before 1870 through agreements that, as they affected customary Māori land, were not legally enforceable in the event of any disputes arising. The 1870 Mohaka-Waikare deed provided for the 23,467 acre Tutira block to be granted to 40 individuals who would have the legal power to lease Tutira for a period of up to 21 years.
- 2.90 The informal leasing of Tutira continued until 1884. In September 1884 the owners entered into a formal, legal agreement to lease most of Tutira to two Pākehā settlers, and reserved an area of 3,000 acres for their own use. In November 1895 one of the settlers, and a new partner, entered into a fresh lease of 10,000 acres on the understanding that the first lease would be relinquished when it expired in 1905.
- 2.91 In 1907 the Crown established the Stout Ngata Commission to review the usage of Māori owned land, and recommend which land should be retained by Māori and which land should be made available for settlers. The Commission investigated Tutira, and, after discussions with the owners, made recommendations relating to the location, duration, and rents for the Tutira leases which would increase the owners' income by £1,000 a year. In 1907 Parliament enacted legislation empowering the Ikaroa District Māori Land Board to act on behalf of the owners in giving effect to these recommendations about the Tutira leases.
- 2.92 In 1908 some of the Tutira owners brought legal proceedings against the Board arguing that the 1907 legislation was not intended to compel them to accept leases negotiated by the Board. These owners argued that compelling them to accept any lease negotiated by the Board would breach the Treaty of Waitangi. The Court of Appeal held that the leases negotiated by the Board were binding on the owners.
- 2.93 In 1913 the Crown did not take up an offer from some of the owners to sell to the Crown part of the Tutira block which lay inward of the proposed Napier-Gisborne railway. However, in July 1917, after some owners offered to sell their interests, the Crown decided to commence purchasing interests in Tutira despite being unaware of the attitude of the other owners to selling. The block at that time was still leased to a settler for rent of £1,600 a year which was based on a capital value assessed in 1907 of £32,000. By 1917 the value of the land had nearly doubled since this rental was agreed. The Crown was required to pay at least the government valuation for any Māori land it purchased, and had Tutira re-valued. The Crown then offered just over £40,000, after

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

deducting the value of the lessees' improvements from the block's capital value of just over £60,000.

- 2.94 In February 1918 the Crown began acquiring individual interests in Tutira. By January 1923 the Crown had acquired eighty percent of the individual interests in Tutira. The Crown had applied to the Native Land Court to be awarded the interests it had purchased, but in April 1923 the Court dismissed this application because Tutira had not been surveyed.
- 2.95 Some of the non-sellers were dissatisfied with the Court's decision, and in April 1923 Hami Tutu, a Hapū member, asked the Court to partition out the interests of the non-sellers. This application was repeatedly adjourned by the Native Land Court at the Crown's request.
- 2.96 In August 1923 the Commissioner of Crown Lands at Napier reported that some of the non-sellers had stated that their interests in Lake Tūtira were protected by the Treaty of Waitangi.
- 2.97 By July 1926 Tutira had been surveyed, and was found to be 3,000 acres larger than had been believed when the Crown decided upon the price it would offer. In July 1926 the Crown asked the Native Land Court to partition Tutira between the Crown and the non-sellers. Tutira A, containing an area of 19,426 acres was awarded to the Crown, and Tutira B, containing 862 acres, was awarded to the non-sellers.
- 2.98 The non-sellers successfully applied for a rehearing of the partition after the Crown opposed their request for the Court to make orders protecting their customary hunting and fishing rights in Lake Tūtira. However, the rehearing was repeatedly adjourned between 1926 and 1928 during which time the Crown recommenced purchasing individual interests.
- 2.99 Finally, in April 1928 the Native Land Court awarded the Crown 19,726 acres in Tutira A, and the non-sellers 561.5 acres in Tutira B. Two acres on the eastern side of Lake Tūtira were reserved as Tutira C and gifted to the Crown as a memorial to Tiwaewae, a famous Ngāti Kurumōkihi chief. The Court partitioned Lake Tūtira between the Crown and the non-sellers in the same proportions as the surrounding land.
- 2.100 In February 1929 a Native Land Court Judge heard evidence about a petition from Kipa Anaru, a Hapū rangatira, and a number of others. The petition called for the awards for the Tutira block and its lake to be finalised in a way that enabled the Hapū to preserve their access to the lake, and their ability to exercise their customary rights over it. The Judge reported that the non-sellers wished to have the whole or at least most of the lake returned to them. He also reported that the non-sellers were willing to gift Lake Tūtira to the nation provided that their customary rights in the lake were protected. As an alternative, the non-sellers suggested that the 3,000 surplus acres be awarded to them in a location that included the lake and the neighbouring hill slopes.
- 2.101 In 1931 the Native Land Court increased the Crown award in Tutira A to 22,790 acres and the non-sellers' award in Tutira B to 677 acres in eighteen subdivisions. In spite of the petition of the non-sellers, the lake was partitioned between the Crown and the non-sellers in the same proportions as these two blocks. In 1935 the Crown paid an additional £6,470 to purchase the additional 3,350 acres, which the block had been discovered to include since the Crown made its first offer. This money was paid to the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Ikaroa District Māori Land Board for distribution to the sellers. In 1941 the lessee of Tutira B paid some of the rent money due to its owners to the Crown to cover the survey costs of the eighteen subdivisions.

WHAKAARI

- 2.102 In 1870 Parliament designated ten acres at Whakaari as a Crown owned reserve for use as a landing-place for all and a fishing ground for the owners of the returned blocks.
- 2.103 The Crown has never returned this reserve to Māori ownership, nor always ensured that the Hapū retained access to it. In 1959 Whakaari was leased, along with the adjoining land, to a Pākehā farmer. Hapū members, Te Otane Reti, Tautahanga Sullivan, Hineraumoa Sullivan and Morehu Albert petitioned the Crown asking for the restoration of Whakaari to Māori ownership. The Crown declined this request.

ENVIRONMENTAL ISSUES

Lake Tūtira

- 2.104 Lake Tūtira was known to the Hapū as “ko te waiū o ō tātau tīpuna” - “the milk of our ancestors”. This is a reference not only to the abundance of kai (food) that could be sourced from the lake but also to the lake providing spiritual sustenance to the Hapū. Since the 1880s, deforestation and the development of pastoral farming has caused significant increases in soil erosion resulting in a ten-fold increase in sedimentation and pollution in Lake Tūtira. In the 1890s the surrounding swamp was drained, and drainage ditches carried sediment directly into the lake. This sedimentation continued through much of the twentieth century, and between 1925 and 1963 the lake bed rose substantially. Severe storms such as the 1938 ‘Anzac Day Storm’ and Cyclone Bola in 1988 have greatly exacerbated the ongoing sedimentation of the lake. Since the 1950s, nutrient run-off from the use of aerial topdressing on surrounding pastures and suspended sediment has affected the water quality of the lake and adjoining rivers. There has been severe eutrophication in the lake, and an invasion of waterweed and algal growth. River channels have been filled, riparian vegetation removed and the flood plain size increased. Lake Tūtira’s fisheries have deteriorated with the complete loss of kākahi (freshwater mussel) beds while the once plentiful tuna (eel) fishery has been greatly reduced.
- 2.105 In 1951 Te Aturangi Anaru, a Hapū rangatira, suggested to Crown officials that the section of the lake owned by the Hapū become a wildlife refuge.
- 2.106 In 1957 the Crown section of Lake Tūtira was gazetted as a wildlife refuge. However the individual Hapū owners of the rest of the lakebed declined Crown attempts to persuade them to include their section of the lake within this refuge as they feared it would affect their status as the owners.

Flooding

- 2.107 In the twentieth century the principal kāinga for the Hapū was at Tangoio located in the Tangoio South block. The kāinga and Tangoio marae were in a low-lying area that was prone to severe flooding. The risk of flooding was increased because of deforestation carried out on surrounding lands.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

2.108 During the twentieth century a series of devastating floods forced many whānau to move away from their tribal lands. On Anzac Day in April 1938 severe flooding in the Esk and Tangoio valleys damaged all the buildings at Tangoio apart from the schoolhouse and the school. All fences were destroyed and there were substantial losses of stock and other property. In June 1963, a serious flood led the District Commissioner of Works to declare the Tangoio valley unsafe for habitation. The valley was covered with silt up to a depth of 900mm. Forty houses were flooded and many settlers and whānau decided to evacuate the area permanently. However, total evacuation of the area was difficult to achieve as some whānau did not want to leave their kāinga and marae.

2.109 The marae at Tangoio has continued to be vulnerable to flooding.

Coastline

2.110 Te Hata Kani described the coastline in this region as a fishing paddock handed down from his ancestors. The coastal waters were once rich sources of kaimoana (seafood) for the Hapū. However natural disasters and man-made pollution have had a severe impact on the coastline. The 1931 Napier earthquake raised and drained the Tangoio lagoon and Te Whanganui-ā-Orotu. Intensive farming in the twentieth century exacerbated erosion and caused significant pollution in streams that flowed into the sea. Coastal waters have also been polluted by outfall from processing plants. The Hawke's Bay seafloor has become almost completely covered by sediments resulting from the erosion of adjacent catchments. Sedimentation has negatively impacted kaimoana both directly and also indirectly through effects on nursery habitats. In 1991 researchers concluded that shellfish taken from Tangoio beach were unfit for human consumption, and that it was even unsafe to swim at Tangoio because of the pollution.

SOCIO-ECONOMIC ISSUES

2.111 The traditional tribal lands of the Hapū were critical to their economic wellbeing in 1840. In the 1860s the loss of land through confiscation was a severe economic blow. Although much of the confiscated land was re-granted to Māori owners, banks were reluctant to lend money on multiply-owned Māori land, and the Hapū did not have the same access as Pākehā settlers to development capital. In 1907 the Stout Ngata Commission criticised the Crown for not providing Māori with the same level of assistance it provided to settlers to develop their land.

2.112 The Crown did not begin to offer significant development assistance for Māori land until the late 1920s. However, by this time the extent of Crown land purchasing meant that the Hapū no longer had sufficient land for a socio-economic base. In 1930 the only lands retained by individual members of the Hapū were in the Tutira, Tangoio South and Arapaoanui blocks. In the late nineteenth and early twentieth centuries there was a large decline in Māori-owned land under cultivation in the region, and Māori in this region were becoming increasingly dependent on wage labour.

2.113 Education and training were critical to the participation of Hapū members in the economy of the twentieth century, and by 1900 Tangoio Māori had asked the Crown to provide a school for them. In 1904 the Crown established Tangoio school. The proportion of all children moving on to secondary school and tertiary education at this time was very low, but increased significantly over the twentieth century. However, the education system, generally, had lower expectations for Māori than Pākehā children until well into the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

twentieth century. Many Māori had to support themselves with unskilled manual labour after leaving school.

- 2.114 Many Māori in the region lived in great poverty. The depression of the 1930s hit the Hapū hard. In 1932 the Native Minister reported that the economic position of Māori in Hawke's Bay had deteriorated, and many lived in overcrowded housing. A Crown official described the housing conditions in many Hawke's Bay pā as "appalling". In 1940 another Crown official reported that most of the owners of Tutira B had no other land interests, and lived in poor financial circumstances at Tangoio. In 1942 a Crown survey concluded that 84% of all Māori houses in Hawke's Bay were below a "satisfactory" standard, and that 63% either needed costly renovations, or should be demolished.
- 2.115 In the years following 1945 an increasing number of Hapū members emigrated to urban centres away from the region. There had been some significant improvements in living standards, and during the 1950s and 1960s Māori were in "full employment." However they were mainly employed in unskilled work, and Māori living standards generally remained behind those of Pākehā. In the 1970s Māori unemployment began to rise, and during the restructuring of the New Zealand economy in the 1980s the Māori unemployment rate rose to double figures.
- 2.116 Hapū members have consistently suffered from worse health than Pākehā. During the nineteenth century Māori were exposed to epidemic diseases against which they had no immunity, and this caused a significant decline in the Māori population. Censuses in Hawke's Bay suggest that the population of the Hapū began to recover after 1896 as they began to develop greater immunity to the newly introduced diseases. However, recent research by the Hapū shows that many of the Hapū's family lines died out between 1860 and 1930.
- 2.117 The Hapū continued to suffer from diseases of poverty such as typhoid and tuberculosis during the first half of the twentieth century. In 1926 a Crown official reported that typhoid was endemic in Tangoio. The same official reported that support for the Ratana Church at Tangoio contributed to the prevalence there of infectious diseases, especially typhoid, because it meant the people of Tangoio did not consult doctors or refer these diseases to the authorities. However another official reported at this time that the Ratana Church instructed its followers to seek medical help for these infectious diseases.
- 2.118 Yet the same official reported that vulnerability of the people of Tangoio to typhoid was exacerbated by the land's proneness to flooding, which contaminated its water supply. In the 1930s, rates of pneumonia, scabies and whooping cough were reported to be severe. In 1932 a Crown official reported that many Hawke's Bay Māori seldom consulted doctors, as they were too poor to pay for them.
- 2.119 Since 1945, improved living conditions and Crown health services have contributed to considerable improvements in Māori health. Yet a substantial gap between Māori and Pākehā health has continued, and Māori life expectancy continues to be lower than that of Pākehā. In 1988 the Director General of Health characterised Crown health policies, and the development and delivery of Crown health services, as monocultural.

2 TAUĀKI KŌRERO ŌNAMATA

- 2.1 Ko ngā whākinga me te whakapāha a te Karauna ki te Hapū i roto i te wāhanga tuatoru i hua mai i te tauāki kōrero ōnamata nei.

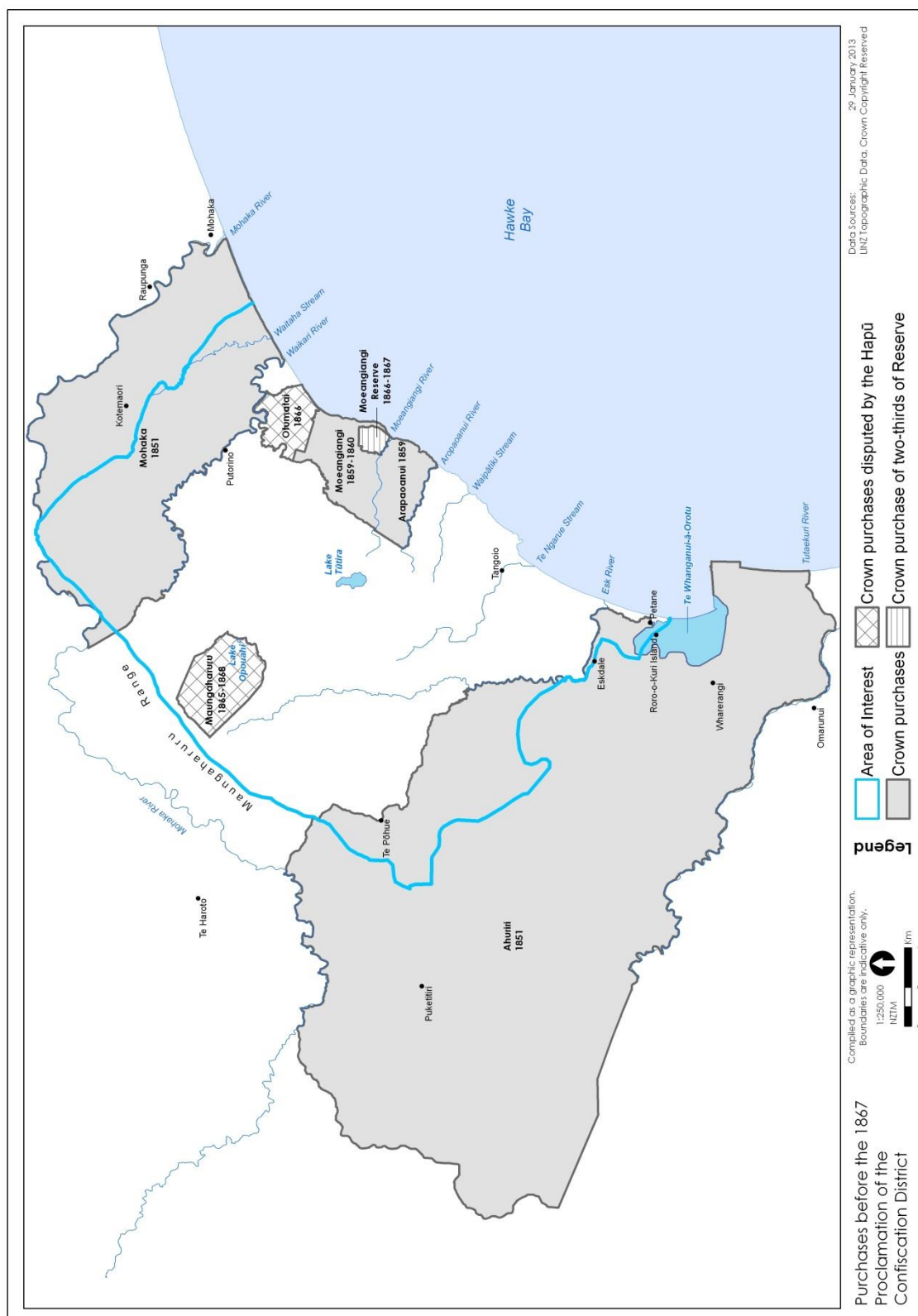
TE TIRO WHĀNUI O NGĀ TAKETAKE O TE HAPŪ

Ngā tau i tīmata ai te tūtakitaki a Ngāi Māori me Ngāi Pākehā ki Te Matau-ā-Māui

- 2.2 I ngā tau o ngā 1840s me ngā tau o ngā 1850s i pā ngā takahurihuringa ā-hāpori ā-ohaoha hoki ki te Hapū. Tāpiri atu hoki ko te taunga ake o te Karaitiana i tūtū ai ngā whare karakia Karaitiana whakanikoniko ki Petane, ki Tangoio, ki Arapawanui me ētahi papakāinga. I ngā tau o ngā 1840s he taupuni tohorā ki uta i tū ki Moeangiāngi ki Whakaari (Tangoio) hoki. I uru atu ētahi tāne mai i Tangoio ki ngā mahi tohorā tauhokohoko i Te Māhia. I tukua atu he witi he kānga mai i Tangoio ki Ahuriri.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.3 I te tīmatanga o ngā tau 1850s i oti ake i te Karauna kia whiwhi i ngā whenua maha i roto o Te Matau-ā-Māui. I tohe kē te Karauna ki te hoko whenua hei tuku mō ngā papanohonga ā, kia kaua e tukua a Ngāi Māori ki te rīhi atu ki te hunga manene. I tīmata te māngai matua hoko whenua a te Karauna a Donald McLean ki te whiriwhiri mō ngā hokonga nunui i roto i Te Matau-ā-Māui i te tau 1851. Ko ngā whiwhinga tuatahi ko ngā hokonga i te tau 1851 o ngā 265,000 eka i Ahuriri me ngā 85,700 eka i Mōhaka.

Te Hokonga o Ahuriri i te tau 1851

- 2.4 I te Paenga-whāwhā o te tau 1851, ka tohua e te Kāwana a McLean ki te hoko i te rohe whenua o Ahuriri mō te utu iti rawa e whakaaehia e Ngāi Māori. Tae rawa atu ki te rā tuarua o Haratua 1851 kua whiwhi kē a McLean i te whakaaetanga ki te hoko i te rohe whenua o Ahuriri mō te £1,500. Engari, he nui te amuamu o ngā tāngata o Tangoio mō taua utu i mua atu i te tānga o tētahi kawenata e Ngāi Māori i te Whiringa-ā-rangi o te tau 1851. I te tekau mā rima o Whiringa-ā-rangi i tuhia e McLean ki rōto i tana puka rātaka tērā pea nā te kore o te whakapā atu ki ngā tāngata o Tangoio i te wā i tīmata ai tēnei hoko. I huri hoki a McLean ki te tuku kōrero ki ngā tāngata o Tangoio i ngā rā e rua i mua atu me tana kī kua tōmuri rawa ki te takahuri i ngā whakarite.
- 2.5 E ai ki te Karauna ka tino whiwhi a Ngāi Māori i ngā hua ohaoaha maha mā roto i tā rātau hoko whenua atu ki te Karauna mō ngā utu iti rawa. I tāhia tētahi whakaaetanga i rā tuangahuru mā whitu o te tau 1851.
- 2.6 I whakaae te Karauna kia iti iho i te kotahi ōrau o te rohe whenua o Ahuriri hei whenua rāhui mō Ngāi Māori. Ko ngā whenua rāhui matua nei i te motu o Roro-ō-Kurī i waenga i Te Whanganui-ā-Orotu (e mōhiotia nei ko Te Whanga Tuawhenua ā, ko Te Muriwai o Ahuriri), ko Wharerangi me Puketitiri. Engari, kāore te Karauna i hanga kaupapa kia noho motuhake aua whenua rāhui ki raro i te mana o Ngāi Māori mō ake tonu atu ā, tae rawa atu ki ngā tau o ngā 1920s kua hokona kē te katoa o aua whenua rāhui.
- 2.7 Ko te whakaaetanga o te tau 1851 e tohu ana ko Te Whanganui-ā-Orotu tētahi o ngā rohe takiwā o taua hokonga. Ko te mahere e tāpiri ana ki taua whakaaetanga e whakaatu ana i Te Whanganui-ā-Orotu mā te tae whero me te rārangi whero pōuri ake e tohu ana i te rohe takiwā o te hokonga. I tuhi a McLean ki roto i tana puka rātaka i whakaatu ake ia i tēnei mahere iāia e pānui ana i te whakaaetanga i mua i te tānga o ngā ingoa. Ki tā te Karauna tata ki te 8,000 eka o Te Whanganui-ā-Orotu i roto katoa te hokonga nei.
- 2.8 Ahakoa atu he roa te wā o ngā tohe a te Hapū ē, kāore a Ngāi Māori i huri ki te hoko atu i Te Whanganui-ā-Orotu i te tau 1851. He maha ngā take uiui me ngā tūmomo whakatau maha mo te take nei. I te tau 1916 ka whatauhia e te Rōia ā-Motu ko ngā rerenga kōrero o te whakaaetanga o Ahuriri kāore i uru atu Te Whanganui-ā-Orotu ki aua rohe takiwā ā, ko te rārangi i tohua ki runga i taua mahere he mahi pōhēhē kē. I te tau 1920 ka whakatauhia e te Komihana Tono Take Whenua Māori e ai ki a Ngāi Māori i roto mārika i Te Whanganui-ā-Orotu i te hoko o Ahuriri. I te tau 1948 ka kī tētahi Kaiwhakawā o Te Kōti Whenua Māori i roto i ana pūrongo mō tētahi inoinga i pā ki te take nei he iti noa iho te wāhanga o Te Whanganui-ā-Orotu i uru atu ki taua hoko.
- 2.9 E ai ki te Hapū kāore ō rātau tīpuna i whakaae kia hokona Te Whanganui-ā-Orotu ā, ka huri pōhēhē noa te Karauna ki te kī kua whiwhi kē rātau i taua whenua.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Te Hokonga o Mōhaka i te tau 1851

- 2.10 I te Paenga-whāwhā o te tau 1849 ka huri ētahi rangatira nō Waikare ki te tuku whenua atu ki te Karauna mō tētahi utunga nui me te urunga atu ki tō rātau rohe o ngā hunga manene maha e āhei ai rātau ki te hokohoko tahi. Kāore te Karauna i tahuri wawe atu ki taua tuku engari ka tae te wā ki te Kohi-tātea o te tau 1851 kua toko te hiahia a McLean ki te hoko i ngā whenua katoa ka taea mai i te rohe o Mōhaka.
- 2.11 Tae rawa atu ki te Poutū-te-rangi o te tau 1851 kua huri kē te Karauna ki te whiriwhiri mō te hoko i tētahi rohe whenua rahi i roto i te rohe o Mōhaka. I te tuaono o Poutū-te-rangi ka huri ngā Māori o Waikare ki te tuku whenua i waenga i te awa iti o Waitaha me te awa o Moeangiāngi ki roto ki te rohe whenua ka riro ki te Karauna. Engari ka tae atu ki te rā tuatahi o Paenga-whāwhā o te tau 1851 ka huri kē ngā tāngata nō rātau nei i aua whenua ki te pupuri ake i ō rātau whenua mā rātau ā kua whai kē atu ngā whiriwhiringa a te Karauna ki tētahi rohe whenua i waenga i ngā awa o Waikari me Mōhaka. I whai tonu te Karauna ki te hoko i te rohe whenua o Mōhaka mō te utu iti rawa ā tae rawa atu ki te Hōngongoi o te tau 1851 ka tatū te utunga ki te £800.
- 2.12 I tāhia te whakaaetanga i te Hakihea i te tau 1851 me te whakarite ake kia utua e te Karauna te £800 mā kia whā ngā utunga o te £200. He āwangawanga i toko ake i te wā i tāhia ai te whakaaetanga nā te kore o te Karauna e utu i te katoa o te utu i te wā kotahi. Kāore i oti i te Karauna te utunga a tae noa ki te tau 1855. I te Paenga-whāwhā o te tau 1855 ka utua e te Karauna te utu mutunga o te £300 ā, i wehea te £100 hei utu atu ki ngā tāngata o Waikare. I takariri katoa rātau mō te iti o taua utu ā, ka whakaae atu hoki a McLean ki tērā. I tuhi a McLean ki roto i tana puka rātaka ka kī ake a Ngāi Māori kāore he patanga o ngā utunga mena ka kore rātau e whiwhi ngā hua i kī atu ai te Karauna ka puta ake i te nohonga o ngā hunga manene ki runga i aua whenua i hokona atu rā e rātau.
- 2.13 Kāore i puta he whenua rāhui mō Ngāi Māori i roto i te whakaaetanga ki te pari o te raki o te awa o Waikari. I te tau 1851 i ngā Māori o Waikare ngā whenua maha i te taha tonga engari ko a rātau tika tuku iho i murua i raro i ngā kaupapa muru raupatu a te Karauna. Ahakoa i whakahokia te nuinga o aua whenua ki ētahi o te Hapū, tae rawa atu ki ngā tau o ngā 1930s kua hokona kētia e te Karauna te nuinga.

Ētahi atu Hokonga i mua i te tau 1865

- 2.14 I ngā tau mutunga o ngā 1850s me ngā tau o ngā 1860s i tahuri te Karauna ki te whiriwhiri te Karauna ki te hoko i ētahi atu rohe whenua e rua i roto i te rohe ake o te Hapū. I waenga i ngā marama o Paenga-whāwhā me Pipiri o te tau 1859 e 2,000 eka i hokona e te Karauna i Arapawanui mā roto i ngā ūmanga e toru. I waenga i te marama o Hōngongoi o te tau 1859 me te marama o Whiringa-a-rangi o te tau 1860 12,000 eka i hokona e te Karauna i Moeangiāngi mō te £310.
- 2.15 I te tau 1865 ka tukua e te Karauna te utu tīmatanga o te £100 mō ngā eka 8,000 o te Rārangi Maunga o Maungaharuru. I whakaritea kia tatū taua hokonga i muri o te rūringa o te whenua. I whakatauhia e te Karauna tau hoko o Maungaharuru i te tau 1868 i tohua ai he whakaaetanga mō te hoko e riro ai i te Karauna ngā 7,760 eka mō te £185. I te tau 1866 i utu e te Karauna te £400 mō ngā eka 4,470 i Ōtūmātai (i mōhiongia ai ko Ōtūmātahi). He iti noa nei te pārongo mō ngā whiriwhiri o ēnei ūmanga tua atu i ngā whakaaetanga i waitohua. I ū te Hapū ki tāna nei kī ko te mana tuku iho mō ēnei rohe whenua kāore rawa i riro katoa atu i tatū tōtika rānei.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.16 Ko te katoa o ngā rohe whenua i hokona e te Karauna i ngā tau mutunga o ngā 1850s me ngā 1860s i whakaurua atu ki aua whenua i tohua e te Karauna i muri mai ki raro i ana kaupapa here mō te raupatu.

Ko te Urunga o Ngā Ture Whenua Taketake

- 2.17 I whakaritea e te Pāremata te Kōti Whenua Māori i raro i ngā Ture Whenua Māori o ngā tau 1862, 1865 hoki, hei whakatau i ngā hunga whai mana ki ngā whenua Māori “mā roto i ngā tikanga motuhake” ā, hei takahuri hoki i taua mana tuku iho ki te mana i anga kē mai i te Karauna. Mā roto mai ano i ēnei ture ka huri te Karauna ki te hiki i tana tika motuhake mō te hoko ā, e āhei ai ngā Māori whai pānga ki te tuku rīhī ki te hoko noa atu rānei ki ētahi rōpū tūmataiti ki te Karauna hoki. I tohua ēnei ture e te Karauna kia tuwhera ai ngā huarahi ki ngā whenua tuku iho a Ngāi Māori ki ngā kaupapa hanga hāpori a Ngāi Pākehā. Kāore he Māngai o Ngāi Māori ki roto i te Pāremata i te wā i uru atu ai tēnei ture ā kāore hoki i whai wāhanga te Hapū mō aua Ture.
- 2.18 I tino huri ngā tikanga pupuri whenua tuku iho nā roto i ngā ture whenua Māori. I tohua te mana ki ia tangata mō te pupuri whenua tuku iho ā memeha noa iho te mana ā-iwi ki te ārai i ngā take muru whenua. I manako ake te Karauna ka whakarerea e Ngāi Māori ōna tikanga ōna kaupapa ā-iwi mō te pupuri whenua tuku iho.
- 2.19 I raro i te Ture Whenua Māori 1865 ka āhei te tohu i te mana pupuri rohe whenua Māori ki te kāhui tekau noa iho te maha o ngā tāngata. Kāore he wāhanga o taua Ture e ārai ana i aua tāngata tekau ki ā rātau ake hiahia ano nei nā rātau ānake aua rawa.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.20 I te Pipiri o te tau 1866 i whakaae tahi te Karauna me ētahi tokorua ki te hoko i te 1,000 eka i tohua hei whenua rāhui mō Ngāi Māori mai i te hokonga a te Karauna ki Moeangiāngi i te tau 1859 i raro i te whakarite mātua kia whiwhi i te mana pupuri mō te whenua rāhui mai i te Kōti Whenua Māori. I muri mai i waenga i te tau 1866 ka noho te Kōti ki Ahuriri ki te whakatau kei a wai te mana pupuri o te rohe whenua nei tae atu ki ngā rohe whenua nui atu i te 10,500 eka i Petane, me te 700 eka i Te Pāhou.
- 2.21 Kāore aua tokorua i hoko rā i Moeangiāngi i noho ki runga i taua rohe whenua. Ko tētahi o aua hunga i tuku kōrero ki te Kōti mō tana pānga ki tētahi atu iwi ā, ka takea mai tana tika ki Moeangiāngi na tana heke mai i a Tataramoa te tipuna taketake o Ngāti Kurumōkihi i puta kē i mua atu ko Ngāi Tata. Ko tērā atu o ngā tangata i tuku i ana kōrero taunaki ko Te Retimana Ngārangipai i noho ki Moeangiāngi i mua atu ā, i puta noa na tana tūpono noa ki tae atu ki Ahuriri i te wā o te Kōti. E ai ki Te Retimana nō Ngāti Kurumōkihi ia me tana kī i takea mai tōna pānga ki Moeangiāngi i te tipuna i a Mutu nō Ngāi Te Aonui. I whakatauhia e te Kōti ko ia tētahi o ngā hunga e toru whai mana pupuri mō te whenua rāhui o Moeangiāngi me ērā tokorua i hoko atu rā ki te Karauna.
- 2.22 Ko ngā whakawā a te Kōti mō ngā rohe whenua o Petane me Te Pāhou i tātaki i te mana pupuri mō ēnei rohe whenua ki te kāhui tuangahuru te nuinga o rātau nō te Hapū.
- 2.23 I te 12 o Kohitātea i te tau 1867 ka whakatauhia e te Karauna te raupatu i te rohe o Mōhaka-Waikare. I waho kē atu te rohe whenua o Te Pāhou i te rohe takiwā o te rohe nei engari ano ko ngā rohe whenua o Moeangiāngi me Petane i roto. Ahakoa atu ko ngā rohe whenua o Moeangiāngi me Petane kāore i whakaurua atu ki te rohe whenua i tohua hei raupatu ā, ka whai mana tonu te mana pupuri i tohua e te Kōti.
- 2.24 Ka heke te wā i te tau 1867 ka huri te Karauna ki te whakatutuki i tana hoko i ngā hua o te whenua rāhui o Moeangiāngi mai i ngā tokorua i whiriwhirihia ai te utu o te £160. I te tau 1870 ka tae tētahi Pākehā noho whenua ki te hoko i te katoa o Te Pāhou me ngā hea e waru o ngā hea tuangahuru o Petane. I whakaae ia ki te utu i te £100 mō ia hea ki Te Pāhou me te £200 mō ia hea ki Petane.
- 2.25 I te tau 1873 ka tohua e te Karauna te Komihana o Te Matau-ā-Māui ki te āta tirotiro i ngā take whakapae a Ngāi Māori mō ngā kaupapa whakahaere i te ture mō ngā hunga pupuri mana tuangahuru i roto o te rohe o Te Mata-ā-Māui. I rongō te Komihana i ngā take mō ngā rohe whenua maha tae atu ki Moeangiāngi, ki Te Pāhou ki Petane hoki. Ko ngā whakapae a ētahi i whai mana pupuri ki te rohe whenua o Petane i kī ake mō rātau i mahue ai te tuku a te Karauna i te tau 1867. Ka whakahē ake te Komihana i te āhua o te tuku mana mō te whenua rāhui pērā i tērā i Moeangiāngi ki ngā tāngata ruarua noa me te kī ake ka uru kē atu te katoa o te hāpori ki taua whenua. I kī ake kia turakina te ture hunga pupuri mana tuangahuru.
- 2.26 I waenga i te tau 1873 ka utu a Te Retimana e te Karauna ki te £80 mō ana hua ki roto i te whenua rāhui i Moeangiāngi. I turakina te ture hunga pupuri mana tuangahuru e te Ture Whenua Māori o te tau 1873 engari kāore i hoki ki muri taua mana.
- 2.27 Ko te hunga pupuri mana mō ngā rohe whenua o Petane o Te Pāhou hoki i hoko rā i o rātau tika i tuku amuamu mō te utunga atu ki a rātau mā te rama mā momo taputapu mō aua tika. Ka whakatauhia e te Komihana i tōtika te utunga a kaihoko Pākehā mō ngā tika mā tana whakarite kia whai huarahi atu ki tana toa hokohoko.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

TE RAUPATU KI ŌMARUNUI ME MŌHAKA-WAIKARE

Ōmarunui

- 2.28 Ko te Pakanga o Ōmarunui i te marama o Whiringa-ā-nuku o te tau 1866 he papa hurihanga i roto i ngā kōrero ōnamata o te Hapū ā, i huri ai te Karauna ki te whakatau i tētahi raupatu ki te rohe whenua o Mōhaka-Waikare i te tau 1867.
- 2.29 I te tau 1866 kāore kia oti te hohou i te rongomau e te Karauna me te katoa o Ngāi Māori i pakanga atu ai rātau i roto i ngā pakanga o Aotearoa. I te marama o Here-turi-kōkā o te tau 1866 he maha ngā rangatira mai i a Ngāti Hineuru i tuhi atu ki a McLean, te āpiha matua a te Karauna ki Te Matau-ā-Māui, me te kī atu ka tātakihia e rātau he tira ki Te Matau-ā-Māui i raro i tana pōwhiri kia huihui tahi ki te whiriwhiri take hohou rongomau. I te marama o Mahuru o te tau 1866 i puta tētahi ope tauā tata ki kotahi rau te maha, me ētahi hoki mai i te Hapū, ki Petane me tō rātau manako kia tūtaki tahi me McLean.
- 2.30 I noho te ope nei ki Petane mō ngā wiki maha. I kī atu rātau ki tētahi āpiha o te Karauna i peka atu i tae rātau i raro i te pōwhiri ā McLean. I te tuawhā o Whiringa-ā-nuku ka hūnuku te nuinga o taua ope i Petane ki Ōmarunui e ruarua nei ngā maero i kō atu. I whakarērea e ngā hunga ake o Ōmarunui tō rātau pā ā, kātahi ka riro atu i ngā hunga manene i te wiki i muri mai.
- 2.31 I te tuarima o Whiringa-ā-nuku ka tuhia atu e McLean ki ngā kaihautū o taua ope e noho puni rā ki Ōmarunui me tana īnoi atu kia Horahia ō rātau manako.
- 2.32 I ngā tuinga i waenga i te tuarima me te tuawaru o Whiringa-ā-nuku i kī ngā kaihautū o te ope e noho puni ana ki Ōmarunui i aro kē rātau ki te tūtaki atu ki a McLean nā tana karanga atu kia haere atu ki Te Matau-ā-Māui. Kāore rawa taua ope i huri ki te whawhai ahakoa ki a wai.
- 2.33 I te tuawaru o Whiringa-ā-nuku o te tau 1865 ka oti ake i a McLean ko taua ope e noho puni rā ki Ōmarunui he hunga ka tahuri kia raruraru kē ai te rohe whānui o Ahuriri. Kāore i mōhiotia te take i pēnei ai ngā whakaaro a McLean. Ka huri kē ia ki te tono kī hōia a te Karauna kia whakarite ake ki te ārai i ērā mahi i pōhēhē ai ia ka pā he raruraru.
- 2.34 I te weherua pō o te tuangahuru mā tahi o Whiringa-ā-nuku i te tau 1865 ka karapoti ngā hōia a te Karauna i Ōmarunui. I aro ake a McLean mā te whakaatu i te mana tino nui o ngā hōia e tuku ai te hunga i roto i te pā ki raro. Engari ka tae atu ki te ata ka tukua atu e te Karauna he tono whakamutunga kia tuku rātau ki raro i roto i te haora kotahi ka tukitukia rānei. Kāore te Karauna i whakaae atu kia tāria te wā ā, ka whakaeke ngā hōia a te Karauna i te pā i te mutunga o taua haora me te kore ano o ngā hunga i roto e tuku ki raro. Kāore taua hunga i noho puni ai ki Ōmarunui i huri ki te hanga maioro mō te pā.
- 2.35 E rua tekau mā toru pea o rātau i roto i Ōmarunui i mate i ngā hōia a te Karauna i roto haora e rua o taua pakanga. Kotahi Pākehā me ngā Māori e rua e whawhai ana hei hōia mō te Karauna i mate. I mutu taua pakanga i te tukunga o te nuinga o rātau i roto o Ōmarunui ki raro me tō rātau mōhio kua raruraru katoa. Ko ētahi i puta me tō rātau oma atu ki takiwā i Te Pōhue, engari ka arumia te nuinga i patua kia mate i mauherengia rānei.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

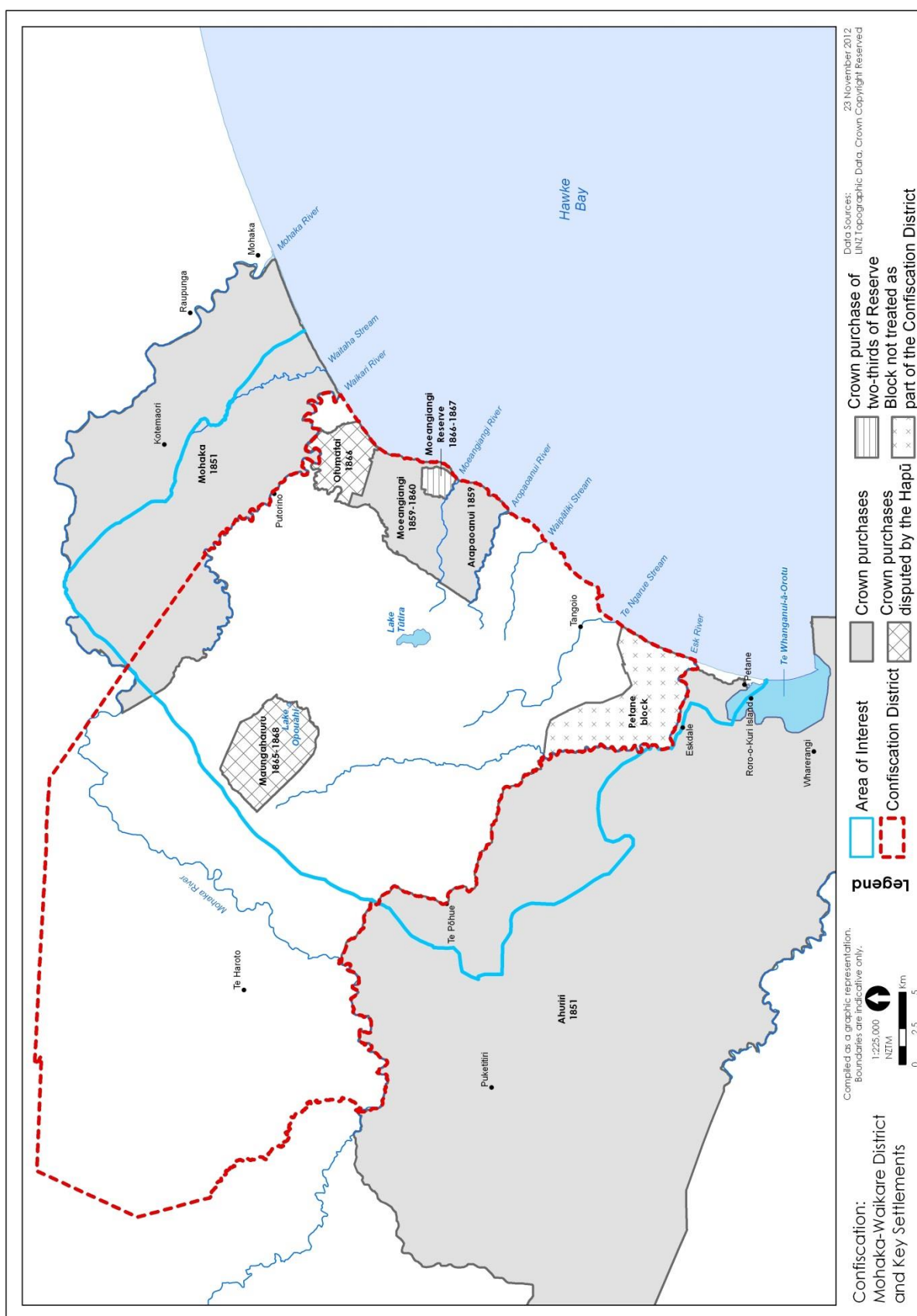
- 2.36 I taua wā tonu i whakaekehia ai a Ōmarunui i huri ano ngā hōia a te Karauna ki te whakaeke i ērā i noho atu rā ki Petane. I waenga i ērā i tukitukia i Petane tētahi ope iti nei i heke iho mā runga hoiho mai i Tītī-ā-Ōkura i muri i te wehenga atu o te ope nui ki Ōmarunui.
- 2.37 E 86 ngā hunga i mauherengia e te Karauna ka mauria atu te nuinga ki ngā motu o Wharekauri. Tokowhitu o aua mauhere a te Karauna nō Ngāti Tū ā, tokoono nō Ngāti Kurumōkihi. I matangerengere te noho a aua mauhere mō ngā tau e rua ki ngā motu o Wharekauri i raro i ngā whakahau a te Karauna. Kāore rawa i whakawāhia aua mauhere. I te marama o Hōngongoi o te tau 1868 nā Te Kōti i arataki ngā mauhere kia puta kia oma ki te tuawhenua.
- 2.38 I tau ai te ingoa karanga mō aua mauhere i puta rā ko te Whakarau ā kātahi hoki ka hītuatia ki te pakanga atu ki te Karauna. I te Kohi-tātea o te tau 1869 ka huri ngā hōia a te Karauna ki te āta whakamate i te maha o ngā mauhere i mau i a rātau i eke atu ai ki tētahi pā Whakarau i Ngātapa. Kāore i tino mōhiongia te tūākiri o te nuinga o rātau i whakamatea rā. Tērā pea ko ētahi o rātau whai pānga ki te Hapū. Ko ngā tauāki kōrero ōnamata ā-lwi e kī ana he maha o taua hunga mauhere i puta i hoki mai ki te wā kāinga engari kāore i mōhio i nahea taua wā..
- 2.39 Kāore te Hapū i tino huri rawa ki te whakahē i te Karauna i roto i ngā pakanga o ngā tau 1860s. Ko ētahi, mai i te Hapū, i uru kē ki aua pakanga hei kaiāwhina mō te Karauna. Ko ētahi kīhai rawa i uru. He maha ka karanga i a rātau ano he Māori Piripono i roto i ā rātau īnoinga ki te Karauna.

Raupatu ki Mōhaka-Waikare

- 2.40 I ngā tau o ngā 1860s he kaupapa here tā te Karauna ki te raupatu whenua mai i te hunga i kī ai ia he whakakeke ā tohu rawahia te Ture Kāinga Nohonga o Aotearoa o te tau 1863 hei whirinaki i aua momo Raupatu.
- 2.41 I te rā tuawaru o Kohitātea o te tau 1867 i whakahau ake a McLean kia murua te rohe ka mōhiohia āmuri ake ko Mōhaka-Waikare i raro i te Ture Kāinga Nohonga o Aotearoa. E ai ki a McLean ko taua rohe e arohia nei kia murua e hora ana i waenga i Petane me te awa o Waikari i te taha moana ā anga atu ki te rārangi takiwā whenua o Te Matau-ā-Māui i te tuawhenua.
- 2.42 I te rā tuangahuru mā rua o Kohitātea o te tau 1867 i whakatau ake te Karauna ka huri ia ki te raupatu whenua mai i ngā hunga whakakeke i te rohe o Mōhaka-Waikare. I puta taua whakatau mā roto i tētahi Tohutohu ā Kaunihera i raro i Ture Kāinga Nohonga o Aotearoa o te tau 1863.

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- 2.43 I whakatau ake te Karauna e kore ia e pupuri i te whenua o te haukāinga ā ko ngā ‘whakakeke’ ka tono atu ki te Karauna i roto i te wā whaitake ka whiwhi i te whenua e rite noa iho ana hei oranga mō rātau.
- 2.44 Ko te āhua o te Ture Kāinga Nohonga o Aotearoa he mea kohi whenua noa ā kāore hoki i huri ki te āta whakatau he aha te hunga ‘whakakeke’. Ahakoa i uru atu ētahi mai i te Hapū ki te pakanga i Ōmarunui kāore rātau i noho kia whakakeke.
- 2.45 Kāore te Karauna i whakatau he aha pū te rohe e hāngai ana ki ngā rohe takiwā –a-iwi ā-hapū i tohua kia murua. He whānui taua rohe e hora ana i waenga i ngā whenua i hokona e te Karauna mai i Mōhaka ki Ahuriri o te tau 1851 me rohe takiwā o Te Matau-ā-Māui. Ko ētahi whenua i roto i te rohe kua riro kē ki te Karauna tae atu ki ērā i hokona i te tau 1859 e te Karauna mai i ngā rohe whenua o Arapaoanui me Moeangiāngi. Ko te hoko tārewa o te rohe whenua o Maungaharuru i roto i te rohe.
- 2.46 Kāore te Karauna i whakarite i tētahi kōwhiri ā-ture ki ngā tika i roto i te rohe o Mōhaka-Waikare ā kāore hoki i whakarite i tētahi kōwhiri ā-ture ki te whakatau ko wai i piri pono ko wai i whakakeke. Ko te Kōti Utunga i tū ki roto i ētahi atu rohe kāore i noho ki Te Matau-ā-Māui. Kāore anō hoki i rite tētahi hātepe ki ērā ā te Komihana o Tauranga o te rohe rānei o Tūranga mō tēnei raupatu. Ko te hātepe ki te kohi ake i ngā ingoa o te hunga ka whakawhiwhia ki ngā rohe whenua i tukua atu ki te Karauna ānake.

Ko Ngā Kawenata o Mōhaka-Waikare me Te Ture mō Ngā Rohe o Mōhaka me Waikare 1870

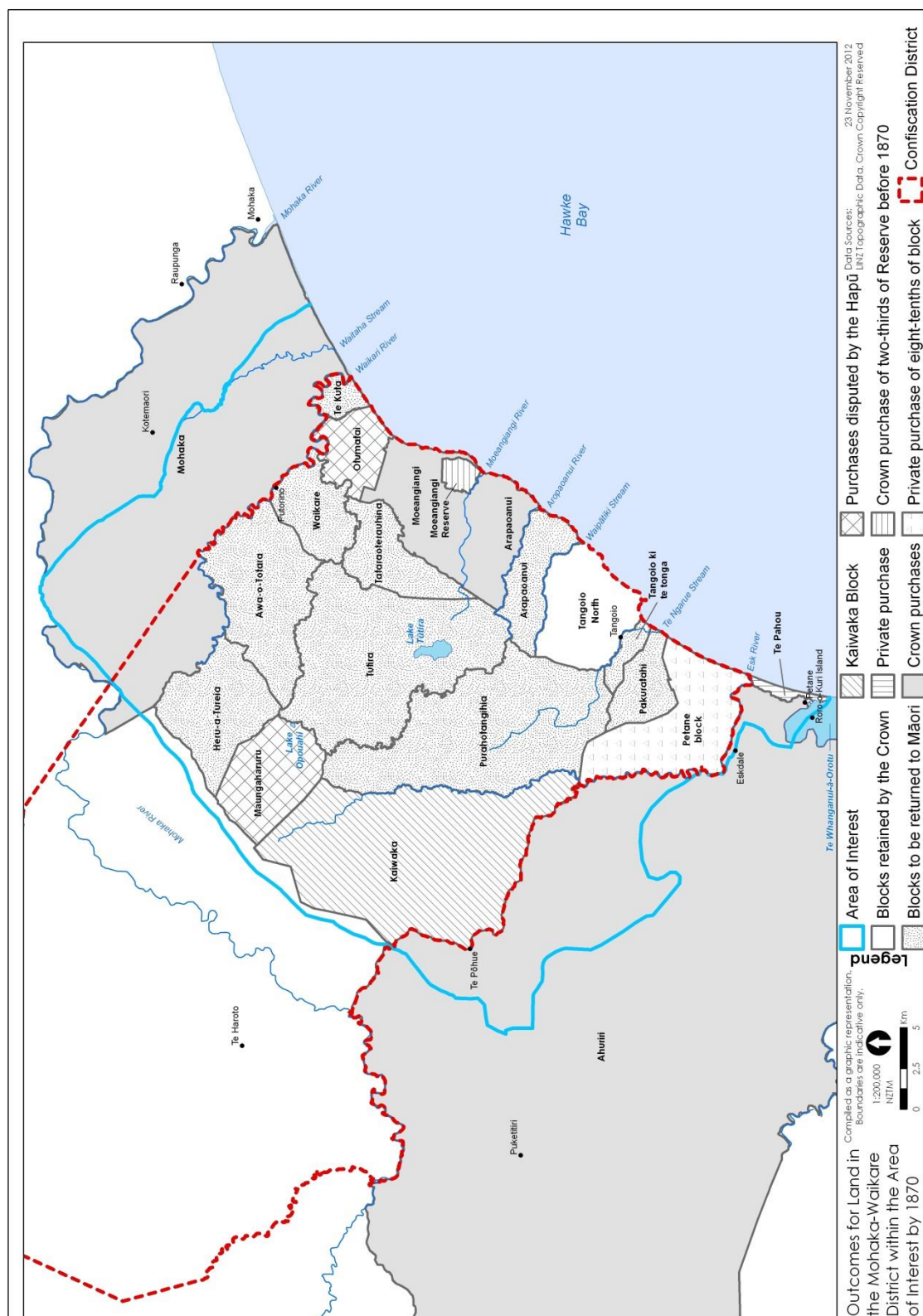
- 2.47 I te rā tuawaru o Haratua o te tau 1868 i waitohua e te Karauna tētahi Kawenata me te maha o ngā rangatira mai i Te Matau-ā-Māui e whakahoki atu ana i ētahi wāhanga o te rohe o Mōhaka-Waikare ki a Ngāi Māori me te pupuri ake i te toenga hei whenua mā te Karauna. Engari kāore rawa i whakatinanahia taua kawenata. I te marama o Hōngongoi o te tau 1868 ko ngā mauhere i whiua rā ki ngā motu o te Wharekauri i puta i oma ā ka tahuri ake te Karauna ki te pakanga atu ki a rātau. I te tau 1869 ka tīmata te Karauna ki te whiriwhiri kia pēhea te rahi o ngā whenua ka puritia e te Karauna ā he hoki te rahi o te whenua ka whakahoki atu ki a Ngāi Māori. I waitohua he Kawenata tuarua mō Mōhaka-Waikare i te rā tuangahuru mā toru o te Pipiri o te tau 1870. Nā taua kawenata i wāwāhia ai te rohe o Mōhaka-Waikare ki ngā rohe whenua iti iho me te tuku atu kia puritia tonuhia e te Karauna te rohe whenua o te Raki o Tangoio e 9,050 eka te rahi ā mō ētahi atu rohe whenua kia whakahokia atu ki a Ngāi Māori kua oti kē te whakaingoa i roto i taua whakaaetanga. E ai ki te Hapū ko te rohe whenua o Maungaharuru e 8,000 eka i puritia tonuhia e te Karauna i raro i tana whakapono kāore anō kia tatū taua hokonga. Ko te nuinga o ngā whitinga ōkawa mō taua whiriwhiringa o te kawenata o te tau 1870 kua ngaro, oti rawa atu.
- 2.48 Ahakoa i takoto ngā rohe whenua o Maungaharuru, o Moeangiāngi o Ōtūmātai ki waenga i ngā rohe takiwā o te rohe i murua ka pareā kē mai ki waho o te kawenata o te tau 1870 nā te mea kua oti kē te hoko e te Karauna. Ko te rohe whenua o Petane i pareā mai ki waho o te whakaaetanga ahakoa atu te takoto ake ki waenga tonu i ngā rohe takiwā nā te kī a te Kōti Whenua Taketake kua oti kē te tuku ki a Ngāi Māori mā i mua atu i te tukunga o te whakatau mō te raupatu.
- 2.49 Ko ngā rohe whenua i whakahokia atu ki a Ngāi Māori motuhake i roto i te takiwā kō:

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- 2.49.1 Tangoio ki te tonga (35 ngā ingoa)
- 2.49.2 Pākuratahi (13 ngā ingoa)
- 2.49.3 Arapaoanui (37 ngā ingoa)
- 2.49.4 Tūtira (40 ngā ingoa)
- 2.49.5 Tatara-o-te-Rauhina (14 ngā ingoa)
- 2.49.6 Pūrahoitangihia (27 ngā ingoa)
- 2.49.7 Awa-o-Totara (39 ngā ingoa)
- 2.49.8 Waikare (37 ngā ingoa)
- 2.49.9 Te Kuta (36 ngā ingoa)
- 2.49.10 Kaiwaka (1 te ingoa)
- 2.49.11 Heru-a-Tureia (36 ngā ingoa).

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- 2.50 I whakaritea hoki e te kawenata o te tau 1870 tērā kia noho motuhake aua rohe whenua kia noho motuhake ā kia kaua e hokona kia kaua hoki e tukua hei pupuri i te mana mena ka whai pūtea ā kia puritia kia tiakina hoki i raro i te mana pupuri whenua a Ngāi Māori mō aua momo Whenua Taketake. Kāore hoki taua kawenata i kī mena i ōrite ngā hua o aua whenua i whakahokia ā i puritia rānei hei whenua tuku iho hei whenua ki raro ake i te mana motuhake a Ngāi Māori mā.
- 2.51 I whakapūmauhia te kawenata e te Ture ā-Rohe mō Mōhaka me Waikare i te tau 1870. I whakatauhia e te Ture nei te mana o taua kawenata. I tukua ano hoki e taua Ture te mana ki te Karauna mō ngā rohe whenua hei whakahoki atu ki ia Māori kua puta nei o rātau ingoa ki roto i taua kawenata.
- 2.52 I te tau 1878 ka turakina te Ture mō ngā Rohe o Mōhaka o Waikare hoki. I te tau 1881 ka puta ki roto i te Ture Whenua Taketake Ture Whakatikatika ngā tikanga e whakapūmau ana i te raupatu o te tau 1867 me te kawenata o te tau 1870. I te taenga ki tēnei wā kua riro kē aua whenua hei whenua rīhī mō te hunga whai nohonga Pākehā.

Te nohonga o te Kōti Whenua Taketake i te tau 1882

- 2.53 Nā roto i te Ture o te tau 1881 i āhei ai te Minita Taketake ki te tono ki te Kōti Whenua Taketake kia whakatauhia te mana pupuri i ngā rohe whenua o Mōhaka-Waikare i tōna tikanga ka whakahokia i raro i te mana te ture o te tau 1870. I te tikanga ka tukua kē e te Kōti Whenua Taketake te mana pupuri o te whenua Māori ki aua hunga i whakatauhia ai e ia e whai take atu ana ki aua whenua. I aro ake ngā uri o te Hapū he huarahi mā roto i te Ture o te tau 1881 nei e watea ai te tono ki te Kōti kia tukua ngā whenua o Mōhaka-Waikare ki aua hunga whai tika tuku iho ki te pupuri i aua whenua. Ahakoa atu i te marama o Hōngongoi o te tau 1882 i te wā i whiriwhiri ai te Kōti Whenua Taketake ka whai kē i tana whakatau arā ko rātau ānake i whakaingoahia e whai pānga ana i roto i te kawenata o te tau 1870 ā, ko ō rātau uri rānei.
- 2.54 I te wā i āraihia ai e te Kōti te tono kia whiriwhirihia te mana pupuri o ngā rohe whenua o Mōhaka-Waikare i raro i ngā tikanga Māori tuku iho i puta atu ngā hunga pupuri mana ki waho o te kōti me te whakahē ake i muri i ngā whakahau a ō rātau rangatira a Anaru Kune o Ngāti Tū me Ngāti Kurumōkihi a Hēmi Puna o Ngāi Te Ruruku a Te Teira Te Paea o Ngāti Tū me Ngāti Kurumōkihi me Manaena Tinikirunga o Ngāi Tauira. Ka tahi tētahi āpiha o te Kōti ka huri ki te pānui ki te Kōti i ngā ingoa o ia hunga Māori mai i te rārangi mo ia rohe whenua o roto i te kawenata o te tau 1870 ā kātahi ka huri te Kōti me te whakatau noa ake ko rātau te hunga whai mana pupuri. Kāore rawa te Kōti Whenua Taketake i tahuri ki te āta whiriwhiri mā roto i ngā tikanga Māori tuku iho, i te mana pupuri motuhake mō ngā whenua a te Hapū.

“HE TINIHANGA PARAHAKO MĀRIKA”: TE TAKE O KAIWAKA

- 2.55 Ko Kaiwaka (e 30,765 eka) tētahi o ngā rohe whenua whānui me te whai hua rawa atu o ngā rohe whenua o Mōhaka-Waikare i whakahokia ki a Ngāi Māori te mana pupuri. I tohu te kawenata o te tau 1870 ki noho motuhake te mana pupuri ki tētahi rangatira mai i tētahi atu hapū hei tākoha mō āna tautoko i tukua atu ki te Karauna. E ai ki te Hapū kāore rawa he tika tuku iho o tēnei rangatira nō Ahuriri kē ki Kaiwaka ki ētahi atu rohe whenua rānei i waenga i tō rātau ake takiwā. Kāore i tukuna tētahi atu rohe whenua ki te tangata kotahi. I whiwhi ano hoki taua rangatira mai i Ahuriri kē i ētahi wāhanga o ngā hua o te katoa o ngā rohe whenua o Mōhaka-Waikare.

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- 2.56 E ai ki te Hapū ko te rangatira o Ahuriri nei he kaitiaki mō te hunga pupuri mana tuku iho. I waenga o ngā tau 1870s i tukua e te rangatira o Ahuriri ngā utu rīhi mai i Kaiwaka ki ngā rangatira maha o te Hapū ā, kātahi ka tukua atu e rātau ki ngā hunga pupuri mana tuku iho. Engari i te matenga o te rangatira o Ahuriri rangatira i te tau 1880 kātahi ka huri ana tamariki ano nei nō rātau ānake te whenua nei. Kīhai i whiwhi anō ngā hunga pupuri mana tuku iho i ētahi atu hua i muri atu.
- 2.57 I te tau 1889 ka huri a Hēmi Puna, he rangatira o Ngāi Te Ruruku me ētahi atu o taua Hapū i piri ki tētahi inoinga ki te Karauna me te kī ake kāore te rangatira o Ahuriri rangatira i whai tika ki Kaiwaka ā, i whai haere ia ki te whakahoki atu ki te hunga pupuri mana tuku iho tōtika i mua i tana matenga. Ko tētahi wāhanga o te inoinga nei he tono kia whiria e te Kōti Whenua Taketake te mana pupuri mō Kaiwaka ka tukua atu ai ki aua hunga pupuri mana tuku iho. E ai ki te Komiti Momo Taketake i roto i a rātau Whiringa mo te inoi nei ko te hanga o te kawenata o te tau 1870 nei he huarahi e pupurihia ai e aua hunga i whiwhi hei kaitiaki.
- 2.58 Engari kāore te Karauna i huri ki te hanga i tētahi rōpū kaitiaki mō ēnei rohe whenua. I te Whiringa-ā-rangi o te tau o 1895 ka tohua e te Karauna te mana pupuri o te rohe o Kaiwaka ki ngā tamariki me ētahi atu whanaunga o te rangatira o Ahuriri. Ko tēnei anake te tuku a te Karauna mō te katoa o ngā rohe whenua i taua wā.
- 2.59 I te tau 1896 ka tīmata ētahi o ngā uri o te Hapū i ngā tono mā raro i te ture kia whakatauhia ko tērā i tukua atu ai ki te rangatira o Ahuriri i te tau 1870 hei kaitiaki kē mō rātau. Ka anga tōtika atu te take nei ki te Kōti Pīra me tana whakatau kāore i tohua he rōpū kaitiaki. Tua atu i ā rātau ake utu mō te take-ā-ture nei i tohua kia utua e ngā uri o te Hapū ngā utunga maha a te hunga kua tohua kē e te Karauna hei hunga pupuri mana o Kaiwaka i whakahē nei i tā rātau tono.
- 2.60 Kātahi ka kawea e te Hapū i raro ngā whakahau a Te Teira Te Paea he rangatira o Ngāti Tū ngā utu o te pīra ki te Kōti Pīra Matua ki Rānana. I tohe te Hapū nā te Karauna i kī ka huri ia ki te tiaki i ngā tika a ngā hunga tautoko o Ngāi Māori i tā murunga tuatahi i ngā whenua o te rohe o Mōhaka-Waikare i te tau 1867. E ai ki tā rātau tono he āhua kotiti kē te tuku i te mana pupuri motuhake ki te tangata kotahi i te tau 1870 me te kore e noho ko taua tangata hei kaitiaki mō rātau. Ka tohe mai ngā kaitautoko i tukua motuhake taua rohe whenua ki taua tangata ā ki ana uri āmuri atu. Engari i whakaae te Kōti Pīra Matua ki tā te Kōti Pīra o Aotearoa whakatau arā kāore i puta he wāhanga e kī ana kia hangahia he rōpū kaitiaki. I whakakāoretia e te Kōti Pīra te take ā whakatauhia ano kia utua e te Hapū ngā utunga a ngā hunga i whakapaetia me ā rātau ake hoki.
- 2.61 I te tau 1903 ka tonoa e te Hapū he inoinga mō Kaiwaka tōtika atu ki te Kingi Eruera te Tuawhitu engari ka tohua kē e ana Minita he take kē tēnei mā te Kāwana o Aotearoa e whakatau. Kāore te Kāwana i whakaae kia tahuri atu. I te marama o Haratua o te tau 1910 i utua e te Karauna kō atu i te £14,000 mō ngā wehenga whenua 1 me te 2A o Kaiwaka. Kāore i whakahokia atu ngā whenua i riro ai ki te Karauna ki ngā hunga pupuri mana o Kaiwaka.
- 2.62 Ko te toenga o Kaiwaka i noho tonu ki raro i te mana pupuri ā-Māori arā te rohe whenua 2B i tohua hei hoko mā te Karauna i te tau 1912. I te wā e whiriwhirihia ana te take nei e te Karauna ka whai hua te tono a te Hapū ki te Kōti Pīra Taketake kia hurihia te toenga o te rohe whenua o Kaiwaka mai i te whenua Taketake herekore ki te whenua whānui. Nā tēnei hurihanga i āhei ai te hoko atu ki te hunga hoko motuhake. Ko te hanga nei i mutu

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ngā whiriwhiringa i waenga i te Karauna me te hunga pupuri mana o te rohe whenua o Kaiwaka 2B.

- 2.63 Ko te mutunga ake o ngā mahi a te Karauna i pā ki te rohe whenua o Kaiwaka ko te tahuringa o te mana pupuri tuku iho ā aua tāngata. E ai ki te Hapū ko te tohunga a te Karauna o te rohe whenua ki te tangata kotahi me tana ārai tonu i ngā whāinga a te Hapū mā roto i ngā huarahi o te ture mō ngā tau rima tekau noa atu he rite ki te raupatu e hoki kē atu ai ki te Karauna.

TE HOKO A TE KARAUNA I NGĀ WEHENGĀ WHENUA O MŌHAKA-WAIKARE

- 2.64 I te tau 1909 ko ia uri o te Hapū i whiwhi ai i ngā whenua i whakahokia i raro i te kawenata o te tau 1870 e whiwhi utunga kē ana mai i ngā rīhi i tohua ai e te kawenata o te tau 1870 kāore i āhei kia hokona.
- 2.65 I te tau 1911 ka tīmatahia e te Karauna ngā whiriwhiringa ki te hoko i ngā whenua i whakahokia atu ki ngā uri ake o te Hapū i te tau 1870. Mā roto mai te Ture Whenua Taketake o te tau 1909 i āhei ai ngā Māori whai mana pupuri whenua ki te whakahuihui i ngā whakataunga mō te hokonga o ō rātau whenua. E āhei te hoko whenua Māori mena ka whakaaehia e te nuinga o ngā hunga whai tika i tae ki tētahi hui i karangahia e te Poari Whenua Māori ā-Rohe kia hokona. Engari i te tau 1913 ko te mana o te Poari Whenua ki te karanga i aua momo hui mō tētahi o ngā rohe whenua i whakahokia i takia nā te kore rawa o ngā mana pupuri Māori o aua whenua kia whiwhi i ngā tuku Karauna i te wā i whakahokia ai e te Karauna aua whenua i te tau 1870.
- 2.66 I te tau 1914 ka whakatauria e te Rōia-Whānui nā te murunga o ngā rohe whenua o Mōhaka-Waikare ka noho tonu hei whenua Karauna a oti noa te tohu i ngā tuku Karauna ki ia mana pupuri Māori. I whakatauhia e te Rōia-Whānui kia whakapūmauhia he ture hōu hei kōkiri i ngā take o ngā tohu whenua mō Mōhaka-Waikare. E ai ki ana whakatau ko te wāhanga e rapua ai mena ka taurite ngā hea o roto i ngā rohe whenua ka tukua rānei mā ngā tikanga o Ngāi Māori he take kē kia tukua mā te Kōti Whenua Taketake e whakataue. He whai ake ka huri te Paremata ki te whakapūmau i te wāhanga tuawhā o te Ture Takahuri Tono Whenua Taketake o te tau 1914 e wātea ai te katoa o ngā rohe whenua katoa i whakahokia ki noho hei whenua Māori herekore. Ka whakatauhia e taua ture ngā tika katoa ki Mōhaka-Waikare kia ōrite.
- 2.67 I taua wā tonu ka whai tonu te Karauna i ana mahi hoko whenua i waenga i ngā rohe whenua. Ka huri te Karauna ki te mana o te ture whenua taketake kia whakatauhia he pānuitanga ārai kia kore ngā mana pupuri e rīhi e hoko rānei i te rohe whenua o Heru-a-Tureia ki tētahi atu tua atu i te Karauna. I whai tētahi rōpū motuhake ki te rīhi i a Heru-a-Tureia engari kāore i āhei i te wā e tārewa ana te pānuitanga nei.
- 2.68 I te Hui-tanguru o te tau 1912 ka tohua e te Karauna tētahi aronga ki tētahi huihuinga o ngā mana pupuri o Heru-a-Tureia. I whiua te aronga nei ā tae rawa ki te Here-turi-kōkā o te tau 1912 ka inoi atu ngā mana pupuri kia tangohia e te Karauna tana pānuitanga e āhei ai rātau ki te rīhi i te rohe whenua ki tā rātau i tohu ai.
- 2.69 Ahakoa atu kīhāi te Karauna i whakaae ki te hiki i taua pānuitanga. I te tau 1913 ka tāpirihia he wāhanga ki te ture whenua taketake e āhei ai te Karauna ki te hoko whenua mai ia mana pupuri. Ka tohe tonu te Karauna ki tāna i hiahia ai ahakoa atu te whakahē a te huihuinga o ngā mana pupuri mō te kaupapa hoko i puta i te tau 1912.

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- 2.70 I whakaritea e te ture whenua taketake mō aua mōmo pānuitanga a te Karauna kia mutu i muri i ngā tau maha. Ahakoa atu i te mutunga o te mana o te pānuitanga mō Heru-a-Tureia, i huri te Karauna ki te tohu i tētahi pānuitanga hōu. Nā te whai a te Karauna i tēnei huarahi ki ngā whiriwhiri i mahue noa ai ngā mana pupuri ki te hoko atu ki te Karauna mena ka whiwhi hua rātau mai i ō rātau whenua. Ka pupuri tonu te Karauna i tana mana motuhake ki te rohe whenua o Heru-a-Tureia tae noa ki te tau 1923 te wā i whiwhi ai ia i te katoa o te rohe whenua mā te hoko mai i ia mana pupuri.
- 2.71 Ka whai te Karauna kia whiwhi ai ia i te whānuitanga o ngā whenua i roto i ngā rohe whenua i hokona e ia ahakoa atu ngā kaupapa hoko a te hunga mana pupuri kia toe mai ētahi wāhanga whenua ki ō rātau takiwa hei papa ohaoha ki te takiwā. Ko tētahi o ngā pūtake hiakai whenua a te Karauna i ngā tau i waenga o ngā 1910s ko te hononga o te huarahi waka whenua mai i Pōneke ki Ahuriri kia tae atu ki Tūranga mā roto atu i te rohe atu i te takiwā o Mōhaka-Waikare. I te Here-turi-kōkā o te tau 1913 i tahuri ētahi o ngā uri o te Hapū i raro i te maru o Nii Puna ki te hoko whenua atu ki te Karauna i rohe whenua tuawhenua o Awa-o-Totara o Pūrahoitangihia o Tūtira hoki. Mā te hoko nei hoki e pupuri ai e te Hapū he whenua ki te taha moana o te huarahi waka whenua ki te rohe whenua nei.
- 2.72 Ahakoa atu ka whai te Karauna ki te hoko i te katoa o te whenua i ngā rohe whenua nei o ia taha o te huarahi waka whenua. I te marama o Hakihea o te tau 1913 i muri i tana tuku pānuitanga e ārai ana i ngā hokonga atu ki ngā hunga motuhake ka huri te Karauna ki te tuku wāhanga hei hoko i te katoa o Pūrahoitangihia me Awa-o-Totara ki ngā huihuinga o ngā hunga mana pupuri o aua rohe whenua. E tautokohia ngā hokonga a te Karauna e ngā huihuinga e rua nei. E tohe ētahi o ngā mana pupuri o Pūrahoitangihia ki te Karauna kia whiriwhirihia ngā taitara whenua kia tohua hoki ngā hua i mua atu i te hokonga e te Karauna engari tae rawa atu ki te tau 1915 ko te katoa o Pūrahoitangihia me te nuinga o Awa-o-Totara i riro hei whenua Karauna.
- 2.73 I huri anō te Karauna ki aua mahi i waenga i ngā whiriwhiri mō ētahi atu rohe whenua. I tukua he pānuitanga e ārai ana i ngā hokonga ki ngā hunga motuhake o ngā whenua o Arapaoanui me Pākuratahi i te tau 1915 me te tuku aronga pēnei ki ngā huihuinga mana pupuri. Kāore i rite engari ka tae ki te mutunga o te tau 1917 kua hokona kē e te Karauna tata ki te katoa o aua rohe whenua mai ia mana pupuri.
- 2.74 I te tau 1916 i huri anō te Karauna ki ngā hunga mana pupuri o Tatara-o-te-Rauhina me te whakaū i tana mana motuhake. I whakakāoretia te tono nei engari ka hoki atu ano te Karauna ki tētahi atu huihuinga o ngā mana pupuri i te tau 1917. Ahakoa atu nā te whakakāorenga o ngā mana pupuri e rua ka huri kē atu te Karauna ki ia mana pupuri ā tae rawa atu ki te tau 1923 kua riro katoa a Tatara-o-te-Rauhina iāia.
- 2.75 I te tau 1913, i te wā tonu e whiriwhiri ana ia mō ngā huarahi waka whenua, i tīmatahia ngā whiriwhiri a te Karauna mō Te Kuta i muri i te whiwhinga i te tohu mō te hoko mai i ngā mana pupuri take. I tohua e te Karauna he pānuitanga e ārai ana i te hokonga atu ki ngā rōpū motuhake i Te Kuta ā me te whakaaetanga ki te tohu hoko a te Karauna i te huihuinga o ngā mana pupuri i te Hakihea o te tau 1913 tērā kia ū tonu ngā tika o ngā hunga whai pānga tokowhā kiāhi i whakaae ki te hoko. I whiwhi te Karauna i te nuinga o te rohe whenua i te tau 1915 ā i pupuri tonu ngā hunga kiāhi i hoko i te rohe i te taha o te awa o Waikari me ō rātau kāinga, ō rātau urupā hoki.
- 2.76 I whiriwhirihia e te Karauna mō te katoa o ngā whenua i whiwhi ai ia i te takiwā nei mā tana hokonga mana tokitoki. I whakaritea e te ture whenua taketake kia wātea te

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huarahi e taea ai e te Karauna te tuku pānuitanga e ārai ana i ētahi atu hunga motuhake ki te whakataetae ki te hoko whenua e hiahia ana e te Karauna mō te tau kotahi ā, kia noho anō aua pānuitanga mō ngā tau e rua atu. I ngā whiriwhiringa mō Heru-a-Tureia, mō Arapaoanui, mō Pākuratahi me Tatara-o-te-Rauhina i tukua e te Karauna ana pānuitanga, ka whakahōuhia ā, ka tukua he pānuitanga hōu i te paunga o te mana o ngā pānuitanga tuatahi i raro i ngā wāhanga o te ture whenua taketake.

- 2.77 Ko ngā mahi a te Karauna i ngā pānuitanga he mea ārai kē i ngā hua ki ngā hunga mana pupuri mai i o rātau whenua mō ngā wā roa i tau kē ai he momo tāmi ki runga i a rātau ki te hoko atu ki te Karauna mei i hiahia rātau kia whiwhi hua mai i o rātau whenua.
- 2.78 Tae rawa atu ki te tau 1931 tata tonu kia whiwhi te Karauna i te katoa o ngā whenua o Mōhaka-Waikare i whakahokia atu. I whiwhi te Karauna i ngā hua i ngā rohe whenua o Kaiwaka o Heru-a-Tureia o Awa-o-Totara o Pūrahoitangihia o Te Kuta o Arapaoanui o Pākuratahi o Tatara-o-te-Rauhina o Tūtira hoki kō atu i 100,000 eka kia toe noa ko ngā 4,500 eka hei whenua Māori.
- 2.79 He iti rawa ēnei whenua hei pupuri i te mauri o te Hapū ki te rohe me tō rātau takiwā.

TE TOHUNGA-Ā-TURE O TE TONGA O TANGOIO KI RARO I TE MARU O TE POARI WHENUA MĀORI O IKAROA

- 2.80 I tohua te rohe whenua o Tangoio ki te Tonga e 965 eka te rahi i tukua ki ngā mana pupuri 35 e te kawenata o Mōhaka-Waikare i te tau 1870. Kei runga te Marae o Tangoio i te rohe whenua nei ā ko tō rātau muriwai he pātaka kai moana. Ko ngā rohe papakū o Tangoio ki te Tonga i tohua hei māra kai engari ko ngā wāhanga pukepuke kua muia kē e te parakipere i te taenga ki te rautau ruatekau.
- 2.81 I te Hui-tanguru o te tau 1907 ka tohua e te Karauna te rohe whenua o Tangoio ki te Tonga ki te Poari Whenua Māori Takiwā o Ikaroa hei whakahaere take patu parakipere. I whakahē ake ngā mana pupuri i tēnei mahi a te Karauna kīhai nei rātau i tautoko. I te Whiringa-a-Rangi o te tau 1907 i tono inoi atu ētahi o ngā mana pupuri ki te Pāremata kia whakahokia mai te mana whakahaere i ō rātau whenua mai i te Poari. I tukua e te Komiti Take Māori o te Pāremata te inoi ki te kāwana hei whiriwhiri engari kāore i whakahokia te mana whakahaere o Tangoio ki te Tonga ki ngā mana pupuri.
- 2.82 I te marama o te Whiringa-ā-nuku o te tau 1908 ka tūtaki he rōpū mai i ngā mana pupuri ki te Tumuaki o te Poari me tono ano kia whakahokia te rohe whenua ki ngā mana pupuri. I puta atu te kōrero ki a rātau me tono kē atu rātau ki te kāwana engari ka kore pea tā rātau tono e whakamanahia.
- 2.83 Ka huri kē te Poari ki te rīhi i te nuinga o Tangoio ki te Tonga ki te maha o ngā mana pupuri ā kia utu pūtea atu ki te Poari. I whakaritea e aua rīhi kia patua te tupu o te parakipere engari i te Whiringa-ā-rangi o te tau 1911, tata atu ki ngā tau e rima i muri i te tukunga o te mana whakahaere ki te Poari i puta he pūrongo a tētahi āpiha a te Karauna e kī ana e muia tonuhia ana te rohe whenua e te parakipere.
- 2.84 I te Hui-tanguru o te tau 1917 ka huri te Kōti Whenua Taketake, i raro i te tono a ngā mana pupuri ki te wāwāhi i a Tangoio ki te Tonga. I huihuihia ngā hua ki tētahi rohe whenua e 839 eka te rahi mō ngā mana pupuri katoa mō Tangoio ki te Tonga 27 me te

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toenga o taua whenua ki ngā rohe whenua iti e 26 me te huri i ngā hua ki ngā whānau ki ia tangata rānei.

- 2.85 I te Poutū-te-rangi o te tau 1917 ka huri ētahi o ngā mana pupuri ki te hoko i tētahi wāhanga o Tangoio ki te Tonga ki te Karauna. Engari i te Here-turi-kōkā o te tau 1917 ka whakakāorehia taua tonu e te Karauna nā te matomato tonu o te tupu o te parakipere ki runga i te rohe whenua.
- 2.86 I te Hakihea o te tau 1917 ka tonu inoi atu te maha o ngā mana pupuri ki te Poari kia whakahokia ngā wehenga whenua 1-26 o Tangoio ki te Tonga ki ngā mana pupuri, engari ko te whakaatu a te Tumuaki o te Poari i kī kāore ōna mana hei mahi i aua mahi. Kātahi ka tonoa atu te inoinga a ngā mana pupuri ki te Karauna, engari kāore te Karauna i mahi i tā rātau i tonoa atu rā e kia hangāia he ture hei whakaū i ō rātau whenua ki raro i ō rātau mana whakahaere. I te tau 1922 ka tuhi atu ngā mana pupuri ki te Mema Pāremata mō Te Tai Rāwhiti me te whai ake i tana tautoko kia whakahokia atu aua rohe whenua. I tuhia atu e rātau ka māmā ake te tiaki i ō rātau kararehe ā kāore hoki e taea te utu ake i aua rīhi e nama ana ki te Poari. Kāore te Poari i hiahia ki te whakahoki atu i te whenua mātua mō te kore utu nama te take.
- 2.87 I te Here-turi-kōkā o te tau 1923 ka wāwāhia te toetoenga o te rohe whenua o Tangoio ki te Tonga 27 ki ngā rohe whenua 17 mai i te 20 ki te 100 eka te rahi.
- 2.88 I te Here-turi-kōkā o te tau 1924 i tonu ngā mana pupuri ki te Mema Pāremata mō Te Tai Rāwhiti i muri i te horanga o ngā nama a te maha o ngā poari ā-rohe ki runga o ngā rohe whenua 1 ki te 26. I te Whiringa-ā-Rangi o te tau 1924 i whakatauhia atu ngā mana pupuri e te Karauna ko te wāhanga iti ānake kei reira rā tō rātau whare hui e tū ana me te marae ka puta atu ki waho o ngā nama whenua. E ai ki te Karauna, ka whiwhi ngā mana pupuri i aua hua rite tonu ki tā te Pākehā mai i ngā huarahi ka utua e aua nama whenua, engari ka kī ake ngā mana pupuri kāore anō te Karauna kia utua rātau mō ngā whenua i riro atu ai ia mō ngā huarahi. E ai ki ngā mana pupuri atu i Panepaoa (i te tātahi o Tangoio) ki Waikare e 24 maero te tawhiti ā ko te huarahi mai i Tangoio ki te Tonga ki Awa o Arapawanui River e 10 maero te tawhiti, nā reira tata ki te 3,000 eka i riro atu mō ngā huarahi te take kāore hoki he utu.

TŪTIRA

- 2.89 Ko te nuinga o Tūtira kua tukua kē hei rīhi ki ngā hunga ki a manene noho whenua i mua atu i te tau 1870 mā roto atu i ngā kawenata here nā te whai pānga ki ngā whenua Māori tuku iho kāore he pānga a te ture mena ka puta he raru. Ko te kawenata o te tau 1870 mō Mōhaka-Waikare i whakaritea mō te rohe whenua 23,467 eka o Tūtira kia tukua ki ngā tāngata whā tekau e āhei ake ai ki te rīhi mō ngā tau atu ki te 21 tau.
- 2.90 Ko ngā take rīhi noa nei o Tūtira i mahia tonu atu ki te tau 1884. I te marama o Mahuru o te tau 1884 ka uru atu ngā mana pupuri ki te rīhi ōkawa i te nuinga o ngā whenua o Tūtira ki ngā tokorua manene Pākehā ā, ka rāhuihia e 3,000 eka mō ā rātau ake hiahia. I te Whiringa-ā-rangi o te tau 1895 ka tae tētahi o ngā manene Pākehā me tētahi ake o ngā hunga noho whenua kia uru atu ki ngā whiriwhiringa hōu nei mō ngā 10,000 eka mā raro i tā rātau māramatanga ka hikina te rīhi tuatahi a te wā e mutu ai tōna mana a te tau 1905.
- 2.91 I te tau 1907 ka whakaritea e te Karauna te Komihana Stout Ngata ki te arotake i ngā kaupapa whakamahi whenua Māori me te whakatau ko ēhea whenua me pupuri e Ngāi

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Māori ko ēhea hoki me tuku hei nohonga mō te hunga manene. I arotakehia a Tūtira e te Komihana ā i muri atu i ngā matapaki me ngā mana pupuri ko a rātau whakatau i pā ki ngā wāhi, ki ngā wā me ngā utu mō ngā rīhi o Tūtira i piki ake ai ngā utu ki ngā mana pupuri mā te £1,000 ia tau. I te tau 1907 ka whakatauhia e te Pāremata he ture e whakamana ana i te Poari Whenua Māori ā-Rohe o Ikaroa kia whai mana mō ngā mana pupuri hei kōkiri i ngā whakataunga nei mō rīhi o Tūtira.

- 2.92 I te tau 1908 i kawea he take mā te ture te Poari e ngā mana pupuri me te tohe kāore te ture o te tau 1907 i whakaritea kia herea rātau ki ngā rīhi i whiriwhiria e taua Poari. I tohe ngā mana pupuri nei ko ngā here ki aua rīhi i whiriwhiria e te Poari ka takahī kē i te mana o Te Tiriti o Waitangi. I whakatauhia e Te Kōti Pīra he kaupapa here motuhake tā ngā rīhi i whiriwhiria e te Poari ki runga o ngā mana pupuri.
- 2.93 I te tau 1913 kāore te Karauna i tautoko i te tono ā ētahi o ngā mana pupuri ki te hoko atu ki te Karauna ētahi wāhanga o te rohe whenua o Tūtira e hora ana ki te tuawhenua o te hurahi mō te waka whenua mai i Ahuriri ki Tūranga. Engari i te Hōngongoi o te tau 1917 i muri o te aronga a ētahi o ngā mana pupuri ki te hoko i ō rātau pānga, ka tīmata te Karauna ki te hoko i ngā pānga ki Tūtira ahakoa atu kāore i mōhio ki ngā hiahia ā ētahi o ngā mana pupuri ki te hoko. I taua wā e rīhi tonu ana te rohe whenua ki tētahi manene noho whenua mō te utu £1,600 ia tau i whakaritea i raro o te uara o te tau 1907 ki te £32,000. Tae rawa atu ki te tau 1917 kua tata kē te tārua te uara o te whenua mai i te wā i whakaritea ai te rīhi. Ko te tikanga me utu kē te Karauna i te uara i whakaritea e te tatauranga a te kāwana mō ngā whenua Māori i hokona e ia ā, kātahi ka huri ki te tatau anō i te uara mō Tūtira. Ka tukua atu te £40,000 e te Karauna hei utu i muri i te wehenga mai o te uara mō ngā hua o ngā mahi a ngā kai rīhi mai i te uara i runga ake i te £60,000 ō te rohe whenua.
- 2.94 I te Hui-tangaru o te tau 1918 ka tīmata te Karauna ki te kōhi haere i ngā hua o ia tangata ki Tūtira. Tae rawa atu ki te Kohi-tātea o te tau 1923 kua whiwhi kē te Karauna i te waru tekau ōrau o ngā hua o ia tangata ki Tūtira. I tono te Karauna ki te Kōti Whenua Taketake kia whiwhi i ngā hua i hokona e ia engari ka tae atu ki te Paenga-whāwhā o te tau 1923 ka parea e te Kōti te tono nei nā te kore o te rūri ki Tūtira.
- 2.95 Kāore ētahi o te hunga kīhai i hoko i rata atu ki te whakataunga a te Kōti ā tae rawa atu ki te Paenga-whāwhā o te tau 1923 ka tono a Hāmi Tutu, he uri o te Hapū, ki te Kōti kia wehea ngā pānga o te hunga kīhai i hoko. I tārewahia tonu te tono nei e te Kōti Whenua Taketake i raro i ngā whakahau ā te Karauna.
- 2.96 I te Here-turi-kōkā o te tau 1923 i tohua e te Kaikomihana Whenua Karauna i Ahuriri e kī ana ētahi o ngā hunga kīhai i hoko ko ō rātau pānga ki te Roto o Tūtira kei raro i te mana o Te Tiriti o Waitangi.
- 2.97 Tae rawa atu ki te Hōngongoi o te tau 1926 kua rūrihia kē a Tūtira ā i kitea ake kō atu i te 3,000 eka te rahinga atu o te i tērā i whakaritea ai i te wā i hokona e te Karauna mā tana utu. I te Hōngongoi o te tau 1926 ka huri te Karauna ki inoi atu ki te Kōti Whenua Taketake kia wāwāhia a Tūtira i waenga i te Karauna me te hunga kīhai i hoko. I tukua a Tūtira A, me tana 19,426 eka ki te Karauna ko Tūtira B me tana 862 eka i tukua ki te hunga kīhai i hoko.
- 2.98 I whiwhi te hunga kīhai i hoko i tā rātau tono kia whakawāhia anō taua wāwāhinga i muri i te whakahētanga a te Karauna i tā rātau tono ki te Kōti kia tohua he mana hei pupuri i ō rātau tika tuku iho ki te aru ki te hī ki te Roto o Tūtira. Engari i tārewa tonu te take mai i

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te tau 1926 ki te tau 1928 me te hoki anō a te Karauna ki te hoko haere i ngā pānga o ia tangata o ia tangata.

- 2.99 I te mutunga i te Paenga-whāwhā o te tau 1928 ka tukua e te Kōti Whenua Taketake 19,726 eka ki te Karauna ki Tūtira A, me te 561.5 eka ki Tūtira B mō te hunga kīhai i hoko. E rua eka ki taha Rāwhiti o te Roto o Tūtira i rāhuitia ki Tūtira C me tuku atu ki te Karauna hei tohu whakamahara ki a Tiwaewae, he Rangatira rongonui nō Ngāti Kurumōkihi. I wāwāhia e te Kōti kia rite ngā wehenga o te Roto o Tūtira ki ērā mō ngā whenua āmio.
- 2.100 I te Hui-tanguru o te tau 1929 ka rongo te Kaiwhakawā o te Kōti Whenua Taketake i ngā tauāki mai i a Kipa Anaru, he rangatira nō te Hapū me te maha atu. Ko te inoi e whai ana ki tohua ngā tuku mō te rohe whenua o Tūtira me tana roto kia whakatauhia mātua kia whai huarahi tonu te Hapū ki te roto me ō rātau tika tuku iho ki reira. E ai ki te Kaiwhakawā ko te hiahia o ngā hunga kīhai i hoko kia whakahokia atu te katoa tētahi wāhanga noa rānei ki a rātau. I kī ake ano ia e whakaae ana te hunga kīhai i hoko ki te tuku i te Roto o Tūtira ki te motu engari kia haumaruhia ō rātau tika tuku iho ki te roto. Hei aronga ake i kī ake te hunga kīhai i hoko kia tukuna atu te toenga 3,000 eka ki a rātau ki tētahi wāhi e tata atu ana ki te roto me ngā taketake o ngā pae maunga pātata.
- 2.101 I te tau 1931 ka huri te Kōti Whenua Taketake ki te hiki ake i te tuku ki te Karauna ki Tūtira A ki te 22,790 eka me te wāhanga ki te hunga kīhai i hoko i Tūtira B ki te 677 eka mā roto i ngā wāwāhinga whenua tekau mā waru. Ahakoa atu te inoi a te hunga kīhai i hoko ka wāwāhia te roto i waenga i te Karauna me ngā hunga kīhai i hoko kia ōrite ngā wāhanga ki ērā i tukua mō ngā rohe whenua e rua. I te tau 1935 i utua e te Karauna tētahi £6,470 hei tāpiri ki te hoko i te 3,350 eka, i kitea ake ai i pērā rawa te rahi atu i tērā tatauranga i te wā tuatahi i tukua ai te utu a te Karauna. I utua te pūtea ki te Poari Whenua Māori ā-Rohe o Ikaroa hei toha ki te hunga i hoko. I te tau 1941 i utua e te tangata rīhi o Tūtira B tētahi pūtea mai i ngā pūtea rīhi ki te Karauna hei utu atu i ngā wāhanga ki te rūri whenua mō te wāwāhinga whenua tekau mā waru.

WHAKAARI

- 2.102 I te tau 1870 i tohua e te Paremata he tekau eka ki Whakaari hei whenua rāhui ā te Karauna hei tauranga mō te katoa hei tauranga hī ika mō ngā mana pupuri o ngā rohe whenua i whakahokia.
- 2.103 Kāore rawa te Karauna i whakahoki i te whenua rāhui nei ki a Ngāi Māori hei mana pupuri ā i whakarite rānei kia whai huarahi rānei te Hapū ki taua wāhi. I te tau 1959 i tukua he rīhi mō Whakaari tae atu ki ngā whenua tāpiri, ki tētahi Pākehā ahuhenua. I tono ngā uri o te Hapū a Te Otane Reti a Tautahanga Sullivan a Hineraumoa Sullivan me Mōrehu Albert ki te Karauna me te inoi kia whakahokia a Whakaari ki te mana pupuri o Ngāi Māori. Kāore te Karauna i whakaae ki taua tono.

NGĀ TAKE TAI AO

Te Roto o Tūtira

- 2.104 I mōhiotia te Roto o Tūtira ki te Hapū “ko te waiū o ō tātau tīpuna” - “the milk of our ancestors”. He pānga tēnei ki te matomato o te kai mai i te roto tae noa ki te oranga wairua mai i te roto ki te Hapū. Mai i ngā tau o ngā 1880s ko ngā mahi turaki ngahere

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me ngā waihangā ahūwhenua i piki ake ai ngā horoanga whenua me te toko ake kia tuangahuru noa te pikinga o te pāoneone ki te Roto o Tūtira. I ngā tau o ngā 1890s i keria hē ngā repo tāpiri me te mutunga ka rere atu ngā pāoneone ki te roto. I pēnei tonu te ruiruinga pāoneone mō te nuinga o ngā tau kotahi rau ā i waenga i ngā tau 1925 me te 1963 i tino piki ake te papa o te roto. Ko ngā tino āwhā pērā i te Āwhā o Te Rā o ngā Hōia o te tau 1938 me te Āwhio o Bola i te tau 1988 i tino whakaatu ake ai i te raru o te pāoneone ki te roto. Mai i ngā tau o ngā 1950s ko te rerenga o ngā kai mai i te ruinga o te wai rākau ki ngā pātiki kua heke katoa te ora o te wai o te roto me ngā awa tāpiri. Kua tino piki ake te tahuringa pokakē o ngā momo tupu i te roto me te puta noa o ngā momo tarutaru o te wai me te pua ngaruru. Kua whakakīhia ngā kōawa, kua parahia ngā tupu ā kua whānui noa te papa waipuke. Kua ngaro katoa ngā tauranga kākahi ā kua tino heke iho te maha o te tuna.

- 2.105 I te tau 1951 ka kī atu a Te Aturangi Anaru, he rangatira o te Hapū, ki te Karauna kia rāhuihia te wāhangā o te roto kei raro i te mana o te Hapū hei tauranga kararehe kōwao.
- 2.106 I te tau 1957 ka hurihia te wāhangā o te Roto o Tūtira hei tauranga kararehe kōwao. Ahakoa atu tērā kāore ngā mana pupuri o te papa o te roto i whakaae ki ngā tohe a te Karauna kia tukua atu tō rātau wāhangā hei tauranga kararehe kōwao nā tō rātau wehi kei raro tō rātau mana pupuri.

Waipukenga

- 2.107 I te rautau rua tekau ko te kāinga matua o te Hapū i Tangoio i waenga o te rohe whenua o Tangoio ki te Tonga. I roto kē ngā kāinga me te marae o Tangoio i te whenua pāpaku ā ka pokea e ngā tūmomo waipuke. I tino piki ake ai te pā o te waipuke nā te taunga o ngā waokū o ngā whenua pātata.
- 2.108 I waenga i ngā rautau rua tekau nā te honohono ngā tūmomo waipuke i neke ai te maha o ngā whānau mai i tō rātau whenua tuku iho. I te Rā mō Ngā Hōia i te Paenga-whāwhā o te tau 1938 ka murua ngā awaawa o Te Wai-o-hingā me Tangoio e te waipuke tīngakungaku ana ngā whare katoa tua atu i te kura me te kāinga o te kura. I murua katoa ngā taiepa he maha hoki o ngā kararehe me ērā atu taputapu i ngaro. I te Pipiri o te tau 1963 nā te kino mārika o te waipuke i kī ai te Kaikomihana ā-Rohe mō ngā Mahi kāore e tika ana kia noho te tangata ki te awaawa o Tangoio. I hora katoa te kenepuru ki te awaawa he 900mm te hōhonu. E whā tekau ngā whare i raro i te waipuke ā he maha hoki ngā whānau i nuku oti atu ai. Engari he mea uaua te hōneatanga o taua rohe i te mea he maha ngā whānau kāore i hiahia kia whakarērea o rātau kāinga me tō rātau marae hoki.
- 2.109 Ka noho tonu te marae i Tangoio kia ākīhia e te waipuke.

Te Tahatai

- 2.110 E ai ki a Te Hata Kani he pātiki hīnga ika te tahatai o te rohe nei i tukua iho mai i ana tīpuna. He matomato ngā kai mātaihai o aua wai tahatai mō te Hapū i ngā wā o mua. Ahakoa atu nā ngā aituā māhorahora me ngā mahi tūkino poka noa i raro katoa ai te tahatai nei. Nā te rūwhenua ki Ahuriri i te tau 1931 i piki ake ai te papa o te muriwai o Tangoio me Te Whanganui-ā-Orotu. Nā te pikinga o ngā mahi ahūwhenua i te wā o ngā rautau rua tekau i pā ai te horoa whenua paruparu katoa ana ngā kōawa e rere atu ana ki te moana. I maru katoa ngā wai tahatai i ngā para mai i ngā whare hanga tikanga. Maru katoa ana te papa moana o Te Matau-ā-Māui i ngā kenepuru horoa whenua mai i

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ngā kōpuapua pātata. Nā te hora o te kenepuru i raruraru ai ngā kai mātaimai mai i ngā ohonga o ngā pua. I te tau 1991 ka whakatauhia e ētahi hunga rangahau kāore ngā kai mātaimai mai i te tahatai ki Tangoio e rite ana hei kai mā te tangata ā kāore hoki e tika ana kia kaukau te tangata ki Tangoio nā te kaha o te para.

NGĀ TAKE OHAOHA-Ā-HĀPORI

- 2.111 Ko ngā whenua tuku iho o te Hapū he pūtake mārika mō tō rātau orange ohaoha i ngā o te tau 1840. Tae rawa ki ngā tau o ngā 1860s i tino raru te orange ohaoha nā te murunga whenua mā te raupatu. Ahakoa atu te whakahokinga o aua whenua ki a Ngāi Māori hei mana pupuri kāore i tino rata atu ngā pēke ki te tuku pūtea nama mō aua whenua Māori me ngā mana pupuri maha ā kāore hoki ngā uri o te Hapū i whai wāhi atu ki ngā pūtea tairanga pērā ki a Ngāi Pākehā noho whenua. I te tau 1907 ka whakahē atu te Komihana ā Stout Ngata mō te kore e whakarite kia ōrite te huarahi e whiwhi tahi ai a Ngāi Māori ki ngā momo āwhina pērā ki ngā hunga noho whenua hei whakatairanga i ō rātau whenua.
- 2.112 Kāore te Karauna i tīmata ki te whakarite i ngā momo āwhina mō te whakatairanga i ngā whenua Māori ā tae noa ki ngā tau whakamutunga o ngā 1920s. Engari tae rawa atu ki tēnei wā kua tino mārō kē te hoko whenua haere a te Karauna mahue mai ake te Hapū me ngā toetoenga whenua e kore ai e tau tā rātau ohaoha-ā-hāpori. I te tau 1930 ko ngā whenua noa iho i tō mai ki ia uri o te Hapū ko ngā rohe whenua i Tūtira i Te Tonga o Tangoio me Arapaoanui. I te paunga o te rautau tekau mā iwa me te tīmatanga o te rautau rua tekau ka heke iho ngā whenua māra i roto i te rohe ā ka huri kē a Ngāi Māori ki te mahi mō te utu.
- 2.113 Mātua mā te urunga atu o ngā uri o te Hapū ki ngā kaupapa mātauranga whakangungu hoki e puta mai ai he hua i ngā momo mahi ohaoha o te rautau rua tekau ā tae rawa atu ki te tau 1900 ka tono ngā Māori o Tangoio kia hangāia he kura mō rātau. I te tau 1904 ka puta ko te kura o Tangoio mai i te Karauna. Ko te tauranga o ngā tamariki katoa e piki atu ana ki te kura tuarua ki te kura takiura i tēnei wā he tino iti engari ka tino piki ake i ngā tau o te rautau rua tekau. Engari kāore i ōrite te aro ake o te pūnaha mātauranga mō ngā tamariki Māori kia pērā i ngā tamariki Pākehā pahure noa ngā tau maha o te rautau rua tekau. He maha o Ngāi Māori i tahuri atu ki te rapu orange mā ō rātau puku mahi i muri i tō rātau mutunga i te kura.
- 2.114 He maha o Ngāi Māori i waenga i te takiwā i noho rawa kore. I tino ngau te wā rawa kore o ngā tau o ngā 1930s i te Hapū. I te tau 1932 ka huri te Minita Taketake ka kī kua tino heke rawa te tauranga ohaoha o Ngāi Māori i Te Matau-ā-Māui ā he maha e noho kē ana i roto i ngā whare kōpā. I huri tētahi āpiha a te Karauna ki te kī he maha ngā kāinga o ngā pā o roto o Te Matau-ā-Māui he tino hē rawa atu. I te tau 1940 ka puta anō he āpihā o te Karauna me tana kī ake kāore atu he whenua o te nuinga o ngā mana pupuri tua atu o Tūtira B me tā rātau noho pōhara ki Tangoio. I te tau 1942 i whakatauhia e tētahi arotake a te Karauna he 84% o ngā whare a Ngāi Māori o Te Matau-ā-Māui kei raro kē i te taumata tōtika mō ngā kāinga ā e 63% e tika kē ana kia whakaorahia kia turakina rānei.
- 2.115 I ngā tau i muri mai i te 1945 i nuku kē atu te maha o ngā uri o te Hapū ki ngā taone nunui i waho kē atu o te takiwā. I tino kitea ake te pikinga o te āhua o ngā nohonga i waenga i ngā tau o ngā 1950s me ērā o ngā 1960s me te urunga atu o Ngāi Māori kia whai mahi. Engari ko te nuinga o rātau i roto kē i ngā mahi kore pūkenga ā ko te āhua o ngā nohonga a Ngāi Māori i muri noa i tō Ngāi Pākehā. I ngā tau o ngā 1970s ka piki

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haere te noho kore mahi a Ngāi Māori ā tae rawa ki ngā takahurihuringa o te ohaohanga o Aotearoa i ngā tau o ngā 1980s ka tae kē te noho kore mahi o Ngāi Māori ki ngā tataunga tārua.

- 2.116 I noho māuiui kē atu ngā uri o te Hapū ki a Ngāi Pākehā. I waenga i ngā tau o te rautau tekau mā iwa i pā ki a Ngāi Māori ngā momo mate urutā kihei nei he momo ārai ā-tinana ā ka tino heke iho te tataunga o Ngāi Māori. Ko ngā tataunga tāngata i Te Matau-ā-Māui i kī kua piki ake te ora o ngā uri o te Hapū i muri mai i te tau 1896 i pakari ake tō rātau ārainga māuiui ki ngā momo mate urutā. Engari ko ngā rangahau o ēnei wā a te Hapū e kī kē ana he maha ngā hononga reanga o te Hapū i mate oti atu i waenga i ngā tau mai i te 1860 atu ki te 1930.
- 2.117 Ka pā tonu ki te Hapū ngā momo māuiui o te rawa kore pēnei i te taipō me te mate kōhi i te wehenga rua tuatahi o ngā rautau rua tekau. I te tau 1926 i kī ake tētahi o ngā āpiha a te Karauna kua pā kē te mate taipō hei mate whakamau ki Tangoio. I puta mai ano he kōrero i taua āpiha arā nā te Hāhi Rātana o Tangoio tētahi o ngā tino take i piki ake ai ngā māuiui urutā pērā i te taipō nā te kore o ngā tāngata o Tangoio e haere ki ngā rata te whakaatu rānei i aua momo māuiui ki ngā ūmanga. Engari kā huri kē tētahi atu āpihā me tana kī nā te Hāhi Rātana ngā whakahau kia kaua ana mōrehu e whai i te oranga mai i ngā whakahaere hauora mō ngā māuiui urutā nei.
- 2.118 Ahakoa atu ka huri taua āpiha ki te kī ake ko te noho tūwhera a te iwi o Tangoio ki te māuiui taipō nā te takoto kē o te whenua ki ngā momo waipuke ko te mutunga iho ka paru kē ko ngā puna wai. I ngā tau o ngā 1930s, ko ngā pānga pūkaha kakā pānga tarakura pānga mare motu i kīhia he mea pākaha. I te tau 1932 i kī ake tētahi āpiha a te Karauna he maha o Ngāi Māori mai i Te Matau-ā-Māui ka kore kē e tae atu ki ngā rata nā te kore whai huarahi ki te utu atu i a rātau.
- 2.119 Mai i te tau 1945 me te pikinga ake o ngā nohonga me ngā ratonga hauora a te Karauna i tino kitea ai te pikinga o te oranga o Ngāi Māori. Ahakoa atu e puta tonu ana te tino wehenga i waenga i te oranga o Ngāi Māori me tērā o Ngāi Pākehā ā ko te pae oranga o Ngāi Māori ka noho tonu ki raro noa atu i tō te Pākehā. I te tau 1988 ka puta ake i te Mana Hautū Whānui o te Hauora tana kī ko ngā kaupapa here a te Karauna me te whakatairanga ake tae atu ki te tukunga o ngā ratonga hauora a te Karauna he tikanga tōtahi noa.

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ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that addressing the grievances of the Hapū is long overdue.
- 3.2 The Crown acknowledges that when it purchased the Ahuriri block in 1851 –
 - 3.2.1 it failed to consult the Hapū in the first stage of the negotiations;
 - 3.2.2 the Crown sought to purchase this land for the lowest price Māori would accept, and was aware that the Hapū were discontented with their share of the purchase price;
 - 3.2.3 Tangoio Māori did not receive the full, ongoing economic benefits from European settlement the Crown led them to expect if they agreed to sell for the price offered by the Crown; and
 - 3.2.4 the Crown did not ensure that adequate reserves of land from the Ahuriri purchase were protected in Hapū ownership, and this was a breach of the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that when it acquired the Mohaka block in 1851 –
 - 3.3.1 it paid a low price, and Ngāi Tahu did not receive the full, ongoing benefits from European settlement they were led to expect in accepting a low price; and
 - 3.3.2 it breached the Treaty of Waitangi by failing to ensure that adequate reserves were set aside for Ngāi Tahu.
- 3.4 The Crown acknowledges that in 1866, rather than continue negotiations to preserve the peace at Omarunui, it issued an unreasonable ultimatum demanding the surrender of all those inside the pā. This led to a Crown military attack which endangered the lives of all men, women and children inside the pā. The Crown's forces killed more than twenty people defending themselves at Omarunui and Petane. The Crown acknowledges that these attacks were an injustice and breached the Treaty of Waitangi and its principles.
- 3.5 The Crown acknowledges that the detention without trial in harsh conditions on the Chatham Islands for nearly two years of at least thirteen members of the Hapū after they were interrogated at Omarunui was an injustice and a breach of the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that the summary executions by Crown forces at Ngatapa in January 1869 breached the Treaty of Waitangi and its principles and tarnished the honour of the Crown.
- 3.7 The Crown acknowledges that –

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- 3.7.1 in 1867 it proclaimed a confiscation district which included most of the takiwā of the Hapū; and
- 3.7.2 subsequently, all the customary interests of the Hapū in their land in this district were extinguished and the Crown retained the Tangoio North block of more than 9,000 acres and these actions breached the Treaty of Waitangi and its principles.
- 3.8 The Crown further acknowledges that most of the land in the confiscation district, which it agreed to return to Māori ownership in 1870, remained in Crown title for more than forty years until Crown grants were issued to the Māori owners who had been occupying it.
- 3.9 The Crown acknowledges that it never provided for any independent investigation of the customary interests of the Hapū in the blocks it agreed to return to Māori ownership in 1870 and that –
 - 3.9.1 in 1870 it used more than 30,000 acres at Kaiwaka to reward a Crown ally; and
 - 3.9.2 the Crown excluded Hapū members from the ownership of Kaiwaka and this was a breach of the Treaty of Waitangi and its principles.
- 3.10 The Crown further acknowledges that it made the prejudice arising from this breach worse by declining repeated requests from the Hapū to allow an investigation into their rights in Kaiwaka. The Hapū bore crippling legal expenses as a result of trying to establish their legal rights to Kaiwaka.
- 3.11 The Crown acknowledges that –
 - 3.11.1 it did not consult the Hapū before introducing native land laws in the nineteenth century which provided for the individualisation of Māori land holdings that had previously been held in tribal tenure; and
 - 3.11.2 in 1866 the Native Land Court awarded ownership of the Moeangiangi Reserve and the Petane and Te Pahou blocks to fewer than ten individuals, and by 1873, individual owners had sold all the Hapū land in these blocks; and
 - 3.11.3 by allowing these individuals to sell Hapū land in the Moeangiangi Reserve and the Petane and Te Pahou blocks, the native land legislation did not reflect the Crown's obligation to actively protect the interests of the Hapū in these blocks, and this was a breach of the Treaty of Waitangi and its principles.
- 3.12 The Crown acknowledges that the compulsory vesting of Tangoio South in the Ikaroa District Māori Land Board in 1907 breached the Treaty of Waitangi and its principles.
- 3.13 The Crown acknowledges that between 1911 and 1930 it purchased nearly all of the land returned to Hapū individuals in 1870. The Crown further acknowledges that –

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- 3.13.1 it made a sham of a provision in the native land laws for Māori to make land alienation decisions collectively by purchasing substantial quantities of land from individual owners after the owners had collectively decided at hui not to sell their land; and
 - 3.13.2 the Crown misused its monopoly powers by preventing some land owners of the Hapū from completing negotiations with private parties to lease their land so the Crown could purchase it; and
 - 3.13.3 it further misused its monopoly powers by imposing them for long periods on some owners who had shown no inclination to sell to the Crown and were left with little choice but to sell to the Crown if they wished to derive economic benefits from their land; and
 - 3.13.4 the Crown exploited the willingness of some owners to sell, to acquire so much land that those who did not wish to sell were left with too little land to maintain a viable presence in the region; and
 - 3.13.5 the Crown's actions were unfair, oppressive, and did not live up to the standards of good faith and fair dealing which are expressed in the Treaty of Waitangi and its principles.
- 3.14 The Crown acknowledges that its failure to protect the Hapū from being left with insufficient land for their present and future needs by the 1930s –
- 3.14.1 had a devastating impact on their economic, social, and cultural well-being and on their development and was a breach of the Treaty of Waitangi and its principles; and
 - 3.14.2 contributed to significant population losses suffered by the Hapū before 1930, and that for too long Hapū members have endured poverty, poor health, poor housing, and low educational standards.
- 3.15 The Crown acknowledges that extensive deforestation and pastoral farming in the late nineteenth and early twentieth centuries has contributed to significant environmental change in the Hapū takiwā with increased erosion and flooding. The Crown further acknowledges –
- 3.15.1 the poor health of Lake Tūtira;
 - 3.15.2 the pollution of the coastline;
 - 3.15.3 the degradation and loss of many mahinga kai of the Hapū; and
 - 3.15.4 the severe impact of flooding on the community and marae at Tangoio.

APOLOGY

- 3.16 The Crown makes this apology to the Hapū, their ancestors and their descendants.

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- 3.17 The Crown is deeply sorry that it has not always lived up to its Treaty of Waitangi obligations and that it has breached the Treaty of Waitangi, and its principles, in its dealings with the Hapū. The Crown recognises the tireless efforts and struggles of the ancestors of the Hapū in the pursuit of their longstanding claims for justice and redress from the Crown.
- 3.18 The Crown is deeply remorseful for its unjust attacks on Omarunui and Petane in 1866, the deaths that were caused, and the subsequent imprisonment of some of your people. The Crown sincerely apologises for the immense prejudice it inflicted on the Hapū by the proclamation of a confiscation district, the loss of Tangoio North, and the exclusion of the Hapū from the ownership of Kaiwaka.
- 3.19 The Crown profoundly regrets compounding this prejudice by purchasing most of the remaining land of the Hapū before 1930 in ways that were unfair and oppressive. The Crown is very sorry it left the Hapū virtually landless, and for the harm this caused to your tribal structures and ability to exercise customary rights and responsibilities. The Crown apologises for its failure to respect the rangatiratanga of the Hapū and for Crown acts and omissions which have impacted on your lands, fisheries and other taonga, and your capacity for social and economic development.
- 3.20 The Crown acknowledges that many family lines have died out and cannot be brought back. It profoundly regrets the poverty and poor health which have long afflicted your people. It deeply regrets its acts and omissions which have affected your capacity for social and economic development and your physical, cultural, and spiritual well-being.
- 3.21 Through this settlement the Crown is seeking to atone for its past wrongs towards the Hapū, to restore its tarnished honour, and to begin the process of healing. The Crown hopes that this apology will mark the beginning of a new relationship between the Crown and the Hapū based on respect for the Treaty of Waitangi and its principles.

3 NGĀ WHĀKINGA ME TE WHAKAPĀHA

NGĀ WHĀKINGA

- 3.1 E ai ki ngā whākinga a te Karauna ko te whāinga o ngā aureretanga a te Hapū he tino takaroa.
- 3.2 E whāki ake ana te Karauna arā i te wā i hokona ai e ia te rohe whenua o Ahuriri i te tau 1851:
- 3.2.1 Kāore i uiui atu ki te Hapū i te tīmatanga o ngā whiriwhiri;
- 3.2.2 I tahuri ake te Karauna ki te hoko i taua whenua mō te utu iti rawa e whakaaehia ai e Ngāi Māori ā i āta mōhio kāore rawa i rata atu te Hapū ki te wāhanga i whakawhiwhia ai rātau mō te utunga;
- 3.2.3 Kīhai ngā Māori o Tangoio i whiwhi ki te katoa o ngā hua ka toko ake i ngā take ohaoha o te urunga mai o te hunga noho whenua Tauīwi i kī ake ai te Karauna ka whiwhi rātau mena ka whakaae atu kia hokona mō te utu i tukua atu e te Karauna; ā,
- 3.2.4 Kāore te Karauna i āta whakarite kia rāhuihia he whenua mai i te hokonga o Ahuriri i haumaruhia e te mana pupuri o te Hapū ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.3 E whāki ake ana te Karauna arā i te wā i hokona ai e ia te rohe whenua o Mōhaka i te tau 1851:
- 3.3.1 He iti noa tana utu ā kāore hoki a Ngāi Tahu i whiwhi i te katoa o ngā hua putaputa noa mai te nohonga whenua a Tauīwi i pōhēhē ai rātau ka whiwhi mā te whakaaenga ki te utu iti rawa; ā,
- 3.3.2 He takahanga hoki i te Tiriti o Waitangi mā te kore e āta whakarite whenua rāhuiā mō Ngāi Tahu.
- 3.4 E whāki ana te Karauna i te tau 1866 tua atu i te whai tonu i te rongomau ki Ōmarunui ka tahi kē ka tukua tana tono whakamutunga kia tuku ki raro te hunga i roto i te pā. Mai i tēnei ka huri ngā hōia o te Karauna ki te whakaeke me te mōrearea noa o te orange o ngā tāne o ngā wāhine o ngā tamariki i roto o te pā. Rua tekau ngā tāngata i mate i a rātau e wawao ana i a rātau ake mai i ngā tira pakanga a te Karauna i Ōmarunui i Petane hoki. E whāki ana te Karauna he takahā mana ēnei whakaeke he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.5 E whāki ana te Karauna ko te mauherenga me te kore whakawā ki ngā tūmomo āhua matangerengere rawa atu i runga o ngā motu o Wharekauri tata ki te rua tau o ngā uri tekau mā toru o te Hapū i muri i tō rātau uiuinga i Ōmarunui he tino takahi mana he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.

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- 3.6 E whāki ana te Karauna kō ngā mahi whakamate o ana tira whawhai i Ngātapa i te Kohi-tātea o te tau 1869 he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono i pokea ai te mana o te Karauna.
- 3.7 E whāki ana te Karauna ā:
- 3.7.1 I te tau 1867 i pānuhia he takiwā raupatu tata kia pou katoa atu te takiwā o te Hapū;
- 3.7.2 Whai ake ana ngā hua tuku iho katoa o te Hapū ki ō rātau whenua ki tēnei takiwā i wetoa ā ka puritia e te Karauna te rohe whenua o Tangoio ki te Raki kō atu i te 9,000 eka ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.8 Ka whāki atu anō te Karauna arā ko te nuinga o ngā whenua i roto i te rohe raupatu i whakaae ai ia ki te whakahoki ki a Ngāi Māori te mana pupuri i te tau 1870 ka puritia tonu e te Karauna te mana kō atu i te whā tekau tau tae noa atu ki te tukunga o ngā tohanga a te Karauna i ngā mana pupuri ki a Ngāi Māori i noho pū ki aua whenua.
- 3.9 Ka whāki te Karauna kāore rawa ia i whakarite i tētahi tiro tiro motuhake i ngā hua tuku iho o te Hapū ki ngā rohe whenua i whakaae ia kia whakahokia atu ki a Ngāi Māori te mana pupuri i te tau 1870 ā:
- 3.9.1 I te tau 1870 i tukua e ia kō atu i te 30,000 eka ki Kaiwaka hei tākoha atu ki tētahi kūpapa a te Karauna; ā
- 3.9.2 I parea e te Karauna ngā uri o te Hapū mai i ngā mana pupuri mō Kaiwaka ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.10 E whāki ake ana te Karauna nā tana kore e rongohia i ngā tono maha a te Hapū kia tiro tirohia ō rātau tika ki Kaiwaka i kino atu ai te whakatoihara a te takahanga nei. I amohia e te Hapū ngā tūmomo utu teitei mō ngā raru ture i tā rātau whai i ō rātau tika ki Kaiwaka.
- 3.11 E whāki ana te Karauna ā:
- 3.11.1 Kāore ia i uiui atu ki te Hapū i mua i te tukunga o ngā ture whenua taketake i te rautau tekau mā iwa i puta ai te tikanga kia tū ko ia tangata noa hei mana pupuri whenua i riro ai taua mana pupuri ki te iwi katoa i mua atu;
- 3.11.2 I te tau 1866 i tukua e te Kōti Whenua Taketake te mana pupuri mō te whenua rāhui o Moeangiāngi me ngā rohe whenua o Petane o Te Pāhou hoki ki ngā tāngata tokoiti iho i te tekau a tae rawa atu ki te tau 1873 kua hokona kē e ia mana pupuri te katoa o ngā rohe whenua a te Hapū; ā.
- 3.11.3 Mā te tuku i aua tāngata ki te hoko noa i ngā whenua rāhui ki Moeangiāngi me ngā rohe whenua o Petane me Te Pāhou nā te Hapū kē kāore te ture whenua taketake i whai i ngā ōati a te Karauna kia haumaruhia ngā hua a te Hapū ki aua rohe whenua ā he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.

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- 3.12 E whāki ana te Karauna ko te tukunga here o te Tonga o Tangoio ki te Poari Whenua Māori o te Takiwā o Ikaroa i te tau 1907 he takahanga hoki i te Tiriti o Waitangi me ōna mātāpono.
- 3.13 E whāki ana te Karauna mai i te tau 1911 ki te tau 1930 i hokona tata ki te katoa o ngā whenua i whakahokia atu ki ia uri o te Hapū i te tau 1870. E whāki ake ana hoki te Karauna nāna pū:
- 3.13.1 Te mahi tinihanga ki roto i ngā ture whenua taketake mō Ngāi Māori ki te whakatau ā-rōpū nei kātahi ka huri ake ki te hoko haere i te maha o ngā whenua mai ia mana pupuri i muri ake i ngā whakataunga o ngā huihuinga kia kaua e hoko i ō rātau whenua;
- 3.13.2 Kāhore i hāngai pū ngā mahi a te Karauna i tōna mana apunga nā tana ārai i ētahi mana pupuri whenua o te Hapū ki te whakaoti ake i ā rātau whiriwhiri me ngā hunga motuhake ki te kawē i ngā rīhi mō ō rātau whenua kia wātea ai te Karauna ki te hoko;
- 3.13.3 I kō kē atu ana mahi tinihanga i tōnā mana apunga mā te tuku kia tārewa noa mō te wā roa nei ki runga ki ētahi o aua hunga kīhai nei i hiahia ki te hoko atu ki te Karauna i te mutunga i pērā nā tō rātau whai kia puta he hua mai i ō rātau whenua;
- 3.13.4 I huri te Karauna ki āna mahi nanakia mō ētahi o ngā mana pupuri i hiahia ai ki te hoko ā kia whiwhi ai ia i te maha o ngā whenua ā maenga ake kō rātau kāore nei i hoko atu ka raru i te itiiti noa o ngā whenua hei pūtake mō rātau i waenga o te takiwā; ā,
- 3.13.5 Ko ngā mahi a te Karauna he mahi tinihanga he mahi takatakahi ā kāore hoki i tae ki te taumata o te pono o te whakaaro pai e kī mai rā i roto i Te Tiriti o Waitangi me ōna mātāpono.
- 3.14 Ka whāki ake te Karauna nā tana kore e haumarua i te Hapū mai i te noho kore whenua mō ō rātau hiahia o aua wā me ngā wā ō muri mai ā tae rawa atu ki ngā tau o ngā 1930s:
- 3.14.1 I tino murua te oranga ohaoha, te oranga hāpori tae atu ki te tikanga-ā-iwi me tō rātau tairanga ake ā he takahanga i te Tiriti o Waitangi me ōna mātāpono; ā,
- 3.14.2 He tino pānga hoki ki te hekenga o te tataua tātanga o ngā uri o te Hapū i mua atu i te tau 1930 ā he roa rawa te noho o ngā uri o te Hapū e tāmia ana e te rawa kore, te māuiui noa, te hauarea noa o ngā kāinga me ngā taumata mātauranga pāpaku noa iho.
- 3.15 E whāki ana te Karauna nā te turaki haere i ngā ngahere me ngā kaupapa ahūwhenua i ngā tau mutunga o te rautau tekau mā iwa me te tīmatanga o te rautau rua tekau i tāpiri atu ki ngā tino takahuringa o te taiao i te takiwā o te Hapū pērā i te pikinga ake o te horoa whenua me te waipuke hoki. Ka whāki ake anō te Karauna:
- 3.15.1 I te ngoi kore noa o te oranga o te Roto o Tūtira;

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.15.2 Te pānga o te paru o te para ki te tahatai;
- 3.15.3 Te murunga te rironga hoki o ngā mahinga kai o te Hapū; ā,
- 3.15.4 Ko te tino rarunga o ngā waipukenga ki te hāpori ki te marae hoki i Tangoio.

WHAKAPĀHA

- 3.16 E tuku ana te Karauna i tēnei whakapāha ki te Hapū, ki ō rātau tīpuna ki o rātau uri hoki.
- 3.17 E tino pouri ana te Karauna mō tana kore e hāpai i ana ōati mai i te Tiriti o Waitangi ā i ana takahanga hoki i te Tiriti o Waitangi me ōna mātāpono i roto i ana kōkiri me te Hapū. E aronui ana te Karauna i te puku mahi i ngā piki i ngā heke o ngā tīpuna o te Hapū i ā rātau whai i ngā tono atu ki te Karauna tērā kia noho tōtika aua take i raro i te ture.
- 3.18 Ka nui te tino pāpourī o te Karauna mō ana whakaeke poka noa ki runga o Ōmarunui me Petane hoki i te tau 1866, ngā hunga i parekurahia tae atu hoki ki ērā o koutou i riro kia mauherehia. E tino whakapāha ana te Karauna mō ana mahi parahako ki te Hapū mai i ana pānuitanga i tētahi takiwā raupatu, te murunga o te Raki o Tangoio me te ārai i te Hapū mai i te mana pupuri ō Kaiwaka.
- 3.19 E tino pāpourī ana te Karauna i ana mahi i tino piki ake ai aua mahi parahako mā tana hokonga i te nuinga o ngā toetoenga whenua ō te Hapū i mua atu i te tau 1930 mā ngā tūmomo āhua takatakahi mana ārai tikanga tangata. E tino pouri ana te Karauna mō tana waiho kia noho tata whenua kore te Hapū me ngā raruraru i pā ki o koutou rōpū-ā-iwi me te tuku i a koutou kia whakaatu ake i ō koutou tika tuku iho hoki. E whakapāha ana te Karauna mō tana kore e whai whakaaro ki te rangatiratanga o te Hapū me ngā tūmomo mahi ngā tūmomo warewarenga hoki a te Karauna i pā atu ai ki ō whenua ki ō tauranga ika me ērā atu taonga me tō koutou pūkaha ki te whakatairanga ā-iwi ā-oaha hoki.
- 3.20 E whāki ake ana te Karauna he maha ngā reanga hono o ngā whānau kua mate oti atu. E tino pāpourī ana ia mō te noho rawa kore me te māiuiui noa i pā ki ō uri. Ka nui tana pouri mō ana mahi mō ana warewarenga hoki i raru ai tō pūkaha kia whakatairanga ake i tō noho ā-hāpori ā-oaha me tō oranga tinana oranga ahurea oranga wairua hoki.
- 3.21 Mā roto mai i tēnei whakataunga e rapu ana te Karauna i te huarahi hei tāpae ake i ana mahi hē ki te Hapū ki te whakaū i te mana ki tōna taumata me te tīmata ake i te hātepe whakaora. E manako ana te Karauna mā te whakapāha nei e toko ake ai he hononga hōu i waenga i te Karauna me te Hapū mai i te piripono ki te Tiriti o Waitangi me ōna mātāpono.

4 SETTLEMENT

ACKNOWLEDGEMENTS

- 4.1 Each party acknowledges that –
- 4.1.1 the Crown has to set limits on what and how much redress is available to settle historical claims; and
 - 4.1.2 it is not possible –
 - (a) to assess the loss and prejudice suffered by the Hapū as a result of the events on which the historical claims are or could be based; or
 - (b) to fully compensate the Hapū for all loss and prejudice suffered; and
 - 4.1.3 the Hapū intend their foregoing of full compensation to contribute to New Zealand's development; and
 - 4.1.4 the settlement is intended to enhance the ongoing relationship between the Hapū and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 The Hapū acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair and the best that can be achieved in the circumstances.
- 4.3 Each party acknowledges that, in negotiating this settlement, within the context of wider settlement policy including the need by the Crown to consider the rights and interests of others, the other parties have acted with an open and honest intent in relation to the settlement.

SETTLEMENT

- 4.4 Therefore, on and from the settlement date, –
- 4.4.1 the historical claims are settled; and
 - 4.4.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
 - 4.4.3 the settlement is final.
- 4.5 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.
- 4.6 Without limiting clause 4.5, nothing in this deed or the settlement legislation will –

DEED OF SETTLEMENT

4: SETTLEMENT

- 4.6.1 extinguish or limit any aboriginal title or customary right that the Hapū may have; or
 - 4.6.2 constitute or imply an acknowledgement by the Crown that any aboriginal title, or customary right, exists; or
 - 4.6.3 except as provided in this deed or the settlement legislation –
 - (a) affect a right that the Hapū may have, including a right arising –
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law (including in relation to aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; or
 - (b) be intended to affect any action or decision under the deed of settlement between Māori and the Crown dated 23 September 1992 in relation to Māori fishing claims; or
 - (c) affect any action or decision under any legislation and, in particular, under legislation giving effect to the deed of settlement referred to in clause 4.6.3(b), including –
 - (i) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or
 - (ii) the Fisheries Act 1996; or
 - (iii) the Maori Fisheries Act 2004; or
 - (iv) the Maori Commercial Aquaculture Claims Settlement Act 2004.
- 4.7 Clause 4.6 does not limit clause 4.4.

REDRESS

- 4.8 The redress, to be provided in settlement of the historical claims, –
- 4.8.1 is intended to benefit the Hapū collectively; but
 - 4.8.2 may benefit particular members, or particular groups of members, of the Hapū if the governance entity so determines in accordance with the governance entity's procedures.

DEED OF SETTLEMENT

4: SETTLEMENT

IMPLEMENTATION

- 4.9 The settlement legislation will, on the terms provided by sections 14 to 19 of the draft settlement bill, –
- 4.9.1 settle the historical claims; and
 - 4.9.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
 - 4.9.3 provide that the legislation referred to in section 16 of the draft settlement bill does not apply –
 - (a) to a redress property, or any RFR land; or
 - (b) for the benefit of the Hapū or a representative entity; and
 - 4.9.4 require any resumptive memorial to be removed from a computer register for, a redress property, or any RFR land; and
 - 4.9.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not –
 - (a) apply to a settlement document; or
 - (b) prescribe or restrict the period during which –
 - (i) the trustees of the Maungaharuru-Tangitū Trust, being the governance entity, may hold or deal with property; and
 - (ii) the Maungaharuru-Tangitū Trust may exist; and
 - 4.9.6 require the Secretary for Justice to make copies of this deed publicly available.
- 4.10 Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 CULTURAL REDRESS

PAYMENT TOWARDS MARAE RELOCATION FUND

- 5.1 On 21 December 2012 the Crown paid \$2,000,000 on account to the governance entity as a contribution to a marae relocation fund to enable the purchase of land on the open market if it becomes available before the settlement date.

CULTURAL REDRESS PROPERTIES

- 5.2 The settlement legislation will vest in the governance entity on the settlement date –

In fee simple subject to an easement

- 5.2.1 the fee simple estate in Part Opouahi Scenic Reserve subject to the governance entity granting a registrable easement for a right of way in relation to that site over the area marked “A” on deed plan OTS-201-04 (the final easement area being subject to survey) in the form in part 6.1 of the documents schedule; and

As a recreation reserve

- 5.2.2 the fee simple estate in Te Pohue Domain Recreation Reserve as a recreation reserve, subject to clause 5.3, and with Hastings District Council as the administering body as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977; and

As a scenic reserve together with an easement

- 5.2.3 the fee simple estate in Bed of Lake Opouahi as a scenic reserve, with the governance entity as the administering body, together with the Minister of Conservation providing a registrable easement for a right of way in relation to that site over the area marked “A” on the diagram attached to the easement document (the final easement area being subject to survey) in the form in part 6.3 of the documents schedule; and
- 5.2.4 the fee simple estate in the stratum above Bed of Lake Opouahi as a scenic reserve, as if it were vested under section 26 of the Reserves Act 1977, with the governance entity as the administering body, together with the Minister of Conservation providing a registrable easement for a right of way in relation to that stratum over the area marked “A” on the diagram attached to the easement document (the final easement area being subject to survey) in the form in part 6.3 of the documents schedule; and

As a recreation reserve together with an easement

- 5.2.5 the fee simple estate in each of the following sites as a recreation reserve, with the governance entity as the administering body:
- (a) Part Bed of Lake Tūtira:

DEED OF SETTLEMENT

5: CULTURAL REDRESS

(b) Bed of Lake Waikopiro:

(c) Bed of Lake Orakai,

together with, in each case, the Minister of Conservation providing a registrable easement for a right of way in relation to that site over the areas marked "A" and "B" on the diagram attached to the easement document (the final easement area being subject to survey) in the form in part 6.2 of the documents schedule; and

5.2.6 the fee simple estate in each of the following strata as a recreation reserve, as if it were vested under section 26 of the Reserves Act 1977, with the governance entity as the administering body:

(a) stratum above Part Bed of Lake Tūtira:

(b) stratum above Bed of Lake Waikopiro:

(c) stratum above Bed of Lake Orakai,

together with, in each case, the Minister of Conservation providing a registrable easement for a right of way in relation to that stratum over the areas marked "A" and "B" on the diagram attached to the easement document (the final easement area being subject to survey) in the form in part 6.2 of the documents schedule.

5.3 The settlement legislation will, on the terms provided in sections 73 to 78 and 101 and 102 of the draft settlement bill, provide that, in relation to the vesting of Te Pohue Domain Recreation Reserve –

5.3.1 despite the vesting of Te Pohue Domain Recreation Reserve in the governance entity, Te Pohue Domain Recreation Reserve hall will not vest in the governance entity and will remain owned by the Hastings District Council and the settlement legislation will, on the terms provided in the draft settlement bill, provide for the use of the hall;

5.3.2 the governance entity must not transfer the fee simple estate in Te Pohue Domain Recreation Reserve to another person, but may update the trustees of the governance entity, only as provided in sections 101 and 102 of the draft settlement bill;

5.3.3 the reserve status of Te Pohue Domain Recreation Reserve must not be revoked or reclassified; and

5.3.4 all management plans relating to Te Pohue Domain Recreation Reserve must be prepared in agreement between Hastings District Council and the governance entity.

5.4 Each cultural redress property is to be –

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- 5.4.1 as described in schedule 4 of the draft settlement bill; and
- 5.4.2 vested on the terms provided by –
 - (a) subpart 8 of part 2 of the draft settlement bill; and
 - (b) part 2 of the property redress schedule; and
- 5.4.3 subject to any encumbrances in relation to that property –
 - (a) required by clause 5.2 to be provided by the governance entity; or
 - (b) required by the settlement legislation; and
 - (c) in particular, referred to by schedule 4 of the draft settlement bill.
- 5.5 To avoid doubt, any obligations on the governance entity under the Local Government Official Information and Meetings Act 1987 apply to the governance entity in its capacity as an administering body under the Reserves Act 1977 but not to the governance entity acting in any other capacity.

PROVISIONS RELATING TO LAKE PROPERTIES

- 5.6 Clause 5.7 applies to the lake properties.
- 5.7 The settlement legislation will, on the terms provided by sections 83 to 90 and 101 to 103 of the draft settlement bill, provide that –
 - 5.7.1 to avoid doubt, the vesting of a lake property does not give any rights to, or impose any obligations on, the governance entity in relation to –
 - (a) the waters of the lake; or
 - (b) the aquatic life of the lake (other than plants attached to the bed of the lake);
 - 5.7.2 despite clause 5.7.1(b), the governance entity is not –
 - (a) liable for any plants attached to the bed of a lake property; or
 - (b) responsible for the control or removal of those plants;
 - 5.7.3 despite any enactment or rule of law, the governance entity is not liable for any contamination –
 - (a) of a lake property (including contamination by plants attached to the bed of the lake);

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (b) of natural and physical resources (as defined in section 2(1) of the Resource Management Act 1991) by a lake property (including contamination by plants attached to the bed of the lake);
 - (c) of a lake property that occurred before the settlement date; or
 - (d) if the liability for the contamination arises only because the governance entity is the owner of a lake property;
- 5.7.4 clause 5.7.3 does not apply to the extent that any contamination is caused by an intentional, reckless, or negligent act or omission of the governance entity;
- 5.7.5 to the extent that a lake property has moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion and avulsion;
- 5.7.6 the governance entity must not transfer the fee simple estate in a lake property to another person except as provided in sections 101 to 103 of the draft settlement bill; and
- 5.7.7 certain provisions will apply to existing structures and new structures in relation to the lake properties.

PART OF OPOUAHI STATION IS CULTURAL REDRESS

- 5.8 The Hapū and the Crown acknowledge that a notional and undefined 250 hectares of Opouahi Station is cultural redress.

TANGOIO

Background

- 5.9 The Hapū have a strong cultural relationship with the Tangoio valley and with the area in which the Tangoio Soil Conservation Reserve (**reserve**) is situated. The Hapū consider that their ability to act as kaitiaki and rangatira in the Tangoio area has been undermined through their exclusion from management of the land in the Tangoio area.
- 5.10 The reserve is a soil conservation reserve controlled and managed by the Regional Council under section 16 of the Soil Conservation and Rivers Control Act 1941. The reserve was established principally to protect part of State Highway 2 from the effects of soil erosion. Large areas of land in this area, including the area in which the reserve is situated, are susceptible to soil erosion.
- 5.11 The Regional Council also controls and manages the commercial forest on the reserve. Income derived from time to time from the reserve and the forest and expenses incurred in relation to the reserve and the forest are held in and paid from a fund (**reserve fund**). The reserve fund is also controlled and managed by the Regional Council.

DEED OF SETTLEMENT

5: CULTURAL REDRESS

Redress

- 5.12 The Crown has therefore agreed, with the support of the Regional Council, to provide redress to the Hapū in relation to the Tangoio area that reflects this strong relationship and provides the Hapū with a kaitiaki role in relation to those parts of the four water catchments surrounding the reserve, being the Esk, Te Ngarue, Waipātiki and Aropaoanui water catchments that are within the area of interest, as shown on deed plan OTS-201-53 (**catchments management area**).
- 5.13 The Crown and the Hapū acknowledge that despite the redress being provided to the Hapū under clause 5.14, the primary objective of the reserve and the reserve fund remains, under section 16(4) of the Soil Conservation and Rivers Control Act 1941, to conserve the soil of the reserve and prevent injury to other land, in particular that part of State Highway 2 adjacent to the reserve.

Catchments fund

- 5.14 The settlement legislation will, on the terms provided in subpart 1 of part 2 of the draft settlement bill provide that –
- 5.14.1 the Regional Council must –
- (a) establish a new fund (**catchments fund**), by opening a dedicated account at a registered bank for that purpose; and
 - (b) administer the catchments fund;
- 5.14.2 the Regional Council may from time to time transfer money from the reserve fund to the catchments fund, if the Regional Council is satisfied that the transfer will not adversely affect the Regional Council's obligations under section 16(4) of the Soil Conservation and Rivers Control Act 1941 to manage and control the reserve in a manner that in the Regional Council's opinion will best conserve the soil of the reserve and prevent injury to other land;
- 5.14.3 the Regional Council must, at least once every three years after the settlement date, assess whether any money may be transferred from the reserve fund to the catchments fund in accordance with clause 5.14.2;
- 5.14.4 the Regional Council and the governance entity must jointly agree on how the Regional Council may apply money in the catchments fund, provided that neither the Regional Council nor the governance entity will unreasonably withhold their agreement;
- 5.14.5 the Regional Council may apply the money in the catchments fund only for –
- (a) avoiding, remedying or mitigating soil erosion and its effects on the environment (as defined in section 2(1) of the Resource Management Act 1991) in the catchments management area; and
 - (b) maintaining the physical, chemical and biological qualities of the soil in the catchments management area;

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- 5.14.6 to avoid doubt, clause 5.14.5 does not authorise the Regional Council to use any money in the catchments fund to purchase land;
- 5.14.7 the Soil Conservation and Rivers Control Act 1941 will not apply to the catchments fund or to the management of the catchments fund;
- 5.14.8 the Regional Council must, if requested by LINZ, provide information in relation to the catchments fund in accordance with the draft settlement bill;
- 5.14.9 the Regional Council must return any money generated from the application of money in the catchments fund to the catchments fund, less any actual and reasonable expenses incurred by the Regional Council in administering the catchments fund; and
- 5.14.10 to avoid doubt, nothing in clause 5.14 derogates from the Regional Council's obligations under the Soil Conservation and Rivers Control Act 1941 in relation to the reserve, the commercial forest on the reserve, or the reserve fund.

VESTING AND GIFT BACK

- 5.15 The settlement legislation will, on the terms provided by section 107 of the draft settlement bill, provide that –
 - 5.15.1 the fee simple estate in the following sites will vest in the governance entity on 12 January 2017 (**vesting date**) –
 - (a) Boundary Stream Scenic Reserve (as shown on deed plan OTS-201-08);
 - (b) Bellbird Bush Scenic Reserve (as shown on deed plan OTS-201-07);
 - (c) Balance of the Opouahi Scenic Reserve (as shown on deed plan OTS-201-09); and
 - (d) Whakaari Landing Place Reserve (as shown on deed plan OTS-201-06),

(**vesting and gift back sites**);
 - 5.15.2 on the seventh day after the vesting date, the fee simple estate in the vesting and gift back sites will vest in the Crown –
 - (a) by way of gift from the governance entity to the people of New Zealand;
 - (b) as a government purpose (landing place) reserve in relation to the Whakaari Landing Place Reserve; and
 - (c) as scenic reserves in relation to the other vesting and gift back sites;

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- 5.15.3 the following matters will apply as if the vestings referred to in clauses 5.15.1 and 5.15.2 had not occurred –
- (a) the Whakaari Landing Place Reserve remains a government purpose (landing place) reserve under the Reserves Act 1977;
 - (b) the other vesting and gift back sites remain scenic reserves under the Reserves Act 1977;
 - (c) any enactment, instrument or encumbrance that applied to a vesting and gift back site immediately before the vesting date continues to apply to it;
 - (d) to the extent that the Tātai Tūāpapa or the statutory acknowledgement applies to a vesting and gift back site immediately before the vesting date, it continues to apply to that site; and
 - (e) the Crown retains all liability for the vesting and gift back sites; and
- 5.15.4 the vestings referred to in clauses 5.15.1 and 5.15.2 are not affected by any enactment.
- 5.16 To avoid doubt, the vesting in clause 5.15.1 will occur on the vesting date, despite that date not being a business day.

TĀTAI TŪĀPAPA

- 5.17 The settlement legislation will, on the terms provided by subpart 5 of part 2 of the draft settlement bill, –
- 5.17.1 declare each of the following sites is subject to the Tātai Tūāpapa:
- (a) Boundary Stream Scenic Reserve (as shown on deed plan OTS-201-10):
 - (b) Bellbird Bush Scenic Reserve (as shown on deed plan OTS-201-11):
 - (c) Balance of the Tutira Domain Recreation Reserve (as shown on deed plan OTS-201-12):
 - (d) Earthquake Slip Marginal Strip (as shown on deed plan OTS-201-13):
 - (e) Moeangiāngi Marginal Strip (as shown on deed plan OTS-201-14):
 - (f) Tangoio Marginal Strip (as shown on deed plan OTS-201-15):
 - (g) Waipatiki Beach Marginal Strip (as shown on deed plan OTS-201-16):

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (h) Whakaari Landing Place Reserve (as shown on deed plan OTS-201-17):
 - (i) Balance of the Opouahi Scenic Reserve (as shown on deed plan OTS-201-42); and
- 5.17.2 provide the Crown's acknowledgement of the statement of the Hapū values in relation to each of the sites; and
- 5.17.3 require the New Zealand Conservation Authority, or a relevant conservation board, –
 - (a) when considering a conservation management strategy, conservation management plan or national park management plan, in relation to a site, to have particular regard to the statement of Hapū values, and the protection principles, for the site; and
 - (b) before approving a conservation management strategy, conservation management plan or national park management plan, in relation to a site, to –
 - (i) consult with the governance entity; and
 - (ii) have particular regard to its views as to the effect of the strategy or plan on the Hapū values, and the protection principles, for the site; and
- 5.17.4 provide that where the governance entity advises the New Zealand Conservation Authority in writing that it has significant concerns about a draft conservation management strategy in relation to a site, the New Zealand Conservation Authority will, before approving the strategy, give the governance entity an opportunity to make submissions in relation to those concerns; and
- 5.17.5 require the Director-General of Conservation to take action in relation to the protection principles; and
- 5.17.6 enable the making of regulations and bylaws in relation to the sites.
- 5.18 The statement of the Hapū values, the protection principles, and the Director-General's actions are in the documents schedule.

STATUTORY ACKNOWLEDGEMENT

- 5.19 The settlement legislation will, on the terms provided by sections 37 to 45 and 47 to 50 of the draft settlement bill, –
 - 5.19.1 provide the Crown's acknowledgement of the statements by the Hapū of their particular cultural, spiritual, historical, and traditional association with the following areas (to the extent that those areas are within the area of interest):

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (a) Earthquake Slip Marginal Strip (as shown on deed plan OTS-201-20):
- (b) Moeangiangi Marginal Strip (as shown on deed plan OTS-201-21):
- (c) Esk Kiwi Sanctuary Area (as shown on deed plan OTS-201-22):
- (d) Tangoio Falls Scenic Reserve (as shown on deed plan OTS-201-23):
- (e) White Pine Bush Scenic Reserve (as shown on deed plan OTS-201-24):
- (f) Mangapukahu Scenic Reserve (as shown on deed plan OTS-201-25):
- (g) Te Kuta Recreation Reserve (as shown on deed plan OTS-201-26):
- (h) Waipatiki Scenic Reserve (as shown on deed plan OTS-201-27):
- (i) Waikoau Conservation Area (as shown on deed plan OTS-201-28):
- (j) Peaks of Maungaharuru Range (as shown on deed plan OTS-201-29):
- (k) Balance of the Tutira Domain Recreation Reserve (as shown on deed plan OTS-201-30):
- (l) Balance of the Opouahi Scenic Reserve (as shown on deed plan OTS-201-31):
- (m) Boundary Stream Scenic Reserve (as shown on deed plan OTS-201-46):
- (n) Bellbird Bush Scenic Reserve (as shown on deed plan OTS-201-47):
- (o) Whakaari Landing Place Reserve (as shown on deed plan OTS-201-48):
- (p) Tangoio Marginal Strip (as shown on deed plan OTS-201-49):
- (q) Waipatiki Beach Marginal Strip (as shown on deed plan OTS-201-50):
- (r) the part or parts of the following areas that are owned by the Crown –
 - (i) Anaura Stream and its tributaries (as shown on deed plan OTS-201-32):
 - (ii) Aropaoanui River and its tributaries (as shown on deed plan OTS-201-33):
 - (iii) Esk River and its tributaries (as shown on deed plan OTS-201-34):

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- (iv) Mahiaruhe Stream and its tributaries (as shown on deed plan OTS-201-35):
 - (v) Te Ngarue Stream and its tributaries (as shown on deed plan OTS-201-36):
 - (vi) Waikari River and its tributaries (as shown on deed plan OTS-201-37):
 - (vii) Waikoau River and its tributaries (as shown on deed plan OTS-201-38):
 - (viii) Moeangiangi River and its tributaries (as shown on deed plan OTS-201-39):
 - (ix) Sandy Creek and its tributaries (as shown on deed plan OTS-201-43):
 - (x) Waitaha Stream and its tributaries (as shown on deed plan OTS-201-44):
 - (xi) Pākuratahi Stream and its tributaries (as shown on deed plan OTS-201-45):
 - (s) Hapū Coastal Marine Area (as shown on deed plan OTS-201-40):
 - (t) Rocks and Reefs (as shown on deed plan OTS-201-41); and
- 5.19.2 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement; and
- 5.19.3 require relevant consent authorities to forward to the governance entity –
- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and
 - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- 5.19.4 require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas; and
- 5.19.5 enable the governance entity, and any member of the Hapū, to cite the statutory acknowledgement as evidence of the association of the Hapū with an area.
- 5.20 The statements of association are in the documents schedule.

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- 5.21 The Crown and the Hapū acknowledge that the Crown and the Hapū have different concepts and views regarding relationships with the rivers and streams described in clauses 5.19.1(r)(i) to 5.19.1(r)(xi) including issues regarding “ownership”.
- 5.22 The provision of statutory acknowledgements to the Hapū does not, of itself, amount to an acknowledgement by the Hapū of any Crown estate or interest in the rivers and streams described in clauses 5.19.1(r)(i) to 5.19.1(r)(xi) nor may it be used as evidence of such an estate or interest.

DEEDS OF RECOGNITION

- 5.23 The Crown must, by or on the settlement date, provide the governance entity with a copy of each of the following:
- 5.23.1 a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
- (a) Earthquake Slip Marginal Strip (as shown on deed plan OTS-201-20):
 - (b) Moeangiangi Marginal Strip (as shown on deed plan OTS-201-21):
 - (c) Esk Kiwi Sanctuary Area (as shown on deed plan OTS-201-22):
 - (d) Tangoio Falls Scenic Reserve (as shown on deed plan OTS-201-23):
 - (e) White Pine Bush Scenic Reserve (as shown on deed plan OTS-201-24):
 - (f) Mangapukahu Scenic Reserve (as shown on deed plan OTS-201-25):
 - (g) Te Kuta Recreation Reserve (as shown on deed plan OTS-201-26):
 - (h) Waipatiki Scenic Reserve (as shown on deed plan OTS-201-27):
 - (i) Waikoau Conservation Area (as shown on deed plan OTS-201-28):
 - (j) Peaks of Maungaharuru Range (as shown on deed plan OTS-201-29):
 - (k) Anaura Stream and its tributaries (as shown on deed plan OTS-201-32):
 - (l) Aropaoanui River and its tributaries (as shown on deed plan OTS-201-33):
 - (m) Esk River and its tributaries (as shown on deed plan OTS-201-34):
 - (n) Mahiaruhe Stream and its tributaries (as shown on deed plan OTS-201-35):
 - (o) Te Ngarue Stream and its tributaries (as shown on deed plan OTS-201-36):

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- (p) Waikari River and its tributaries (as shown on deed plan OTS-201-37); and
 - (q) Waikoau River and its tributaries (as shown on deed plan OTS-201-38); and
- 5.23.2 a deed of recognition, signed by the Commissioner of Crown Lands, in relation to the following areas:
 - (a) Anaura Stream and its tributaries (as shown on deed plan OTS-201-32):
 - (b) Aropaoanui River and its tributaries (as shown on deed plan OTS-201-33):
 - (c) Esk River and its tributaries (as shown on deed plan OTS-201-34):
 - (d) Mahiaruhe Stream and its tributaries (as shown on deed plan OTS-201-35):
 - (e) Te Ngarue Stream and its tributaries (as shown on deed plan OTS-201-36):
 - (f) Waikari River and its tributaries (as shown on deed plan OTS-201-37); and:
 - (g) Waikoau River and its tributaries (as shown on deed plan OTS-201-38).
- 5.24 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.25 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation, or the Commissioner of Crown Lands, as the case may be, must, if undertaking certain activities within an area that the deed relates to, –
 - 5.25.1 consult the governance entity; and
 - 5.25.2 have regard to its views concerning the association of the Hapū with the area as described in a statement of association.

FORM AND EFFECT OF DEEDS OF RECOGNITION

- 5.26 Each deed of recognition will be –
 - 5.26.1 in the form in the documents schedule; and
 - 5.26.2 issued under, and subject to, the terms provided by section 37 and sections 46 to 49 of the draft settlement bill.
- 5.27 A failure by the Crown to comply with a deed of recognition is not a breach of this deed.

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TE KAWENATA

- 5.28 The Crown and the governance entity agree that the Minister of Conservation, the Director-General of Conservation, and the governance entity will enter into a partnership agreement, to be known as Te Kawenata, relating to Te Kawenata Area, the form of which is in part 7 of the documents schedule.
- 5.29 The parties recognise the existing Treaty of Waitangi obligations of the Department of Conservation under section 4 of the Conservation Act 1987. The purpose of Te Kawenata is to build upon these obligations and to provide a framework for active engagement relating to Te Kawenata Area.
- 5.30 The governance entity, the Minister of Conservation and the Director-General of Conservation will, on or before the settlement date, sign Te Kawenata.
- 5.31 The settlement legislation will, on the terms provided in subpart 2 of part 2 of the draft settlement bill –
- 5.31.1 give effect to clauses 5.28 to 5.30; and
- 5.31.2 provide for Te Kawenata.

PROTOCOLS

- 5.32 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:
- 5.32.1 the Crown minerals protocol:
- 5.32.2 the taonga tūturu protocol.
- 5.33 A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

FORM AND EFFECT OF PROTOCOLS

- 5.34 Each protocol will be –
- 5.34.1 in the form in the documents schedule; and
- 5.34.2 issued under, and subject to, the terms provided by subpart 3 of part 2 of the draft settlement bill.
- 5.35 A failure by the Crown to comply with a protocol is not a breach of this deed.

RELATIONSHIP AGREEMENT WITH THE MINISTRY FOR THE ENVIRONMENT

- 5.36 The Ministry for the Environment and the governance entity must by or on the settlement date sign a relationship agreement.

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5: CULTURAL REDRESS

- 5.37 The relationship agreement sets out how the Ministry for the Environment will interact with the governance entity with regard to the matters specified in it.
- 5.38 The relationship agreement will be in the form in the documents schedule.

FISHERIES RELATIONSHIP AGREEMENT

- 5.39 The parties agree to develop a fisheries relationship agreement in conjunction with Ngati Kahungunu Iwi Incorporated and the mandated representatives.
- 5.40 Part 4 of the general matters schedule sets out the parties' agreement in respect of the fisheries relationship agreement.

APPOINTMENT AS ADVISORY COMMITTEE

- 5.41 By or on the settlement date, the Minister for Primary Industries must, on the terms provided by section 66 of the draft settlement bill, appoint the governance entity as an advisory committee to the Minister for Primary Industries under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 for the purposes of advising the Minister on any proposed changes to -
- 5.41.1 the prohibition on the commercial taking of finfish from the waters of the area in Hawke's Bay known as the Wairoa Hard; and
- 5.41.2 the restriction on the use of nets for the taking of finfish in the waters of the area in Hawke's Bay known as the Wairoa Hard.

PROMOTION OF RELATIONSHIP WITH MINISTRIES AND DEPARTMENTS

- 5.42 By or on the settlement date, the Minister for Treaty of Waitangi Negotiations will write a letter to each of the following Ministries and departments, to provide a platform for the governance entity and each of the agencies to better engage with each other:
- 5.42.1 Ministry of Business, Innovation and Employment:
- 5.42.2 Ministry of Justice:
- 5.42.3 Ministry of Health:
- 5.42.4 Ministry of Education:
- 5.42.5 Ministry of Māori Development:
- 5.42.6 Ministry of Social Development:
- 5.42.7 New Zealand Police:
- 5.42.8 Department of Internal Affairs (National Library and Archives functions).

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5: CULTURAL REDRESS

LETTERS OF INTRODUCTION TO ENTITIES, AGENCIES, LOCAL AUTHORITIES, MUSEUMS AND OTHER INSTITUTIONS

5.43 By or on the settlement date, the Minister for Treaty of Waitangi Negotiations will write a letter of introduction to each of the following entities, agencies, local authorities, museums and other institutions, to introduce the governance entity, and encourage each entity, agency, local authority, museum or other institution to enhance their relationship with the governance entity:

5.43.1 New Zealand Historic Places Trust:

5.43.2 Regional Council:

5.43.3 Napier City Council:

5.43.4 Hastings District Council:

5.43.5 New Zealand Transport Agency:

5.43.6 Fish and Game Council of New Zealand:

5.43.7 Environmental Protection Authority:

5.43.8 Museum of New Zealand Te Papa Tongarewa:

5.43.9 Auckland War Memorial Museum:

5.43.10 Rotorua Museum Te Whare Taonga o Te Arawa:

5.43.11 Taupo Museum:

5.43.12 Whakatane District Museum and Gallery:

5.43.13 Tairāwhiti Museum:

5.43.14 Central Hawke's Bay Settlers Museum:

5.43.15 Hawke's Bay Museum and Art Gallery (Napier):

5.43.16 Wairoa District Museum:

5.43.17 Aratoi-Wairarapa Museum of Art and History:

5.43.18 Pataka Museum of Arts and Cultures:

5.43.19 Puke Ariki:

5.43.20 Te Manawa (Palmerston North):

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5.43.21 Whanganui Regional Museum.

HAWKE'S BAY REGIONAL PLANNING COMMITTEE

Establishment of the committee

- 5.44 The governance entity and the Regional Council, and other Hawke's Bay iwi and hapū, have agreed to establish the Hawke's Bay Regional Planning Committee (**committee**) as a permanent committee of the Regional Council in order to improve the engagement between the Regional Council and tāngata whenua in relation to resource management matters in the Hawke's Bay region.
- 5.45 The governance entity and the Regional Council, and other Hawke's Bay iwi and hapū have agreed interim terms of reference for the committee that were adopted by the Regional Council on 14 December 2011.
- 5.46 On the basis of the agreements reached in clauses 5.44 and 5.45, the Crown will propose a bill for introduction to the House of Representatives that, if enacted, will –
- 5.46.1 give effect to clause 5.44; and
- 5.46.2 provide for the committee.

General

- 5.47 The governance entity acknowledges that –
- 5.47.1 the redress under clauses 5.44 to 5.46 is the Crown's commitment to introduce legislation under clause 5.46; and
- 5.47.2 the Crown is not in breach of its commitment if the legislation introduced is not enacted.

POUWHENUA AND INTERPRETATION PANEL FUNDING

- 5.48 On the settlement date, the Crown will pay to the governance entity \$15,000 for the purpose of erecting pouwhenua on sites of historical and cultural importance to the Hapū in the area of interest.
- 5.49 If the governance entity identifies a proposed site for erection of pouwhenua on land in the area of interest owned by an agency or local authority listed in clause 5.43 and notifies the Crown no later than 10 business days before the settlement date, the Minister for Treaty of Waitangi Negotiations will refer to the proposed pouwhenua site in the relevant letter of introduction and the Hapū may engage with that agency or local authority about the proposed pouwhenua site.
- 5.50 If the governance entity identifies any proposed site for pouwhenua that is on land administered by the Department of Conservation in Te Kawenata Area, the erection of pouwhenua on this site will be agreed in accordance with the terms of Te Kawenata.

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5: CULTURAL REDRESS

- 5.51 The parties acknowledge that on 20 March 2013 a Commissioner of the Department of Conservation authorised the erection of a pouwhenua on Te Kuta Recreation Reserve under the Reserves Act 1977.

NEW AND ALTERED GEOGRAPHIC NAMES

- 5.52 The settlement legislation will, from the settlement date, –

- 5.52.1 assign each of the following new geographic names to the location set opposite it:

New geographic name	Location (topographic map and grid references)	Geographic feature type
Hinekatorangi Wetlands	BJ39 355353	Wetlands
Motu-o-Rūrū	BJ38 157450	Historical site
Ngāmoerangi	BJ39 371370	Historical site
Panepaoa	BJ39 370370	Historical site
Rangiātaahua	BJ39 368402 – BJ39 369398	Historical site
Tauwhare Papauma	BJ38 182532	Historical site
Te Areare	BJ39 384385 – BJ39 389386	Historical site
Te Rae-o-Tangoio	BJ39 374384	Historical site
Te Waka-o-Ngārangikataka Ridge	BJ38 157514 – BJ38 172531	Ridge
Tiwhanui	BJ39 479523 – BJ40 487526	Historical site

- 5.52.2 alter each of the following existing geographic names to the altered geographic name set opposite it:

Existing geographic name (official, recorded or local use)	Altered geographic name	Location (topographic map and grid references)	Geographic feature type
Ahuateatua	Ahu-o-te-Atua	BH38 228601	Peak
Lake Pohue	Lake Te Pōhue	BJ38 180490	Lake
Lake Tutira	Lake Tūtira	BJ39 361513	Lake
Mangakopikopiko Stream	Mangakōpikopiko Stream	BJ38 214421 – BJ39 262362	Stream
Pakuratahi Stream	Pākuratahi Stream	BJ39 317402 – BJ39 373373	Stream
Purahotangihia	Pūrahoitangihia	BJ39 293480	Peak
Taits Beach (local use only)	Punakērua Beach	BJ39 399 390 – BJ39 409404	Beach
Te Ngaru Stream	Te Ngarue Stream	BJ39 314438 – BJ39 372373	Stream
Waipatiki Beach	Waipātiki Beach	BJ39 429422	Beach
Waipatiki Stream	Waipātiki Stream	BJ39 360450 – BJ39 427420	Stream
Whakaari (recorded name)	Whakaari (official name)	BJ39 391382	Point
Whirinaki Bluff	Te Uku Bluff	BJ39 361356	Bluff

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- 5.53 The settlement legislation will assign the new geographic names, and alter the existing geographic names, on the terms provided by subpart 7 of part 2 of the draft settlement bill.

USE OF DEFINED TERM FOR OFFICIAL GEOGRAPHIC NAME

- 5.54 Each of the following defined terms is not the official name of the geographic feature or Crown protected area to which it relates:

5.54.1 Boundary Stream Scenic Reserve:

5.54.2 Whakaari Landing Place Reserve:

5.54.3 Moeangiangi Marginal Strip:

5.54.4 Tangoio Marginal Strip:

5.54.5 Earthquake Slip Marginal Strip:

5.54.6 Pākuratahi Stream (current official name Pakuratahi Stream):

5.54.7 Te Ngarue Stream (current official name Te Ngaru Stream):

5.54.8 Lake Tūtira (current official name Lake Tutira):

5.54.9 Waipātiki Stream (current official name Waipatiki Stream).

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

- 5.55 Where cultural redress is non-exclusive, the Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.
- 5.56 The Crown must not enter into another settlement with another iwi or hapū that provides for the same redress where that redress has been made available exclusively for the Hapū.
- 5.57 Clause 5.55 is not an acknowledgement by the Crown or the Hapū that any other iwi or group has interests in relation to land or an area to which any of the non-exclusive cultural redress relates.

6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 6.1 The Crown must pay the governance entity within five business days after the date of this deed the amount of \$13,278,000 (**cash payment**), being the financial and commercial redress amount of \$23,000,000 less \$9,722,000 being the total transfer values of the commercial redress properties.

COMMERCIAL REDRESS PROPERTIES

- 6.2 Each commercial redress property is to be –

- 6.2.1 transferred by the Crown to the governance entity on the settlement date –

- (a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the governance entity or any other person; and
- (b) on the terms of transfer in part 4 of the property redress schedule; and

- 6.2.2 as described, and is to have the transfer value provided, in part 3 of the property redress schedule.

- 6.3 The transfer of each commercial redress property will be –

- 6.3.1 subject to, and where applicable with the benefit of, the disclosed encumbrances in relation to that property; and

- 6.3.2 in the case of Opouahi Station, -

- (a) subject to the governance entity providing to the Crown by or on the settlement date a registrable easement for a right of way in relation to that property over the area marked “B” on deed plan OTS-201-04 (the final easement area being subject to survey) in the form in part 6.4 of the documents schedule; and
- (b) together with the Crown procuring Landcorp Holdings Limited to provide a registrable easement for a right of way in relation to that property over the area marked “A” on the diagram attached to the easement document (the final easement area being subject to survey) in the form in part 6.5 of the documents schedule.

- 6.4 Without limiting clause 6.2, the Hapū and the Crown acknowledge that 250 hectares of Opouahi Station to be transferred to the governance entity is cultural redress.

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

LICENSED LAND

- 6.5 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide for the following in relation to the commercial redress property that is licensed land:
- 6.5.1 its transfer by the Crown to the governance entity:
 - 6.5.2 it to cease to be Crown forest land upon registration of the transfer:
 - 6.5.3 the governance entity to be, from the settlement date, in relation to the licensed land, –
 - (a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
 - (b) entitled to the rental proceeds since the commencement of the Crown forestry licence:
 - 6.5.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if –
 - (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
 - (b) the Waitangi Tribunal's recommendation became final on settlement date:
 - 6.5.5 the governance entity to be the licensor under the Crown forestry licence, as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying:
 - 6.5.6 for rights of access to areas that are wāhi tapu.

SETTLEMENT LEGISLATION

- 6.6 The settlement legislation will, on the terms provided by sections 108 to 120 of the draft settlement bill, enable the transfer of the commercial redress properties.

RFR FROM THE CROWN

- 6.7 The governance entity is to have a right of first refusal in relation to a disposal by the Crown or a Crown body of RFR land, being land within the RFR area that, on the settlement date, –
- 6.7.1 is vested in the Crown; or

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

- 6.7.2 the fee simple for which is held by the Crown; or
 - 6.7.3 is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown.
- 6.8 The right of first refusal is –
- 6.8.1 to be on the terms provided by subpart 4 of part 3 of the draft settlement bill; and
 - 6.8.2 in particular, to apply –
 - (a) for a term of 172 years from the settlement date; but
 - (b) only if the RFR land is not being disposed of in the circumstances provided by sections 129 to 138 of the draft settlement bill.

7 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

- 7.1 Within 12 months after the date of this deed, the Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 7.2 The draft settlement bill proposed for introduction may include changes –
 - 7.2.1 of a minor or technical nature; or
 - 7.2.2 where clause 7.2.1 does not apply where those changes have been agreed in writing by the governance entity and the Crown.
- 7.3 The Hapū and the governance entity must support the passage through Parliament of the settlement legislation.

SETTLEMENT CONDITIONAL

- 7.4 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.5 However, the following provisions of this deed are binding on its signing:
 - 7.5.1 clause 5.1:
 - 7.5.2 clause 6.1:
 - 7.5.3 clauses 7.3 to 7.9:
 - 7.5.4 clauses 8.5 to 8.8:
 - 7.5.5 paragraph 1.3, and parts 2 to 8, of the general matters schedule.

EFFECT OF THIS DEED

- 7.6 This deed –
 - 7.6.1 is “without prejudice” until it becomes unconditional; and
 - 7.6.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.7 Clause 7.6 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

DEED OF SETTLEMENT

7: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

TERMINATION

- 7.8 The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 7.8.1 the settlement legislation has not come into force within 30 months after the date of this deed; and
 - 7.8.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 7.9 If this deed is terminated in accordance with its provisions, –
- 7.9.1 this deed (and the settlement) are at an end; and
 - 7.9.2 subject to this clause, this deed does not give rise to any rights or obligations; and
 - 7.9.3 this deed remains “without prejudice”; but
 - 7.9.4 the parties intend that every payment made under clause 5.1 or clause 6.1 or part 2 of the general matters schedule is taken into account in any future settlement of the historical claims.

8 GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

- 8.1 The general matters schedule includes provisions in relation to –
- 8.1.1 the implementation of the settlement; and
 - 8.1.2 the Crown's –
 - (a) payment of interest in relation to the settlement; and
 - (b) tax indemnities in relation to redress; and
 - 8.1.3 the fisheries relationship agreement; and
 - 8.1.4 giving notice under this deed or a settlement document; and
 - 8.1.5 amending this deed.

HISTORICAL CLAIMS

- 8.2 In this deed, **historical claims** –
- 8.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that the Hapū, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
 - (a) is, or is founded on, a right arising –
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law, including aboriginal title or customary law; or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992 –
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation; and

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- 8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to the Hapū or a representative entity, including the following claims:
- (a) Wai 119 – Mohaka Purchase claim:
 - (b) Wai 201 – Wairoa ki Wairarapa claims/Ngāti Kahungunu generic claim:
 - (c) Wai 299 – Mohaka-Waikare Raupatu/Confiscation claim:
 - (d) Wai 400 – Ahuriri Purchase claim.
- 8.3 However, **historical claims** does not include the following claims:
- 8.3.1 Wai 55 – Te Whanganui-ā-Orotu claim (this claim is being negotiated by another Crown-approved mandated body on behalf of Marangatūhetaua and Ngāi Te Ruruku ki Tangoio):
 - 8.3.2 Wai 692 – Napier Hospital and Health Services claim (this claim is being negotiated by another Crown-approved mandated body on behalf of the Hapū):
 - 8.3.3 a claim that a member of the Hapū, or a whānau, hapū, or group referred to in clause 8.5.2, may have that is, or is founded on, a right arising as a result of being descended from a tipuna who is not referred to in clause 8.5.1:
 - 8.3.4 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 8.3.3.
- 8.4 To avoid doubt, clause 8.2.1 is not limited by clause 8.2.2.

MAUNGAHARURU-TANGITŪ HAPŪ

- 8.5 In this deed, **Maungaharuru-Tangitū Hapū** or **Hapū** means –
- 8.5.1 the collective group composed of individuals who descend from one or more of the Hapū tīpuna; and
 - 8.5.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.5.1, including the following groups:
 - (a) Ngāti Kurumōkihi (formerly known as Ngāi Tataara);
 - (b) Marangatūhetaua (also known as Ngāti Tū);
 - (c) Ngāti Whakaari;
 - (d) Ngāi Tauira;

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

(e) Ngāi Te Ruruku ki Tangoio; and

(f) Ngāi Tahu; and

8.5.3 every individual referred to in clause 8.5.1.

8.6 For the purposes of clause 8.5.1 –

8.6.1 a person is **descended** from another person if the first person is descended from the other by –

(a) birth; or

(b) legal adoption.

8.6.2 **Hapū tipuna** means an individual who exercised customary rights by virtue of being descended from:

(a) Tataramoa (for Ngāi Tatara and Ngāti Kurumōkihi);

(b) Tukapua I (for Marangatūhetaua (Ngāti Tū));

(c) Whakaari (for Ngāti Whakaari);

(d) Tauira and Mateawha (for Ngāi Tauira);

(e) Te Ruruku through Hemi Puna and Taraipene Tuaitu (for Ngāi Te Ruruku ki Tangoio); or

(f) Tahumatua II (for Ngāi Tahu) and the tipuna named in one of clauses 8.6.2(a) to (e); and

who exercised customary rights in relation to the area of interest any time after 6 February 1840; and

8.6.3 **customary rights** means rights according to tikanga Māori (Māori customary values and practices), including –

(a) rights to occupy land; and

(b) rights in relation to the use of land or other natural or physical resources.

ADDITIONAL DEFINITIONS

8.7 The definitions in part 7 of the general matters schedule apply to this deed.

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

INTERPRETATION

- 8.8 Part 8 of the general matters schedule applies to the interpretation of this deed.

DEED OF SETTLEMENT

SIGNED as a deed on 25 May 2013

SIGNED for and on behalf of **THE CROWN** by –

The Minister for Treaty of Waitangi
Negotiations in the presence of –

Hon Christopher Finlayson

WITNESS

Name:

Occupation:

Address:

The Minister of Finance
(only in relation to the tax indemnities)
in the presence of –

Hon Simon William English

WITNESS

Name:

Occupation:

Address:

DEED OF SETTLEMENT

SIGNED by the **TRUSTEES OF THE
MAUNGAHARURU-TANGITŪ TRUST**
as trustees of that trust and
for and on behalf of the
MAUNGAHARURU-TANGITŪ HAPŪ
in the presence of –

Bevan Maihi Taylor
Chairperson

Tania Marama Petrus Hopmans
Deputy Chairperson

Tamehana Pekapeka Manaena

Charmaine Dawn Kui Butler

Kerri Donna Nuku

Justin Owen Ian Puna

Frederick Roy Maadi Reti

Elaine Rangituia Taylor

WITNESS

Name:

Occupation:

Address:

Sabré Te Rina Puna, a trustee of the
Maungaharuru-Tangitū Trust, signs to
indicate her support for the settlement

DEED OF SETTLEMENT

People of the Maungaharuru-Tangitū Hapū signed below to indicate their support for the settlement.

DEED OF SETTLEMENT

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