

NGĀTI HINERANGI
and
TE PUĀWAITANGA O NGĀTI HINERANGI IWI TRUST
and
THE CROWN

DEED OF SETTLEMENT OF
HISTORICAL CLAIMS

4 May 2019

PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngāti Hinerangi and breached te Tiriti o Waitangi / the Treaty of Waitangi and its principles; and
- provides an acknowledgement by the Crown of the Treaty breaches and an apology; 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 Ngāti Hinerangi to receive the redress; and
- includes definitions of –
 - the historical claims; and
 - Ngāti Hinerangi; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

TABLE OF CONTENTS

1	BACKGROUND.....	7
2	TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI	9
	HISTORICAL ACCOUNT	37
3	NGĀ WHAKAAETANGA ME TE WHAKAPĀHA.....	63
	ACKNOWLEDGEMENT AND APOLOGY	66
4	SETTLEMENT	69
5	CULTURAL REDRESS	71
6	FINANCIAL AND COMMERCIAL REDRESS	81
7	SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION	85
8	GENERAL, DEFINITIONS, AND INTERPRETATION.....	87

SCHEDULES

GENERAL MATTERS

1. Implementation of settlement
2. Interest
3. Tax
4. Notice
5. Miscellaneous
6. Defined terms
7. Interpretation

PROPERTY REDRESS

1. Disclosure information and warranty
2. Vesting of cultural redress properties
3. Commercial redress properties
4. Terms of transfer for commercial redress properties
5. Notice in relation to redress properties
6. Definitions

DOCUMENTS

1. Overlay Classification
2. Statements of Association (Statutory Acknowledgement)
3. Statement of Association for Waiorongomai
4. Deeds of Recognition
 - 4.1 Part Maurihero Scenic Reserve
 - 4.2 Waiuananu
5. Protocols
 - 5.1 Crown Minerals Protocol
 - 5.2 Taonga Tūturu Protocol
6. Relationship Agreement with the Department of Conservation
7. Relationship Agreement with the Ministry for the Environment
8. Ministry for Primary Industries Letter of Recognition
9. Letters of Introduction
 - 9.1 Letter of Introduction – Crown and Non-Crown Organisations
 - 9.2 Letter of Introduction – Department of Internal Affairs

DEED OF SETTLEMENT

- 9.3 Letter of Introduction – Housing New Zealand**
- 9.4 Letter of Introduction – Minister of Internal Affairs**
- 9.5 Letter of Introduction – Museums**
- 10. Encumbrances**
 - 10.1 Right of Way Easement for Te Ara o Maurihoro (West) Property**
 - 10.2 Right of Way Easement for Te Hanga**
 - 10.3 Right of Way Easement for Te Taiaha a Tangata**
 - 10.4 Right of Way Easement for Te Tuhi (East) Property**
 - 10.5 Right of Way Easement for Te Tuhi (West) Property**
 - 10.6 Right of Way Easement for Wairere Falls Property**
- 11. Encumbrance for Licensed Land**
 - 11.1 Tuahu Track Carpark Easement**
 - 11.2 Tuahu Track Easement**
- 12. Ministry of Education lease**
- 13. New Zealand Police lease**

ATTACHMENTS

Area of interest

Deed plans

Manawaru School House Site Diagram

RFR land

Draft settlement bill

DEED OF SETTLEMENT

THIS DEED is made between

Ngāti Hinerangi

and

Te Puāwaitanga o Ngāti Hinerangi Iwi Trust

and

THE CROWN

1 BACKGROUND

NEGOTIATIONS

- 1.1. Ngāti Hinerangi gave the Ngāti Hinerangi Trust a mandate to negotiate a deed of settlement with the Crown at a hui on 11 August 2012.
- 1.2. The Crown recognised the mandate on 20 February 2014.
- 1.3. The mandated negotiators and the Crown –
 - 1.3.1. by terms of negotiation dated 23 February 2014, agreed the scope, objectives, and general procedures for the negotiations; and
 - 1.3.2. by agreement dated 12 December 2015, agreed, in principle, that Ngāti Hinerangi and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
 - 1.3.3. since the agreement in principle, have –
 - (a) had extensive negotiations conducted in good faith; and
 - (b) negotiated and initialled a deed of settlement.

RATIFICATION AND APPROVALS

- 1.4. Ngāti Hinerangi have, since the initialling of the deed of settlement, by a majority of –
 - 1.4.1. 96%, ratified this deed; and
 - 1.4.2. 95%, approved its signing on their behalf by the governance entity; and
 - 1.4.3. 95%, approved the governance entity receiving the redress.
- 1.5. Each majority referred to in clause 1.4 is of valid votes cast in a ballot by eligible members of Ngāti Hinerangi.
- 1.6. The governance entity approved entering into, and complying with, this deed by resolution of trustees on 25 April 2019.
- 1.7. The Crown is satisfied –
 - 1.7.1. with the ratification and approvals of Ngāti Hinerangi referred to in clause 1.4; and
 - 1.7.2. with the governance entity's approval referred to in clause 1.6; and
 - 1.7.3. the governance entity is appropriate to receive the redress.

DEED OF SETTLEMENT

1: BACKGROUND

AGREEMENT

1.8. Therefore, the parties –

1.8.1. in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and

1.8.2. agree and acknowledge as provided in this deed.

OFFICIAL OR RECORDED GEOGRAPHIC NAMES

1.9. The place names referred to in this deed that are not official or recorded geographic names, within the meaning of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, are listed in paragraph 5.5 of the general matters schedule.

2 TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI NGĀ KŌRERO O MUA

HE KUPU WHAKATAKI

2.1. *“Ko koutou e haere, ko te ahi e kā mai nei. E kore e taea te tinei.”*

E ai ki ngā kōrero tuku iho a Ngāti Hinerangi, he mea kōrero ēnei kupu e Wiremu Tāmihana ki ngā tūpuna o Ngāti Hinerangi i te pō i mua i tō rātou wehenga ki te whawhai i ngā pakanga o Pukehinahina me Te Ranga.

2.2. Ko te Ngāti Hinerangi o ēnei rā, ko ngā uri o Kōperu, o te tūpuna matua o Ngāti Hinerangi. Nō ngā hapū matua o Ngāti Hinerangi ētehi atu kāwai whakahirahira o Kōperu, arā, ko Ngāti Tokotoko, ko Ngāti Te Riha, ko Ngāti Tangata, ko Ngāti Whakamaungārangi, ko Ngāti Kura, ko Ngāti Tamapango, ko Ngāti Tāwhaki me Ngāti Rangi. Ko Te Ōhākī, ko Hinerangi Tāwhaki, ko Tangata me Tamapango ngā marae matua o Ngāti Hinerangi.

KO KŌPERU - TE WHAKAWHĀNUITANGA TUATAHI A KŌPERU KI MATAMATA ME TAURANGA MOANA

2.3. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi, tekau ngā whakatupuranga taotahi mai i a Hoturoa, te kaihautū o Tainui waka, ki a Kōperu. Ko Tamapango te matua o Kōperu. Ko te matua o Tamapango ko Uenuku-te-rangi-hoka, ko ia te tama a Whatihua. Ko te matua o Whatihua, ko Tāwhao, ko te ariki nui o Tainui. I whānau mai a Kōperu ki Whāingaroa, ā, i tupu mai i te rohe o Kāwhia i waenga i te rautau 1500. I whai wāhi a Kōperu me tōna iwi ki te hōrapa haeretanga o Tainui ki te rāwhiti me ngā rohe o Waikato ki te rāwhiti me ngā rohe o Tauranga Moana. I moe a Kōperu i a Moanawaiwai, ā, tokotoru ā rāua tamariki: he tamāhine, ko Tūwaewae, me ngā tama tokorua, me Tuakere rāua ko Pūtangimaru. I moe a Tūwaewae i a Tāmure, te tama a Taunga-ki-te-Marangai, he rangatira nō Tainui, rāua ko tētehi tapairu, ko Hinerangimarino tōna ingoa. He mea whakapoto te ingoa o Hinerangimarino e te iwi ki tō rātou karangatanga ingoa, ki a Ngāti Hinerangi, hei whakapūmau i te ahureinga me te motuhake o tō rātou tuakiri ahurea i tō ētehi atu iwi e noho pātata ana.

KO TOKOTOKO RĀTOU KO TE RIHA, KO TANGATA - TE WHAKAWHĀNUITANGA TUARUA KI TE RĀWHITI KI MATAMATA ME TAURANGA MOANA

2.4. Ko Tokotoko rātou ko Te Riha, ko Tangata ngā tama a Tūwaewae rāua ko Tāmure. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi i oti i a rātou te whakawhānuitanga o te iwi ki roto o Tauranga me Waikato ki te rāwhiti, tae atu ki Te Pae Maunga o Kaimai, nā tō rātou tūpuna, nā Kōperu i tīmata. I nōhia ngā whenua e ngā mokopuna tokotoru hei whakaū i te whakawhānui haeretanga a Kōperu.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

TE WHAKAPŪMAUTANGA O TE ROHE O KŌPERU

- 2.5. E ai ki a Ngāti Hinerangi i nōhia e Kōperu rātou ko ana uri ngā whenua i Matamata me Tauranga Moana. Nā konā, i whakapūmautia ai te rohenga papatupu ā-iwi o Ngāti Hinerangi e mōhiotia nei ko Te Rohe o Kōperu. E toro ana te rohe i te takiwā o Matamata i te uru, ki te raki, ki Manawarū, kātahi ka toro ki Waipuna, mai i Waipuna whakaterāwhiti atu ki Waiorongomai i te taha whakarunga o Te Aroha, kātahi ka toro ki Tauranga Moana, e whai haere ana i te takutai whakatetonga ki te awa o Wairoa i te tonga-mā-rāwhiti, kātahi ki te uru ki Hinuera, atu i Hinuera ki Te Tāpui i te tonga-mā-uru, ā, whakateraki ki Pēria, e pātata ana ki Matamata. Ko ētehi o ngā maunga tapu o Ngāti Hinerangi ko Pukekōhatu, ko Ngā Tamāhine e Rua, ko Motutapere, ko Te Maunga o Eliza, ko Te Hanga, ko Waianuanu, ko Te Weraiti, ko Whenua ā-Kura, ko Te Ara Pōhatu me Te Tāpui. Ko ngā awa tūpuna matua ko Waihou me Te Wairoa. Ko Te Wairere me Te Ariki ngā hīrere tapu.
- 2.6. I Tauranga Moana te tōnuitanga o te kaimoana - te ika me ētehi atu kai o te moana. Ki ana ngā ngahere o Te Pae Maunga o Kaimai i te manu, i te kiore, i te otaota hei rongoā, i te rākau hoki hei hanga whare, hei hanga waka. Nui atu te tuna, te manu, te harakeke me te kiekie i ngā repo. Ko ngā waiariki te wāhi kaukau, te wāhi tunu kai, te wāhi whakaora tinana. He maha ngā ara whīkoi me ngā huarahi i te rohe o Ngāti Hinerangi rohe hei takahitanga i te tuawhenua ki te takutai, i te takutai ki te tuawhenua.

TE WHAKATŌPŪTANGA O NGĀTI HINERANGI

- 2.7. Ko ngā mokopuna tokotoru a Kōperu, ko Tokotoko rātou ko Te Riha, ko Tangata, ngā tūpuna matua o ngā hapū matua e toru o Ngāti Hinerangi: o Ngāti Tokotoko, o Ngāti Te Riha, me Ngāti Tangata. He mea tapa a Ngāti Tamapango ki te matua o Kōperu. Ko ngā uri o Ngāti Tamapango te ahikāroa o Kōperu i muri mai i tana haerenga tuatahi ki Tauranga Moana, i tā rātou noho i te poraka o Pūkekonui i te awa o Wairoa. I whakarangatiratia ngā mokopuna wāhine e rua a Kōperu, a Whakamaungārangi rāua ko Kura, hei tūpuna whakahirahira mō Ngāti Hinerangi nā te whakamoenga o rāua ki ngā rangatira o ngā iwi noho pātata. He tata hoki ngā hononga o ētehi atu hapū, o Ngāti Rangī, o Ngāti Tāwhaki hoki, ki ngā tūpuna o Ngāti Hinerangi, nā te whakapapa me ngā moetanga i hua ake i ngā hononga i āta whakaritea.

NGĀ TŪTAKINGA TUATAHI

- 2.8. I tīmata te torotoro a ngā kaihekohoko Pākehā ki a Ngāti Hinerangi i ngā tau 1830, tae atu ki tō rātou kāinga takutai i te whanga o Tauranga, ki uta anō hoki, whakawhiti atu ana i Te Pae Maunga o Kaimai. I ngā tau tōmuri o te 1830 pā kino mai ngā mate Pākehā pēnei i te rewharewha, ki te hauora o Ngāti Hinerangi, nā konā i nui ai ngā mate.
- 2.9. Nā ngā pāhuatanga ā-pū o Te Taitokerau i ngā tau 1820 me ngā tau 1830 i ara ake ai tētehi wā pāhekeheke, me te aha, ākina ana ngā tūpuna o Ngāti Hinerangi kia hoko pū hei wawao i a rātou anō. I whakaaetia te tapahi harakeke a tētehi rangatira o tētehi iwi noho tata i ngā whenua o Ngāti Hinerangi i Waiharakeke hei mahi moni ki te hoko pū hei wawao i ngā iwi e rua. I wahaina e ētehi tāngata ngā pūhanga harakeke ki tua o te Pae Maunga o Kaimai ki ngā kaihekohoko harakeke i Maketū hei utu i ngā pū, i ngā matā, me te paura.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- 2.10. E ai ki a Te Kawau Himiona o Ngāti Hinerangi, i a ia e kōrero ana i te Kōti Whenua Taketake i te tau 1879, he pā tō Ngāti Tokotoko i Hūhārua, i pāhorotia i te wā o ngā Pakanga Pū, ā, i muri i tērā ka rere atu te hapū ki Ōkauia.
- 2.11. Nā ngā mihingare o te Rōpū Hāhi Mihingare (RHM) ngā teihana mīhana i whakatū i Te Papa i te tau 1834 me Matamata i te tau 1835. I whakarērea ngā teihana e rua i te tau 1836 nā ngā whawhai i waenga i ngā iwi. Ahakoa i nōhia anō te teihana i Te Papa i te tau 1838, kīhai te teihana i Matamata i whakatuwherahia anō.

TE WHAKAPUTANGA ME TE TIRITI O WAITANGI

- 2.12. I te tau 1839 i haina te ariki o Waikato, a Pōtatau Te Wherowhero, i Te Whakaputanga o te Rangatiratanga. I muri mai kāore ia i whakaae ki te haina i te Tiriti o Waitangi. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi, nā ngā hononga whakapapa me ngā here tōrangapū ki ngā iwi kiritata o Waikato, i whāia te taura a Pōtatau e te tokomaha o ngā tūpuna o Ngāti Hinerangi, ā, kīhai hoki rātou i haina i te Tiriti.
- 2.13. I te marama o Āperira, i te tau 1840, ka tukuna tētehi tāruatanga o te Tiriti o Waitangi ki te mihingare RHM ki Te Papa. Nō muri tata mai, ka hainatia te pepa e ētehi o ngā rangatira o Tauranga. I hainatia te Tiriti e tētehi rangatira i whai pānga ki a Ngāti Hinerangi ki Tauranga. Kīhai te Tiriti i kawea ki tuawhenua, ki ngā kāinga o Ngāti Hinerangi, ki tua atu o te Pae Maunga o Kaimai.
- 2.14. I te marama o Tīhema, i te tau 1840, ka tae te Kaiwhakamarumarū Matua o ngā Iwi Taketake ki Matamata. Ka matapakihia tahitia e rātou ko ngā iwi o te takiwā ngā take e pā ana ki te Tiriti o Waitangi me te taenga mai o te ture Pirite. I kī ētehi o ngā rangatira i taua hui kīhai rātou i haina i te Tiriti, he kore nō rātou i pīrangi ki te noho hei "taurekareka". I tā te Kaiwhakamarumarū whakautu ka āta kōrerotia te 'hōnore me te ngākau pono' o te Karauna, me tana kī taurangi ka tiakina te mana me te rangatiratanga o ngāi Māori.
- 2.15. Kīhai a Ngāti Hinerangi i hoko whenua atu i mua i ngā tau 1860, ā, iti noa iho te pānga o rātou e te nohonoho haeretanga a te Pākehā. Heoi anō, ko ngā mea o whenua kē pēnei i te poaka me te rīwai i haria ki tō rātou takiwā, mai iho, nā ngā mahi tauhokohoko ā-iwi a te Māori me ngā whakawhitihinga hokohoko taketake hoki.

TE KĪNGITANGA

- 2.16. I te tau 1852 ka whakamanatia e te Pāremata o Pirite te New Zealand Constitution Act, i whakatū rā i ngā rōpū māngai (te Rūnanga Nui me ngā kaunihera tārewa) hei kāwanatanga whaiaro mō rātou anō, mō te kiri-taipūwhenua. Nā te ture hōu i whai mana pōti ai ngā tāne katoa neke atu i te 21 tau te pakeke, he whenua ō rātou, he kāinga rīhi rānei ō rātou e nui ake ana te wāriu i te taumata i whakatauria. Heoi, nā te mea ko te nuinga o ngā whenua Māori i tērā wā ka noho i raro i te mana whenua tuku iho, he ruarua noa iho ngā tāne Māori i āhehi ki te pōti i te Rūnanga Nui i hui tuatahi ai i te tau 1854. Ka noho motuhake te hononga o te Māori me te Karauna ki te Kāwana, ka mutu, nā te wāhanga 71 o te New Zealand Constitution Act ka whai wāhi atu te whakatūtanga o ngā 'takiwā taketake' ki reira, tiakina ai, whai mana ai ngā tikanga Māori me ngā ture a

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

te Māori. Heoi, ahakoa ngā tono huhua kia whakatinanahia tēnei whakaritenga, kāore i tutuki.

- 2.17. Pērā i te tokomaha o ngāi Māori, i rongo a Ngāti Hinerangi i te mōriroriro, i te aukatinga ōna i te kāwanatanga me te pāremata. Ko tētehi atu anō āwangawanga ko te pēhi a te Karauna kia hokona e ia he whenua anō mō te whakanoho Pākehā me te taipūwhenua. Mai i ngā tau tōmua o te 1850 ko ēnei ētehi o ngā take i akiaki i ētehi o ngā rangatira Māori ki te whakawhitiwhiti kōrero mō te whakatū i tētehi Kīngi Māori ki te whakakotahi, ki te tiaki me te whakatairanga i ngā take Māori me te whakarite hoki kia pai ake te mana hautū i roto i ngā hapori Māori.
- 2.18. I te tau 1858 ka "hāpaingia atu" a Pōtatau Te Wherowhero, ka whakatūria hei Kīngi Māori tuatahi. I whakawahia te Kīngi Māori tuatahi e Wiremu Tāmihana Tarapīpi Te Waharoa ki te Paipera. I muri mai i tapaina ai ia ko te 'Tumuaki' o te Kīngitanga. Mai i te tīmatanga i tino tautoko a Ngāti Hinerangi i a Wiremu Tāmihana me te Kīngitanga. I ngā tau 1860, ka tū a Wiremu Tāmihana hei māngai mō ngā take a Ngāti Hinerangi i te Kōti Whenua Taketake, ā, i whai wāhi anō hoki ia ki te whakatau tautohetohe i waenga i ngā hapū o Ngāti Hinerangi me ētehi atu rōpū i Matamata me Tauranga.
- 2.19. I te tau 1866 i tētehi whakawātanga o te Kōti Whenua Taketake mō te poraka whenua o Tūranga- o-Moana i Matamata, ka whakamārama a Wiremu Tāmihana i ahu mai ana hononga ki a Ngāti Hinerangi i ngā tūpuna, i a Te Rei rāua ko Maramūtahi. I kī a Wiremu Tāmihana, "He rangatira ahau...kei Pēria e noho ana. Nō mātou ko Himiona Te Kohe, ko ngā tāngata hoki kei runga o rātou ingoa i te puka tonu, tēnei whenua". I whakamahukitia e ia tōna tūnga hei māngai mō Ngāti Hinerangi, hei kaimahi hoki e mahi ana mā te rangatira o Ngāti Hinerangi, mā Himiona Te Kohe, me te kī, "Kāore ahau e hiahia ana kia tuhia tōku ingoa ki te Ōta o te Tiwhikete Taitara. He 'kaimahi' noa iho ahau nā Himiona, nōna tēnei whenua."
- 2.20. He maha tonu ngā wā i kī ai a Wiremu Tāmihana, kīhai te Kīngitanga i whakatūria hei ātete i te Karauna, engari kē, kia pai ake te kōkiritanga o ngā hiahia o te Māori, hei whakakotahi i te Māori me te whakamutu i te hokonga atu o ngā whenua Māori. I matakitehia e Wiremu Tāmihana tētehi pāpori Māori whai mana motuhake, i raro i te whakahaere ture Māori, e mahi tahi ana me te ture Pākehā, e whai wāhi atu ana hoki ki ngā painga o te nohonga Pākehā. I te tau 1861, i tētehi hui o ngā rangatira o te Kīngitanga, nā Wiremu Tāmihana ngā rākau e rua i pou ki te whenua: i tohua tētehi ko te Kīngi Māori, ko tērā atu ko te Kāwana. Ka whakatakotohia tāhūtia ērā mea e rua ki tētehi pou tuatoru, ka kīia e ia ko te ture a te Atua me te Kuīni. Kātahi ka tuhia e ia he porowhita huri noa, e tohu ana i te Kuīni, me tana kī ka tū ia 'hei taiapa mō te katoa'.

TE WHAKAEKENGA O WAIKATO

- 2.21. I ngā tau tōmua o te 1860 i kaha kē atu ngā hēmanawatanga i waenga i te Karauna me te Kīngitanga. Ahakoa he whanaketanga pai te tūnga mai o te Kīngitanga ki ētehi kaitiroiro Pākehā, i whakaaro kē ētehi atu o te kāwanatanga, he wero tērā i tō rātou mana, me te āwangawanga he rōpū ātete kē tērā i te hokotanga o te whenua ka aukati pea i te nohonoho haeretanga o ngā whenua e te Pākehā me te taipūwhenua, i Te Ika-a-Māui.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- 2.22. I pahū ake te pakanga i Taranaki i te marama o Māehe i te tau 1860 i waenga i ngā hōia Piritene me ngāi Māori i ngana ki te aukati i te hokonga o te whenua i Waitara i raro i te ture, ahakoa e tohea tonutia ana aua whenua. Ahakoa te whai a Wiremu Tāmihana kia whakatauhia te riri i Taranaki i runga i te rangimārie, i uru ētehi rōpū o te Kīngitanga ki te whawhai. E kī ana ngā kōrero tuku iho a Ngāti Hinerangi, i haere ētehi toa o Ngāti Hinerangi ki Taranaki ki te tautoko i ngā ope taua o te Kīngitanga, ā, i whai wāhi atu rātou ki te pakanga i Mahoetahi. I te marama o Māehe i te tau 1861 ka āwhina a Wiremu Tāmihana ki te whakatū rangaawatea i te raru i Taranaki. Heoi anō, ka mau tonu ngā tohenga taketake maha i puta ai te raru.
- 2.23. I te Oketopa i te tau 1861, i marohi a Hōri Kerei, te kāwana kātahi tonu ka whakatūria anō, i tētehi whakahaere kāwanatanga ā-rohe mā te Māori. I tūmanako te Karauna, mā te kaha ake o te urunga o te Māori ki te kāwanatanga ā-rohe e whakaiti iho i te hiahia o te Kīngitanga me tōna anō mana whakaaweawe. Nāna i marohi kia roherohea Te Ika-a-Māui ki ngā takiwā whakahaere, kei ia takiwā tōna ake rūnanga Māori e āhei ai te marohi i ngā waeture e pā ana ki ngā take o taua takiwā i raro i te mana tiroiro o tētehi Kaikōmihana Hiwhiri ka whakatūria e te Karauna. He nui ngā take i noho tūpato ai te tokomaha o ngā Māori o Waikato ki tā Kerei whakahaere ā-rūnanga, mātua rā ko te mahuetanga o te Kīngi e Kerei ki waho o ngā whakahaeretanga hōu, me te aha, iti noa iho te tautokona, puta noa i te rohe.
- 2.24. I ngā marama tōmua o te tau 1863, ka hīraurau haere tonu te hononga i waenga i te Karauna me te Kīngitanga. I te marama o Māehe i te tau 1863 ka ara ake tētehi raru i te hanganga o tētehi whare kōti me tētehi wharenoho pirihimana i Te Kohekohe. I taua marama anō, ka ara ake tētehi anō raru i te whakaputanga o tētehi niupepa reo Māori a te Kaikōmihana Hiwhiri i Te Awamutu, i tautokona ā-pūteatia nei e te Kāwanatanga, i tātā i te Kīngitanga. I tino mānukanuka te Kaikōmihana Hiwhiri ki tōna anō haumarutanga, nā, ka whai ia i ngā tohutohu a te iwi Māori o te rohe kia wehe atu ia i te takiwā. I āwangawanga hoki ngā kaitautoko o te Kīngitanga ki ngā kōrero mō te whakaaro o te kāwanatanga ki te tere haere i te Awa o Waikato i runga i ngā manua o maitai.
- 2.25. I te Māehe anō hoki o te tau 1863, ka oti i te Karauna te waihanga tētehi huarahi mai i Tāmaki Makaurau ki te rohenga aukati o te Kīngitanga i te awa o Mangatāwhiri, ki reira whakanohia ai ngā hōia e 200 i te marama o Mei, i te tau 1863 ki te Pā Maioro o te Kuīni. I te 24 o Hune, i te tau 1863, i muri i te tīmatanga o te Pakanga Tuarua o Taranaki i te marama o Mei, i te tau 1863, ka whakaūngia e te Pirimia rāua ko Kāwana Kerei he mahere nā Kāwana Kerei i whakarite mō te pakanga me te raupatu whenua i ngā iwi o Waikato. I te 9 o Hūrae ka tukua tētehi kupu nonoi me oati rānei e ngā Māori katoa e noho ana i waenga i te Awa o Waikato me Tāmaki Makaurau tō rātou piripono ki te Karauna, me neke rānei ki Waikato noho ai. I te 12 o Hūrae, i te tau 1863, ka whakawhiti te ope taua o te Karauna i te Awa o Mangatāwhiri ka urutomo i te rohe o te Kīngitanga me te whakaara ake i te pakanga ki Waikato.
- 2.26. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi nā ngā hononga whakapapa i whai wāhi ai rātou ki te ārai hoariri hei āwhina i a Waikato i te roanga atu o te pakanga o Waikato. I te marama o Pēpuere, i te tau 1864, i te pūrongo mō ngā Māori o Tauranga i tūhono atu ki ngā 'whananga' i Waikato, ka whakarārangihia tētehi 20 o ngā tāne e 21 i noho i te kāinga o Ngāti Tokotoko, i Te Ngarue i haere ki te whawhai i te pakanga o Waikato. I

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

whakarārangihia hoki ngā mema o tētehi atu hapū o Ngāti Hinerangi, o Pūkekonui i te Awa o Wairoa i whai wāhi atu ki tētehi rōpū tāne e 30 nei te rahi, i haere ki te pakanga i Waikato. I tautoko ā-pūtea hoki a Ngāti Hinerangi i te kaupapa o te Kīngitanga i te wā o te pakanga i Waikato mā te tautoko i tō Wiremu Tāmihana āheinga ki te tapahi harakeke i roto i te rohe o Ngāti Hinerangi me te rīhi atu i te whenua o Ngāti Hinerangi ki tētehi kiri-taipūwhenua Pākehā i Matamata kia taea ai te hoko matā mai.

- 2.27. I tū te nguha whakamutunga o te Pakanga o Waikato i waenga i te 31 o Māehe me te 2 o Āperira i te tau 1864, nō te whakaekenga a ngā hōia o te Karauna i tētehi pā tata ki Kihikihī kāore i oti te hanganga, me te aha, nui tonu ngā kaiwawao Māori i hinga. I muri i te pakanga ka unuhia mai e ngā kaihautū o te Kīngitanga ā rātou toa kia whakawhiti i te awa o Pūniu me te whakatū i te rārangi aukati, mai i te tai hauāuru ki Te Awamutu, i te pokapū, ki ngā whenua o Ngāti Hinerangi i Ōkauia me te Pae Maunga o Kaimai i te rāwhiti, toro atu ana ki te raki ki tua tata atu o te maunga o Te Aroha.

TE PAKANGA I TAURANGA

- 2.28. He maha ngā ara o runga i te Pae Maunga o Kaimai e tūhono ana i a Tauranga ki Waikato i haere mā te rohe o Ngāti Hinerangi. Koia ēnei ko Maurihoro (ko Te Ara o Tamehana te ingoa Pākehā) i te rohe o Waiharakeke, ko Te Ara o Wairere i te rohe o ngā Hīrere o Wairere, ko Te Ara o Te Tuhi me Te Ara o Ōhutu i te rohe o Ōkauia, me Te Ara o Pōhatu i te rohe o Haukapa. He tino whakahirahira ēnei ara e tae atu ai ngā rawa me ētehi atu toa i Te Moana-a-Toi, i tua atu anō hoki ki ngā toa kaiwawao o te Kīngitanga i Waikato. E kī ana ngā kōrero tuku iho a Ngāti Hinerangi i āta whakatūria, i āta whakamāhereheretia ngā pā o uta me ngā kāinga o ngā hapū o Ngāti Hinerangi i ngā wāhi tino whai take o ēnei ara i ngā taha e rua o te Pae Maunga o Kaimai.
- 2.29. I te marama o Hānuere, i te tau 1864, ahakoa kāore anō tētehi tuinga pakanga kia tū i te rohe i mua atu, ka whakatau te Karauna kia eke atu tētehi ope taua ki Tauranga hei whakararuraru i te nekenga o ngā tāne me te tukunga o ngā rawa ki te pae o te riri i Waikato. I parahautia tēnei mahi e te Pirimia, e Whitaker me tāna i tohe ai 'Ko ngā Māori katoa kei te taha uru o te whanga he hoariri tūturu' nō te Karauna nā te mea kua whawhai kē rātou i Waikato, e whakaaro ana rānei ki te whawhai ki reira.
- 2.30. I te 21 o Hānuere, i te tau 1864 i ū ki uta ngā tauā e 600 ki te koutu o Te Papa, ā, i riro te Mīhana Mihingare i a rātou. Nā rātou ngā pā maioro e rua i hanga kia tūtata nei ki te mīhana. Kua tohutohu atu ngā mihingare o reira ki te Karauna he wāhi mārire a Tauranga, engari he nui ngā Māori o Tauranga i whakaarotia e te Karauna he kaitautoko i te Kīngitanga. Hei tiaki i tō rātou whenua me ō rātou kāinga, me te whakapono ka puta te riri i te taenga mai o ngā hōia, ka tīmata ngā Māori o Tauranga ki te whakakaha i ngā pā o mua, me te tuku whakapātaritanga ki ngā hōia o te Karauna i whakapikingia rā tō rātou rahi ki te 1,700 i te taenga mai o te ope tānga. I te rongotanga ake ka tae ngā hōia a te Karauna ki Te Papa, he tokomaha ngā Māori o Tauranga i whawhai i Waikato i hoki atu ki Tauranga ki te āwhina i tōna wawaotanga.
- 2.31. I te 29 o Āperira, i te tau 1864, ka whakaeke ngā hōia a te Karauna i Pukehinahina, he pā tērā i te pūtake o te koutu o Te Papa. I tīmata te pāha ki te waiwaipū o ngā pū repo; heoi i hangaia ngā maioro o te pā ki te ātete i te whākurutanga kaha, me te aha, whakamarumarutia ana ngā Māori tōna 200 nei te rahi e huna ana i roto. I ngā hōia e

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

pāhoro ana i a Pukehinahina i te tōnga o te rā, ka pūhia nuitia rātou e ngā kaiwawao Māori. Ahakoa he nui ngā hōia Karauna i hinga i te whakaekenga, tōna 25 nei hoki ngā Māori i mate i a rātou e wawao ana i te pā. I muri i te tūtanga o te pō ka maunu mai ngā kaiwawao Māori o Pukehinahina i te pā. He mea kite whānui te pakanga hei hinganga nui mō te Karauna.

- 2.32. I muri i te hinganga o te Karauna i Pukehinahina, ka tīmata ngā Māori o Tauranga ki te whakakaha i tētehi tūranga hōu i Te Ranga, i tua atu i te whenua o uta i Te Papa, nā te āwhina a ngā ope tānga nō ētehi atu takiwā. I te 21 o Hune, i te tau 1864 ka whakaeke ngā hōia e 600 a te Karauna i ngā Māori e 500 i te pā o Te Ranga kāore anō i oti te hanganga, he maha ngā wharanga kino, ā, i waenga i te 68 me te 120 ngā Māori i patua kia mate.
- 2.33. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi i whai wāhi atu ngā tāngata 15 o Ngāti Hinerangi ki te Pakanga o Pukehinahina me te Pakanga o Te Ranga. E whakaahua ana ngā kōrero e whai ake nei i te wāhi ki a Ngāti Hinerangi i aua pakanga.
- 2.34. Ko Te Ahiroa te kāinga tuatahi i nohoia ai e Ngāti Hinerangi, i muri ka nohoia ki Te Umukorongaehe. Koinei te kāinga i te wā o te Pakanga i Gate Pā. I taua pakanga i konei a Wiremu Tāmihana e noho ana i Ōkauia nei. Nō reira i puta ai tana kupu ki a Ngāti Hinerangi:

“Ko koutou e haere, ko te ahi e kā mai nei. E kore e taea te tinei.”

- 2.35. Whai i muri mai i te pakanga o Te Ranga ka koropiko ētehi o ngā Māori o Tauranga ki te Karauna, ko tētehi tokoono o ērā, nō Ngāti Tokotoko i tuhia rā i koropiko rātou ki te Karauna i mua i te 27 o Hūrae, i te tau 1864. Ko ētehi atu i oma, i patua rānei kia mate i te pakanga.

TE RAUPATU O TAURANGA

- 2.36. Ko te New Zealand Settlements Act o te tau 1863 te tūāpapa o te anga ā-ture i riro ai ngā whenua i Tauranga i te raupatu. Nā tērā i mana ai te raupatu ngawhi i ngā whenua o ngā Māori i kīia rā kua akiaki pakanga ki te Karauna, kua āwhina, kua whakahauhau rānei i ētehi atu i ngā mahi whakatuma, i te ātete mau pū rānei. Ehake ngā tūpuna o Ngāti Hinerangi i te hunga whakatuma, i te wawao kē rātou i tō rātou anō hau kāinga. Nā te ture i whai mana ai te Kāwana i te kaunihera, ki te kī rawa kei raro ētehi takiwā i te mana o te ture mehemea kua ngata te kitea 'ko tētehi lwi, ko tētehi wāhanga rānei o tētehi lwi, ko tētehi tokomaha rānei kua uru atu ki tētehi whakatumatanga ki te mana o te Kuīni, mai i te rā tuatahi o Hānuere i te tau 1863.' Ka āhei te raupatu i ngā whenua i roto i aua momo takiwā hei wāhi noho. Nā taua Ture anō hoki i whakarite kia tū tētehi Kōti Paremata hei whakatau paremata ki ngā Māori kīhai i āwhina, kīhai rānei i whakatuma, engari kua raupatutia ō rātou whenua.
- 2.37. I te marama o Hānuere, i te tau 1864 i tuku a Kāwana Kerei i te New Zealand Settlements Act ki Rānana kia whakamanahia, ā, ahakoa 'ngā tino whakahē' a te Tari Koroni o Piritene ki ētehi wāhanga o te New Zealand Settlements Act, kīhai rātou i whakakore i te ture. Ka whakatauhia kētia he wā herehere kia rua tau te roa e mana ai te Ture, me te whakatū i tētehi komihana motuhake ki te whakatau ko ēwhea ngā whenua

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

me riro, me te kaha tohutohu me whai kē ko te tuku noatanga o ngā whenua i mua i te kōkiritanga o te raupatu. Kāore i arohia ētehi wāhanga, te katoa rānei o ēnei here whakamutunga e rua e te kāwanatanga o Aotearoa.

- 2.38. I te 14 o Mei, i te tau 1864 i hui a Kāwana Kerei ki ētehi rangatira ruarua noa nei i kīia he 'rarata' ki te whakawhitiwhiti kōrero mō te whakahaurarotanga o 'ngā tāngata whakatumā' e toe tonu ana, me te manaakitanga ka tukuna ki te hunga ka whakahauraro; mō te āhua hoki ka pā ki ō rātou whenua. Kīhai te raupatu i kōrerorerotia.
- 2.39. I mua i te kōkiritanga tonutanga o ngā mahere raupatu, i whai te Karauna kia hohoua te rongu; kia whakahauraro hoki ngā kaiwhawhai o te Kīngitanga e toe ana. I te marama o Hūrae, i te tau 1864 ka marohi te Karauna i ngā ture whakahauraro, arā, ko te whakatakotoranga o ngā pū, ko te haina i tētehi whakapuakanga piripono ki te Karauna, me te whakaae kia riro i te Kāwana te mana o ō rātou whenua (arā, te 'tuku i ō rātou whenua' ki a ia), i runga i te mōhio ka pupuru whenua te Karauna, engari ka whakahokia te nuinga ki a ngāi Māori. I te 25 o Hūrae i whakahauraro te nuinga o ngā Māori mau pū o Tauranga.
- 2.40. I te 5 me te 6 o Ākuhata, i te tau 1864 i tae ā-tinana a Kāwana Kerei me āna Minita ki tētehi hui 'whakamahuru' i Te Papa ki te whakatau ko ēwhea ngā whenua ka raupatutia e te Karauna. He nui ngā Māori o Tauranga i tamō, tae atu hoki ki te hunga kīhai i whakahauraro. I te wā o te hui, i kī taurangi a Kerei ka tino manaakitia ngā Māori o Tauranga, ā, ka purutia e te Karauna tētehi wāhanga o ō rātou whenua e kore e nui ake i te hauwhā o te katoa. Ka tere te tukunga o ngā wāhi noho whenua ki ngā Māori hei nōhanga mō rātou, ā, ka tukuna ai ngā karāti Karauna kia taea ai. I ngana hoki te Kāwana ki te āwhina i te whakanohonga anō o ngā whenua.
- 2.41. I pupū ake te tohetohe i waenga i a Kāwana Kerei me āna Minitā mō te nui me ngā nekenekehanga o te raupatu. Mātua rā te taupatupatutia o te wāhanga o te whenua hauwhā i raupatuhia mehemea i hāngai anahe ki tētehi iwi i whakaingoatia, mehemea hoki i hāngai anahe ki ngā whenua o ērā i kīia ai he 'hunga whakatumā'. I te mutunga, ka whakahāngaitia te ture e te Karauna ki te takiwā katoa o te rohe o Tauranga, tae atu ki ngā whenua o ngā Māori 'piripono'.
- 2.42. Kīhai i tatū tētehi whakaaetanga i ngā Māori o Tauranga i te hui ki te wāhi o ngā whenua kia purutia e te Karauna, ā, i waiho tēnei kia whakatauria e te Kāwana. I muri iho i tīpako te Karauna i tētehi wāhi i waenga i ngā awa o Waimapu me Wairoa, i whakapaetia e 50,000 eka te nui.
- 2.43. I riro tētehi rahinga whenua o Tauranga, e whakapaetia ana e 214,000 eka te nui, kia noho ki raro i te New Zealand Settlements Act nā te whakahau ā-Kaunihera i te 18 o Mei, i te tau 1865. I whakaputa āwangawanga te Kaiwhakawā Matua o te Kōti Whenua Taketake i muri mai, mehemea i whakakore tēnei whakapuakanga, i raupatungia ai ngā whenua o tētehi iwi motuhake i roto i ngā paenga kua whakatauria, i te mana whenua i roto i te takiwā. Heoi anō, i whakamanatia taua Whakahau ā-Kaunihera i muri mai e te Tauranga District Lands Act 1867, me te whakapuaki 'kua āta wehea, kua rāhuitia, kua tangohia' ngā whenua katoa i whakaahuatia i raro i te New Zealand Settlements Act. Nā taua raupatu i whakakore ngā pānga tuku iho o Ngāti Hinerangi ki ngā whenua i roto i te takiwā raupatu o Tauranga.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

2.44. Whai i muri mai i te ture o te tau 1867, i kitea ko tētehi wāhanga o te poraka raupatu e 50,000 eka te nui, i pīrangi rā te Karauna ki te pupuru, i waho kē atu i ngā paenga o te takiwā raupatu whānui ake o Tauranga i whakaahuatia i te āpitihanga ki te Ture. I whakarāhinga e te Tauranga District Lands Act 1868 te takiwā raupatu mai i te 214,000 eka ki tōna 290,000 eka. Ko taua whakawhānuitanga o te takiwā raupatu i tae ki te paenga tuawhenua, ki tētehi wāhi i roto i te Pae Maunga o Kaimai i roto tonu i te rohe tuku iho o Ngāti Hinerangi, nā konā i whakawhiwhia ai rātou ki tētehi whenua i muri mai e ngā Kaikōmihana o ngā Whenua o Tauranga. Kīhai a Ngāti Hinerangi i whai wāhi atu ki ngā whakatau mō te whakawhānuitanga o te paenga.

TE HOKONGA O TE PUNA-KATIKATI

2.45. I te Ākuhata, i te tau 1864 ka whakamanatia tētehi whakaaetanga e te Karauna kia hoko whenua i Te Puna me Katikati i tētehi rōpū iti o ngā rangatira nō tētehi atu iwi. I roto tēnei whenua i ngā paenga ka kīia rā ko te takiwā raupatu o Tauranga i pāhotia rā e te Karauna i te tau 1865. Ko te whakatau tata, e 90,000 eka neke atu rānei te rahi o te poraka o Te Puna-Katikati.

2.46. I te Hepetema, i te tau 1864, i pēnei te whakaahuatia e te Minita mō ngā Take Māori, e Wiremu Fox, o te hokonga o Te Puna-Katikati 'ko te rironga uruhi o ngā whenua Māori ānō nei he hokonga noa'.

2.47. Kīhai te Karauna i whakatewhatewha nō wai te poraka i mua i tēnei whakawhitinga, nā konā, ka ara ake ngā amuamu a ētehi atu Māori, tae atu ki a Ngāti Hinerangi, i whai pānga ki te poraka o Te Puna-Katikati, kīhai i whai wāhi ki te whakawhitinga. Ahakoa i whakaurua tētehi wāhanga nui o ngā whenua o Ngāti Hinerangi i te taha rāwhiti o te Pae Maunga o Kaimai ki roto i ngā paenga o Te Puna-Katikati, kīhai a Ngāti Hinerangi i whai wāhi atu ki te hokonga tuatahi.

2.48. I te tau 1866 i ngana tētehi āpiha o te Karauna ki te hoko i ngā pānga o Ngāti Hinerangi i te poraka o Te Puna-Katikati, engari i whakahē rātou i te hokonga atu o ō rātou pānga i taua wā. Heoi, i a Noema, i te tau 1866 i tuhia tētehi pukapuka tuku mō te poraka o Te Puna-Katikati i waenga i te Karauna me ētehi tāngata o tētehi atu iwi, e mea ana e 400 eka o ngā whenua rāhui i te kūrae o Ōmokoroa kua tāpuia mō Ngāti Tokotoko, i roto anō i ngā paenga hoko o Te Puna-Katikati. Ka hua mai ko ēnei o ngā Rota ko Te Puna 52, 53, 187 me te 188. Nā taua pukapuka tuku anō i tuku tētehi rota e 25 eka te rahi i te Kūrae o Ōmokoroa, i roto i te wāhi hoko o Te Puna-Katikati ki tētehi tāngata o Ngāti Tokotoko, ka hua mai ko te Rota 51 o Te Puna. I hokona atu ngā rota e rua i mua i te paunga o te tau 1877. He mea tuku ēnei whenua ki ngā tāngata takitahi, tē tukuna ai ki tētehi taitara kaporeihana, ki tētehi taitara ā-iwi rānei, nā reira i wātea ake ai hei hokonga. I tūmanako te Karauna mā te whakarite taitara ki ngā tāngata takitahi ka whakarērea e te Māori tāna tikanga pupuru whenua papatupu ā-iwi, ā-hapū hoki, ā, ka māmā ake tōna whenumitanga ki te pāpori Pākehā. I akiaki tēnei i te tauāraitanga o Ngāti Hinerangi i ōna whenua taketake i Tauranga Moana.

2.49. I te Tīhema, i te tau 1866, i tonu a Ngāti Tokotoko ki te Kaikōmihana Hiwhiri o Tauranga kia rāhuitia ētehi atu eka e waru i te poraka o Te Puna-Katikati, e pātata ana ki te tāone o Te Puna mō rātou. He mea whakaae tēnei e te Kaikōmihana Hiwhiri; heoi anō, ko te poraka i whakawhiwhia ki a Ngāti Tokotoko i muri mai, he mea nui ake, engari he iti iho

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

tōna uara, arā ko te Rota o Te Puna 211, he poraka e 50 eka te rahi i Hūhārua. I hokona te whenua rāhui o Hūhārua i te tau 1920. Nā te rironga o te whenua i Hūhārua i rāwekeweketia ai, i turakina ai rānei ngā pā me ngā wāhi tapu o Ngāti Hinerangi, nā reira hoki i tangohia ai ngā kōiwi me ngā taonga i muri i te hokonga o te whenua. I muri i te hokonga tūmataititanga ka katia tētehi rori ki te takutai o Hūhārua i whakamahia ai e Ngāti Hinerangi kia tae ki ngā wāhi kohi mātaitai me tētehi urupā.

- 2.50. I te tau 1866, i kī taurangi te Kaikōmihana Hiwhiri ka tukuna tētehi whenua rāhui e 50 eka te rahi ki a Ngāti Tokotoko i roto i te poraka raupatu i te taha o te Awa o Te Puna. He mea tuku kē tēnei whenua ki ngā tāngata takitahi e rua. I hokona atu i mua i te tau 1877. I te tau 1867 i whakarārangihia tētehi wāhi 150 eka te rahi i Pūkekonui e te Kaikōmihana Hiwhiri hei wāhi motuhake i tāpuia mō tētehi hapū o Ngāti Hinerangi, engari i muri mai, i whakaurua kētia tērā hei wāhanga mō tētehi poraka e 204 eka te rahi i whai wāhi atu ai ētehi rōpū kē atu ki tōna taitara.
- 2.51. I te tau 1871 ka tuhi tētehi āpiha o te Karauna, kua whakawhiwhia a Ngāti Tokotoko ki ngā eka 130 o te whenua o te pāriha o Te Puna, ā, ko taua whenua rā "kīhai i tukuna". Kāore he tuhinga e whakaatu ana i whakaritea taua whenua rāhui.
- 2.52. I te Hanuere, i te tau 1871, whai i muri mai i ngā tau maha e ātetetia ana te hokonga o Te Puna-Katikati, ka tuhi kōrero tētehi rōpū rangatira tokoiti nei o Ngāti Hinerangi me tētehi atu iwi ki te Minita mō ngā Take Māori e whakamārama ana i tētehi wāhanga o ō rātou pānga ki te poraka o Te Puna-Katikati me te tono kia utua tēnā, me tēnā o ngā rōpū ki te £400. I whakapuaki ngā kaituhi o te reta, "Kia mōhio koe nō te taha Hauhau mātou". E whai ana ngā kaituhi ki te hohou i te rongou i waenga i a rātou me te Kāwanatanga. I te āwangawanga rātou kua hokona atu ō rātou whenua e tētehi iwi.
- 2.53. I tuhi anō hoki ngā kaituhi o te reta: "...he whakaaetanga tēnei nō matou ki a koutou, arā, ki te Kāwanatanga kua mutu ngā kino o ērā o ngā rangi, he rangi pai tēnei, he rangi mārire tēnei, he rā whakaoranga tēnei..."
- 2.54. I te Mei, i te tau 1871, tokoono ngā rangatira, tokotoru anahe o ērā nō Ngāti Hinerangi, nō Ngāti Tokotoko rānei, i haina i tētehi pukapuka tuku motuhake mō Te Puna-Katikati, i whakawhiwhia ai ki te £471 hei utu mō ngā pānga tōpū o Ngāti Hinerangi, o Ngāti Tokotoko me tētehi atu rōpū. I hainatia te pukapuka tuku i Tāmaki Makaurau, ā, e ai ki a Ngāti Hinerangi, kīhai pea te whakaritenga i whakaaetia e te katoa o Ngāti Hinerangi. Ko aua whenua rā kua riro kē i te Karauna, ā, kīhai a Ngāti Hinerangi i whai wāhi ki te pupuru tonu. Ko te whiringa anahe i toe ki a rātou ko te whakaae ki te whiwhinga moni i te Karauna, kāore rānei.

PAIMĀRIRE

- 2.55. Mai i te tau 1864 i whai a Ngāti Hinerangi i te hāhi Paimārire, he mea tīmata i te tau 1862 e te tohunga o Taranaki, e Te Ua Haumēne. I kī taurangi taua hāhi ka tutuki i a ia te mana Māori motuhake, ā, i tupu te tautokona o te hāhi, i roto i te horopaki o te pakanga me te raupatutanga o ngā whenua Māori e te Karauna. Ko Tāwhiao, ko te Kīngi Māori tuarua, i ara ake hei kaiwhakapono mō te hāhi Paimārire, ā, nā tāna tautoko i uru atu ai te Paimārire hei wāhanga matua mō ngā whakaritenga me ngā whakapono o te Kīngitanga i Tauranga. Ka tū āno hoki a Wiremu Tāmihana hei kaitautoko hihiri mō te

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

Paimārire, ā, e ai ki ētehi, nāna te karakia mō te whakatūnga o te pou niu a te Paimārire i Kuranui, kāore i tawhiti i te paenga o runga o Ngāti Hinerangi, i Haukapa. I whakamahia e te Karauna te kupu Hauhau hei karangatanga mō te hunga takahuri ki te Paimārire, ā, i whakamahia whānuitia te kupu 'Hauhau' hei karangatanga mō te hunga whakatuma.

- 2.56. I whai tonu ētehi o Ngāti Hinerangi i ngā mahi o te Paimārire tae noa ki te rautau 20. I te tau 1948 ka tāpaetia e tētehi tangata i tētehi marae o Ōkauia he amuamu i raro i te Tohunga Suppression Act 1907, arā, e mahi ana ētehi tāngata i ngā mahi a te tohunga. Heoi, i whakakorehia te amuamu nō te kitenga ko ngā tāngata i te kōrerotia, i te mahi kē i ngā ritenga o te hāhi Paimārire.

TE KŌKIRITANGA I TE NGAHERE O TAURANGA

- 2.57. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi, whai i muri i ngā pakanga o Pukehinahina me Te Ranga, hei ārai i te whakahaurarotanga i te tau 1864, ka whakatahi te nuinga o Ngāti Hinerangi ki ō rātou kāinga tuawhenua, i reira ka hono mai ngā Māori o ētehi atu iwi. I whai tahi a Ngāti Hinerangi rātou ko ētehi whanaunga tata ki te ātete whawhai kore me te mautohe i te rūritanga o te poraka raupatu e 50,000 eka i Tauranga, me te poraka tahi o Te Puna-Katikati.
- 2.58. I te kitenga o te māramatanga kāore pea e taea e te Karauna te 50,000 eka te kite i waenga i ngā awa o Waimapu me Wairoa, ka tīmata ngā kairūri i utua e te Kāwanatanga ki te rūri i ngā whenua ki te taha uru o te Awa o Wairoa, ka toro atu ai ki Te Puna. He mea whakatūpato ngā Māori o Tauranga e Kāwana Kerei i te marama o Māehe, i te tau 1866, ki te kore rātou e whakaae ki tēnei whakawhānuitanga 'ka tahuri ia ki tētehi huarahi mutunga mai nei o te kaha'. I kaha ātete a Wiremu Tāmihana i ngā mahi rūri, ka tuhi kōrero ki te Kairūri Matua ka tahi, ki te Kāwana ka rua, me te tono kia whakakorea te rūritanga kia arotakengia rā anōtia e te Kāwanatanga.
- 2.59. I tīmata a Ngāti Hinerangi me ētehi atu Māori ki te ārai i ngā mahi rūri me te kore i whakatutū i te puehu i te Hepetema o te tau 1866, mā te tango i ngā tīrau rūri me ngā taputapu a ngā kairūri. I taua wā anō i whakatūpato rātou i ngā kairūri kia kaua e whakawhiti i te Awa o Wairoa. I te Noema o te tau 1866 ka tīmata te Karauna ki te whakamahi i ngā kaiārahi ope tauā ki te tiaki i ngā kairūri e mahi ana i te taha uru o te Awa o Wairoa. I te Tīhema o te tau 1866, i muri i te matenga o Wiremu Tāmihana, ka tupu mai te aweawenga o tētehi rōpū o ngā kaihautū Paimārire nō waho o te rohe o Tauranga i kīia ai ko te Tekau-mā-rua i waenga i ngā Māori o Tauranga. Ko tā rātou he akiaki kia kaha kē atu te urupare whakatumatuma ki te rūritanga o ngā whenua raupatu, ā, i te mutunga o te Tīhema, i te tau 1866, ka whakarērea e ngā kairūri Karauna kāore ō rātou kaiārahi ope taua, ā rātou mahi i muri i te taenga atu o te kōrero ka patua rātou kia mate. Ka riro i tētehi rōpū o te Kīngitanga, me ētehi o Ngāti Hinerangi i taua rōpū, ngā hanga i mahue iho i a rātou.
- 2.60. I te 17 o Hānuere, i te tau 1867, ka tīmata te kōkiritanga i te ngahere i te tukunga o tētehi ope taua o te Karauna ki te hopu i ērā, i whakaponotia nā rātou ngā mahi rūri i rāwekeweke. Kāore tētehi i mauheretia, engari i waenga i te Hānuere me te Māehe o te tau 1867 i huakina ētehi nōhanga Māori e te ope taua a te Karauna, tae atu ki ngā nōhanga o Ngāti Hinerangi i Te Irihanga me Whakamārama. E kī ana a Ngāti Hinerangi i

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

patua ō rātou tūpuna kia mate e te ope taua a te Karauna i te huakitanga. I kī a Ngātūpara o Ngāti Hinerangi i muri mai:

"He Māori ahau nō te Kīngitanga, ā, whawhai ai ahau ki te Pākehā. I te whawhai ahau i Whakamārama, ā, i tōna mutunga ka haere au ki te tari matua o te Kīngi i Tokangamutu...i muri mai i taku hoko i ngā matā ki te whakahaere i a Ngāti Hinerangi, ka noho tonu atu ai ki reira mō tētehi wā." (He mea whakamāori ngā kōrero taketake.)

- 2.61. Kua haere a Ngātūpara ki te Rohe Pōtae ki te tiki matā anō hei wawao i ōna whenua, i utua ki te moni i roto mai i te rīhitanga o ngā whenua o Ngāti Hinerangi i Tūranga o Moana.
- 2.62. Nā te rauhanga o te kaupapa 'muru whenua' ka pāhua te ope taua a te Karauna i ētehi kāinga Māori i taua wā, ka hoepapatia ngā māra me ngā kāinga kia kore ai aua wāhi e nohoia e te tangata. I poka noa te karawhiunga o ēnei rauhanga i te wā o te kōkiritanga i te ngahere, ki ērā katoa i te takiwā i ātete i te raupatu i ngā whenua o Tauranga, tē aro kē anahe ki ērā i whakrarururu i ngā mahi rūri.
- 2.63. E ai ki ngā kōrero tuku iho a Ngāti Hinerangi, nā te tōaitanga o ngā huakitanga a te ope taua a te Karauna, i panaia ai a Ngāti Hinerangi i ō rātou kāinga noho i Tauranga, waihoki, ka uruhia rātou kia whakatahi kē atu ki roto i te ngahere e karapoti ana i a Whakamārama. I whakamarumarua a Ngāti Hinerangi i ētehi atu iwi kiritata, i pēhia kia noho kāinga kore i te taha o te Pae Maunga o Kaimai ki Ōkauia mō ētehi tau. E maumaharatia ana tēnei wā e Ngāti Hinerangi hei wā i tino pāngia ai ōna tūpuna e ngā toimahatanga o te tino korekorenga o te kai, o te rawakore, o te hauora kino me te tahumaero nā te kōkiritanga a te Karauna i te ngahere i Tauranga. I tuhi kōrero te tupuna o Ngāti Hinerangi, a Paratene Te Kaharunga ki te Minita mō ngā Take Māori, ki a Donald McLean, e mea ana kāore he moni a te iwi hei hoko kai.
- 2.64. I te 12 o Hānuere, i te tau 1870 ka tae te poropiti, a Te Kooti Arikirangi Te Turuki me tōna kotahi rau tāne ki te rohe o Kaimai. Ka noho a Te Kooti me tana apataki ki a Ngāti Hinerangi i tō rātou kāinga noho i Ōkauia. E kī ana ngā kōrero tuku iho a Ngāti Hinerangi i pīrangi a Te Kooti ki te kimi tāngata i a Ngāti Hinerangi hei whakauru ki tāna ātete i te Karauna nā te mea i kīia rātou he Hauhau, he hunga whakatuma rānei kāore anō kia whakahauraro. Heoi anō, kīhai a Ngāti Hinerangi i hono ki a Te Kooti nā tō rātou piripono ki te Kīngitanga. I te 16 o Hānuere ka wehe atu a Te Kooti me tana apataki i Ōkauia mā runga hōiho ki te hui ki tētehi kiri-taipūwhenua Pākehā, ki te matapaki i ngā āhuatanga o te hohounga i te rongō e taea ana. I tuhia e te Pākehā rā ngā taipitopito o tāna hui, ka tukuna te pūrongo ki te Minita Ārai Hoariri.
- 2.65. I te tau 1871 whai i muri i te kōkiritanga i te ngahere, ka hoki a Ngāti Hinerangi ki ō rātou whenua takutai o Tauranga e toe tonu ana ki a rātou.

TE KŌMIHANA WHENUA O TAURANGA ME TE TOHATOHA WHENUA RĀHUI

- 2.66. Ahakoa i whakaritea e te New Zealand Settlements Act 1863 te whakatūnga o tētehi Kōti Paremata hei whakataua paremata ki ngā Māori e kīia ana ka āhei ki taua paremata, ka takoto i te Tauranga District Lands Act 1867 tētehi tukanga kē. Nā taua ture i āhei ai te

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- Kāwana ki te whakatū tāngata takitahi ki te rapu mehemea e tika ana te āheitanga o te tangata ki te whiwhi i te toru hauwhā o te whenua i kī taurangitia ai e Kerei i te hui hohou i te rongu i te Ākuhata o te tau 1864. Nā te pupuru a te Karauna i ngā whenua i te poraka raupatu e 50,000 eka me te hokonga o Te Puna-Katikati, ka tino iti iho te tapeke o ngā whenua i purutia tonutia e ngā Māori i Tauranga i tērā o te toru hauwhā o te takiwā raupatu.
- 2.67. I auroa te wā o te tukanga o te whakahoki whenua, ko tētehi ka tīmatahia i te tau 1868, ā, nō te tau 1886 rā anō i oti ai. Kīhai i āhei te 'hunga whakatumā' kāore anō kia whakahauraro, ki te whiwhi whenua i raro i taua tukanga. I te poraka o Te Puna-Katikati tata kore noa iho nei ngā whenua rāhui i tukuna ki ētehi o Ngāti Hinerangi i whakaarotia rā e te Karauna he tāngata whakatumā kāore anō kia whakahauraro, ahakoa i mōhio kē te Karauna ki ō rātou pānga ki te poraka.
- 2.68. Ko ngā Kaikōmihana o ngā Whenua o Tauranga nō rātou te mana whakahaere i te uiuitanga, kāore i ākina kia tuhia ngā kōrero ōkawa o ā rātou whakahaere, i rite tonu te tonoa kia tohutohu mehemea ka āhei te tukunga o ngā pira e tohe ana ki ā rātou anō whakatau, ā, ka whakahaeretia ā rātou mahi me te kore i whai aratohu taipitopito mārama nei, hei whakatau i ngā pānga tuku iho. I āwangawanga ngā mema o Ngāti Hinerangi ki te tuinga pea o ngā nohoanga o te Kōti Kaikōmihana o Tauranga me ngā nohoanga o te Kōti Whenua Taketake. I tētehi wā ka tuhi kōrero ngā mema o Ngāti Hinerangi ki te Kaiwhakawā Matua o te Kōti Whenua Taketake me te tono kia hīkina te nohoanga o te Kōti Kaikōmihana kia oti rā anō te nohoanga o te Kōti Whenua Taketake i Kemureti, kia tae atu ai rātou ki ngā whakawātanga e rua. Ka mutu, nō te tau rawa i muri mai, whakahaeretia ai te whakatewhatewhatanga o te Kōti Kaikōmihana o Tauranga, nā reira i wātea ai a Ngāti Hinerangi ki te tae atu.
- 2.69. I te Āperira, i te tau 1880, ka hono ngā rangatira o Ngāti Hinerangi, a Tūpaoa rātou ko Te Awanui Kiritapu mā, ki ētehi atu ki te tono ki te Minita mō ngā Take Māori, ki a Bryce, kia whakatewhatewhatia te taitara ki ō rātou whenua i Kaimai. I ngā tau 1881 me te 1882 ka whakatewhatewhatia e ngā Kaikōmihana o Tauranga ngā whenua i te rohe o Kaimai. I whakauru ngā Kaikōmihana i ētehi tāngata takitahi o Ngāti Hinerangi, me ētehi mema o ētehi atu rōpū, ki ngā whakawhiwhinga o ngā poraka o Whakamārama, o Te Mahau, o Ōteora, o Mangatōtara me Poripori, neke atu i te 27,000 eka te tapeke.
- 2.70. Ko te tuatahi o ēnei poraka i whakatewhatewhatia e ngā Kaikōmihana o Tauranga ko te poraka o Whakamārama. I te Oketopa o te tau 1881 ka whakawhiwhia te poraka o Whakamārama (he āhua 11,000 eka te tapeke) ki ētehi o ngā iwi, arā, ki a Ngāti Hinerangi me Ngāti Tokotoko.
- 2.71. I te Noema o te tau 1881 ka whakawhiwhia ētehi o ngā iwi, tae atu ki ētehi o ngā hapū o Ngāti Hinerangi ki te poraka o Mangatōtara e 7,600 eka te rahi.
- 2.72. I te Hānuere o te tau 1882, ka whakatakoto te Kaikōmihana o Tauranga i tana whakawātanga mō ētehi poraka tōpū, tae atu ki ngā poraka o Te Mahau me Ōteora, i whai wāhi ai a Ngāti Hinerangi ki ngā whakawhiwhinga.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- 2.73. I whakawāngia te poraka o Poripori, e 5,700 eka te rahi, i te 22 o Tīhema, i te tau 1881. Kāore he tuhinga i te whakawātanga whakamutunga a te Kaikōmihana o Tauranga mō te poraka o Poripori, heoi anō, i tuhia i muri mai, ko ētehi mema o Ngāti Hinerangi kei roto i te hunga nō rātou te poraka.
- 2.74. I te tau 1881, ka tuhi kōrero a Ngāti Hinerangi ki te Minita mō ngā Take Māori e kī ana kua whakawhiwhia rātou ki te poraka o Pūrākautahi e tētehi Kaikōmihana o Tauranga i te tau 1878, i mua i te whakatewhatewhatanga taitara o te tau 1881 a tētehi Kaikōmihana kē o Tauranga. I tautohe a Te Awanui rāua ko Henare Tawhārangi o Ngāti Hinerangi ki te Minita mō ngā Take Māori me te kī e rūritia ana te whenua hei wāhanga mō tētehi atu kerēme. Nā Tūpaoa tētehi amuamu ōrite i tāpae i taua wā. I te Noema o te tau 1881, ka tuhi te Kaikōmihana o Tauranga, nōna te mana whakahaere i te whakatewhatewhatanga tuarua, i mua i te tīmatatanga o tāna whakatewhatewhatanga ka whakaaetia e ngā rōpū katoa me uru te poraka o Pūrākautahi ki tana whakatewhatewhatanga i te poraka o Kaimai, ā, ka whakawāngia anō ahakoa te whakatau o mua.
- 2.75. I whakawhiwhia ētehi tāngata i āta whakaingoatia ki ngā taitara, kua ko ngā hapū. Nā te whakawhiwhi taitara whenua ki ngā tāngata takitahi i wātea ake ai aua whenua kia wāwāhia, kia hokona hoki. Tae rawa ake ki te tau 1886, kua hokona tūmataititia atu te nuinga o ngā poraka o Tauranga i whai wāhi ai ngā mema o Ngāti Hinerangi ki ngā whakawhiwhinga, arā ko Whakamārama 2, ko Te Mahau me Ōteora 1, neke atu i te 10,000 eka te tapeke. I waenga i te tau 1896 me te tau 1919 ka hoko te Karauna i ngā eka e 5,556 o te whenua i te poraka o Mangatōtara.
- 2.76. I te tau 1878 ka pāpāho te Karauna ko ngā taitara o ngā whenua katoa i whakahokia i Tauranga kāore i āhei te hoko atu, hāunga rā ngā rīhi kāore i neke atu i te 21 tau te roa, atu i ngā mea i whakaaetia e te Kāwana i mua. I te tau 1886 ka whakatūria he Kōmihana Uiui ki te whakatewhatewha mehemea me hiki ngā aukatinga hoko whenua i ētehi o ngā poraka i uru ai ngā rōpū tūmataiti ka whakawhiti kōrero ki ngā rangatira Māori nō rātou te whenua, kātahi ka tono ki te Kāwana kia whakakorehia ngā aukatinga hoko whenua.
- 2.77. Ko ngā poraka i āta whakatewhatewhatia ko ētehi i whai pānga ai a Ngāti Hinerangi i ngā whakawhiwhinga. I tūtohu te Kaikōmihana kia hīkina ngā aukatinga hoko whenua i ngā poraka o Te Mahau, o Irihanga me Ōteora. Mō te taha ki ngā poraka o Poripori 1 me Poripori 2, i tūtohu te Kaikōmihana kia kua e hiki i te aukatinga hoko whenua nā te tinihanga o ngā hokonga. Ko ngā mahi tinihanga i kōrerotia e te Kaikōmihana ko te tāwhai a ngā māngai hoko i ngā waitohu o ngā tāngata nō rātou te whenua i ngā rihīti hoko, me ngā rerekētanga i te moni i tuhia kua utua ki ngā tāngata nō rātou te whenua me te moni i āta whiwhi rā aua tāngata.
- 2.78. I te rohe whānui o Tauranga, tae atu ki te poraka o Te Puna-Katikati me ngā poraka raupatu, ka whakaurua ētehi tāngata takitahi o Ngāti Hinerangi ki ngā whakawhiwhinga o ngā whenua i te takiwā o te 28,000 eka, i te taha o ētehi atu rōpū i whakawhiwhia ki te pānga. Tae rawa ki te tōmuatanga o te rautau rua tekau i āhua 13,000 eka noa iho pea o ēnei whenua i purutia tonutia e te Māori. I haere tonu ngā hokonga whenua a te Karauna, a te hunga tūmataiti hoki, me ētehi tangohanga whenua i raro i te ture mō ngā mahi tūmatanui, i ngā tau o te rautau rua tekau. I tēnei rā, e purutia tonutia ana ngā

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

pānga ki tōna 3600 nei eka e Ngāti Hinerangi, i te takiwā o Tauranga, ko te nuinga he whenua paripari, he whenua ururua i te Pae Maunga o Kaimai. I mua i te pakanga me te raupatu i kapi i ngā pānga tuku iho o Ngāti Hinerangi i Tauranga tētehi rohe, tōna 90,000 eka nei te rahi, kāore i whāiti noa iho mai ki a rātou.

- 2.79. Nā te rironga o ngā whenua takutai o Ngāti Hinerangi i Tauranga i aukatihia ai te urunga o Ngāti Hinerangi ki ngā kāinga takutai, ki ngā pā, ki ngā urupā me ētehi atu wāhi tapu, ki ngā puna mātaitai papatupu anō hoki, manohi anō ko ētehi o ngā whenua i whakawhiwhia ki a Ngāti Hinerangi e ngā Kaikōmihana o Tauranga he poraka whenua tūpoupou, kāore i wātea kia tomokia, he mūhore anō hoki.

NGĀ PETIHANA ME NGĀ PĪRA

- 2.80. Kua roa nei a Ngāti Hinerangi e ngana ana ki te tiaki i tō rātou pānga mā ngā petihana me ngā mautohe ki te Karauna. Kua whakapuaki ētehi mema o Ngāti Hinerangi i ō rātou pānga ki te takiwā o te maunga o Kaimai i mua i ngā whakataunga taitara a ngā Kaikōmihana o Tauranga, nō te rangatira o Ngāti Hinerangi, nō Ngātūpara e mautohe ana ki ngā mahere e āhei ai te rapu kōura i roto i te takiwā. I te Ākuhata o te tau 1876 i tētehi hui ki te Kaikōmihana Hiwhiri o Tauranga ka whakahē a Ngātūpara i te whakatuwheratanga o te Pae Maunga o Kaimai hei wāhi kerī kōura. I tētehi hui i muri mai, i te Noema o te tau 1876 ka whakahē a Ngātūpara rāua ko Te Kahukoti i te kerī kōura.
- 2.81. I te 9 o Hūrae, i te tau 1877, ka tuku te rangatira o Ngāti Hinerangi, a Te Parawhau Te Kohe rātou ko ētehi atu tūpuna tokoono o Ngāti Hinerangi, i tētehi petihana atu i Rarupua i Tauranga ki te Kāwana, e tono ana kia purutia tonutia e rātou ō rātou whenua 'hei purutanga pūmau mō mātou me ā mātou tamariki ka whai mai'. Ka whakaatu te petihana i ētehi o ngā wāhi, i kīia he wāhi tapu i Te Rohe o Kōperu. I āta kōrerotia e Te Parawhau te mana o ngā hapū o Ngāti Tāwhaki me Ngāti Tamapango ki ngā whenua i whakaahuaria rā i roto i te petihana.
- 2.82. I te marama o Oketopa, i te tau 1877 ko tētehi āpiha o te Karauna i hui tahi ki ngā kaitāpae petihana kāore i roa i muri ake ka kī, kua tono rātou kia whakapuakina ō rātou whenua hei whenua rāhui nā te mea e hokona atu ana ētehi wāhanga e ētehi atu Māori. I kī a Te Parawhau, i tuhia he kōrero ki te Kāwanatanga nā te mea e hoko whenua atu ana ētehi tāngata...E hokohoko whenua atu ana ehara nō rātou, ā, kua pau i a rātou te moni. Kua hoko whenua atu ki ngā Pākehā o Kemureti. I ētehi iwi ō rātou pānga ki ngā whenua i kōrerotia rā, ā, kua hokona ō rātou pānga e ētehi o aua rōpū ki te Karauna. Ko tētehi wāhanga o te whenua i kīia e Ngāti Hinerangi i hōrapa ki roto i te wāhi hoko o Te Puna-Katikati, i hainatia ai e te Karauna he pukapuka hoko whenua ki ētehi tūpuna tokotoru o Ngāti Hinerangi i te tau 1871. Heoi, nā te mea kīhai rawa te rohenga tuawhenua o te hokonga i te Pae Maunga o Kaimai i rūritia, ka puta te raruraru ko ēwhea whenua kua hokona atu, me te whakapono tonu o Ngāti Hinerangi arā tonu ngā whenua Māori e takoto tonu ana i waenga i te wāhi i hokona ai e te Karauna me te rohenga o te takiwā raupatu. I tohutohutia a Ngāti Hinerangi e te āpiha o te Karauna kia tono ki te Kōti Whenua Taketake me te Kaikōmihana o ngā Whenua o Tauranga mehemea i pīrangi rātou ki te whakatūturu i ō rātou taitara, me tāna kī, 'kāore e kore he taitara tō rātou, engari ehara i te mea e whāiti ana ki a rātou anahe.'

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- 2.83. I te marama o Tihema, i te tau 1877, ka tuhi kōrero te rangatira o Ngāti Hinerangi, a Te Awanui Kiritapu, ki te Minita mō ngā Take Māori e whakahē ana i ngā whakaritenga whenua a ngā kiri-taipūwhenua Pākehā e ngana ana ki te hoko mai i ngā whenua i te takiwā o Kaimai. I mua tēnei i te whakawhiwhinga o te taitara ki ngā whenua i ngā Kaikōmihana Tauranga.
- 2.84. I rere tonu ngā mautohe a Ngāti Hinerangi i ngā tau o te rautau rua tekau. I te 25 o Hānuere i te tau 1927, ka tāpae atu a James Douglas o Ngāti Hinerangi i tētehi petihana e pā ana ki tētehi whenua i roto i te takiwā o Aongatētē, tōna 14,000 eka te rahi, i roto anō i te wāhi hoko o Te Puna-Katikati. I whakahē ia i te raupatunga o ngā whenua o Ngāti Hinerangi me te tono kia whakatewhatewhatia ā rātou nawe. I kī a Douglas, ... E kī ana mātou, nō mātou anō tēnei whenua, arā, nō te iwi o Ngāti Hinerangi...tēnei mātou a Ngāti Hinerangi e tono ana kia whakahokia mai anō tēnei whenua ki a mātou. E kaha kī rawa atu ana i raupatu kinotia tēnei whenua.
- 2.85. I tae tōmuri rawa te tāpaetanga o te petihana a Ngāti Hinerangi kia tuku ōkawatia ki te Kōmihana a te Kuīni mō ngā Whenua Raupatu (te Kōmihana o Sim) i noho i Tauranga mō ngā rā e rua me te haurua i te Māehe me te Āperira o te tau 1927. I rongo taunakitanga te Kōmihana o Sim e pā ana ki te petihana a Ngāti Hinerangi, engari kīhai i whakatakoto tūtohutanga, kitenga rānei mō taua petihana nā te tōmuri o te tāpaetanga. Whāiti ana ngā tikanga whakahaere a te Kōmihana, i kī rā kia kaua te Kōmihana e aro ki tētehi tāpaetanga kōrero me whai painga i ngā whakaritenga o Te Tiriti o Waitangi ngā Māori i whai wāhi ai ki te whakahē i te rangatiratanga o te Kuīni o taua wā, me te whakakore i tōna mana. Ko te tirohanga a te Kōmihana ki te raupatu whānui o Tauranga, he tika te raupatu, kāore hoki i kaha rawa.
- 2.86. I te tau 1944 ka tāpae a James Douglas i tētehi petihana anō mō Ngāti Hinerangi, e hāngai kē ana ki tōna 20,000 eka i Aongatētē. I takoto te kōrero i te petihana i hē te tangohanga o te whenua i a Ngāti Hinerangi i te hokonga mai a te Karauna i taua wāhi i ētehi atu ehara i a rātou te mana hoko. I takoto anō hoki te kōrero, kua kōrerotia te take i te aroaro o te Kōmihana i te tau 1927 engari kāore i āta whāia tonutia i taua wā. I tono a Ngāti Hinerangi kia whakahokia mai ngā whenua ki a rātou, kia utua rānei rātou ki te utu paremata i te rironga o aua whenua.
- 2.87. I whakaahua te petihana i ngā rohenga o te wāhi whenua i kerēmetia ai, ko 'te Poraka o Aongatētē, te pāriha o te Takiwā o Te Āpata o Tauranga i rohengia pēneitia: Ka tīmata i te Teihana Roherohe, i tohua ai ko Ngā Tamāhine e Rua; ka haere whakatetonga atu ai ki Mimiha o Tūwhanga; kātahi ka whakaterāwhiti atu i te Poraka o Whakamārama Nama 2 ki Umukorongaehe; mai i konei, whakateraki atu ki te kāinga noho o Waitekohe me te Ara o Tamehana; atu i konei i te Ara o Tamehana, hoki mai ai ki te Tīmatatanga...”
- 2.88. Nō muri noa mai, i te tau 1948, ka whakakorehia te petihana a Ngāti Hinerangi e te kāwanatanga. Hei tā te Karauna, nā te pukapuka hoko o te tau 1871 i hainatia ai e ngā rangatira tokotoru i whakakore tō rātou mana me ō rātou pānga ki Te Puna-Katikati, ahakoa kīhai te katoa o Ngāti Hinerangi i whai wāhi ki te whakawhitinga. Kīhai te Karauna i whakatewhatewha anō i ngā kerēme a Ngāti Hinerangi.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

TE KŌTI WHENUA TAKETAKE

- 2.89. Tae rawa ki ngā tau tōmua o ngā tau 1860 kua whakaaro whānuitia e ngā āpiha o te Karauna me ngā kiri-taipūwhenua kua tū hei kaitōrangapū, kāore i eke te rahi o ngā whenua Māori i wātea ki ngā kiri-taipūwhenua Pākehā i te pūnaha rāhui i te hoko i whāiti ai ngā mahi hoko i ngā whenua Māori ki te Karauna. Ka whakatairanga te Karauna i tētehi ture mā reira e tū ai tētehi pūnaha hōu hei whakahaere i ngā whenua Māori, e kōkiritia ai te hokonga o ngā whenua Māori me te whakarite hoki kia nui ake te whai wāhi a ngā tāngata Māori ki te tupuranga o te ōhanga.
- 2.90. I whakatūria te Kōti Whenua Taketake i raro i te Native Lands Act 1862 me tō te tau 1865 kia whakatauria ko wai ngā rangatira o ngā whenua Māori 'e ai ki ngā Tikanga Māori' me te tahuri i te mana whenua tuku iho hei taitara i ahu mai i te Karauna. Ahakoa ka taea te whakawhiwhi taitara ki ngā poraka whenua e iti iho ana i te 5,000 eka te nui ki ngā iwi kua whakaingoatia, kīhai rawa tēnei whakaritenga i whakatinanahia i ngā whenua o Ngāti Hinerangi, ā, i whakakorea tērā i muri i te tau 1873. I whakawhiwhia kētia ngā tāngata takitahi i whakaingoatia ki ngā taitara, i wātea rā hoki aua tāngata takitahi ki te tonu kia whakatewhatewhatia ngā taitara me te kore i aro ki ētehi atu kaupupuru whenua. Ki a Ngāti Hinerangi he takahi tēnei i te mana whenua o te iwi taketake me tā te iwi āta whakahaere i ōna anō whenua.
- 2.91. Nā ngā Ture Whenua Māori i whakatahangia ai te āhei o te Karauna ki te hoko tuatahi i ngā whenua, e wātea ai ngā tāngata Māori takitahi kua whakaingoatia hei kaupupuru whenua e te Kōti Whenua Taketake ki te rīhi me te hoko i ō rātou whenua ki ngā tāngata tūmataiti me te kāwanatanga anō hoki. Kāore he whakawhiwhitinga kōrero ki a Ngāti Hinerangi, ki ētehi atu Māori rānei e pā ana ki aua ture i mua i te whakamanatanga, kāore hoki he māngai Māori i te Whare Pāremata o Aotearoa i taua wā. Me whai taitara herekore rawa te Māori i te kōti kia taea ai e rātou te hoko atu, te rīhi ā-ture rānei i te whenua, te whakamahi rānei i te whenua hei punga tahua e taea ai te whakawhanaketanga o te whenua. Nō reira, kāore he kōwhiringa ki a Ngāti Hinerangi me ērā atu iwi i tua atu i te whakamahinga i te Kōti Whenua Taketake mehemea ka pīrangi rātou ki te whakapūmau taitara ki ō rātou whenua me te whakauru i ō rātou whenua ki roto i te ōhanga hōu me te whai wāhi ki ngā pūtea mōkete, ki ngā tahua moni anō hoki.
- 2.92. Nā ngā tikanga mana whenua tuku iho i taea ai te whakarite ngā tūhononga tāngata matatini me ngā tūhononga ngāwari, te whakarite hoki i ngā momo whakamahinga whenua me ngā whakamahinga rawa. Kīhai ngā whakahaere ā-ture i te Kōti Whenua Taketake i whakatinana i tēnei ngāwaritanga, ā, ka whakatauria kētia te rangatiratanga pūmau o te whenua ki ngā tāngata takitahi. Kīhai ngā whakawhiwhinga a te Kōti i hāngai ki te mana whenua tuku iho o Ngāti Hinerangi me ngā tikanga a Ngāti Hinerangi.

NGĀTI HINERANGI ME TE KŌTI WHENUA TAKETAKE

- 2.93. I tīmata te Kōti Whenua Taketake ki te whakatewhatewha i ngā taitara ki ngā whenua i kerēmetia e Ngāti Hinerangi i te Māehe o te tau 1866, nō te kōti i noho tuatahi ai ki Kirikiriroa. I tamō a Ngāti Hinerangi i te whakawātanga, engari i whakatakoto a Wiremu Tāmihana i tētehi kerēme mā rātou, mō te poraka rahi o Tūranga-o-Moana (e 24,523

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- ngā eka) kei roto rā te wāhi e tū nei a Mātāmata i tēnei rā. Kīhai te kerēme i tohea i taua wā.
- 2.94. I whakawhiwhia te poraka o Tūranga-o-Moana ki ngā tāngata tekau noa iho i raro i te ture kaupupuru tekau a te Kōti Whenua Taketake, i uruhia i waenga i te tau 1865 me te 1873. Nā te ture kaupupuru tekau i taea ai e te Kōti Whenua Taketake te whakawhāiti te tokomaha o ngā kaupupuru ka tuhia ki tētehi taitara, kia tekau, kia tokoiti iho rānei ngā tāngata takitahi. Ko ērā i whakaingoatia i runga i te tiwhikete taitara i taea ai ā-ture nei e rātou te tū hei rangatira motuhake mō te whenua, ā, i āhei anō hoki te hoko whenua atu me te kore hoki i aro ki ō rātou hapū, ki ō rātou iwi rānei. Ahakoa i kī a Wiremu Tāmihana ki te kōti he māngai ērā tāngata tekau kua whakaingoatia hei kaupupuru whenua mō ō rātou hapū, nā te āhua o te taitara, kua tū rātou ānō nei nō rātou anahe te poraka.
- 2.95. I rangona hoki te taitara ki te poraka o Matamata (e 5468 ngā eka) i te Māehe o te tau 1866, ā, i whai wāhi ētehi tūpuna o Ngāti Hinerangi ki te rārangi o ngā rangatira tekau i whakaingoatia. I te tau 1884 ka wāwāhingia te poraka o Matamata, ā, tata tonu ki tētehi haurua o taua poraka (o Matamata ki te Tonga, e 2957 ngā eka) i whakawhiwhia ki ngā kaupupuru taitara o te whenua i whakarite ai kia hokona ō rātou pānga ki tētehi hunga tūmataiti. I raro i te Native Equitable Owners Act 1886 ka whakamanahia te Kōti Whenua Taketake ki te whakatau mehemea i pupuru ngā kaupupuru i whakaingoatia i ngā taitara i raro i te pūnaha kaupupuru tekau i te whenua hei kaitiaki mō ētehi atu. Mehemea i pēnei te whakatau a te kōti, ka whai wāhi atu ngā ingoa o ngā kaupupuru whai pānga katoa ki tētehi taitara hōu. Heoi anō, i hāngai anahe te ture ki ngā whenua i purutia tonutia e te Māori. I te tau 1905 ka whakatau te kōti ko te whai, kia tū tētehi rōpū kaitiaki whai painga mō te poraka o Matamata. Engari i taea noatia te whakatau ngā kaupupuru whai painga hei tāpiri ki te taitara mō Matamata ki te Raki anahe (e 2,871 ngā eka), arā, ko te wāhanga o te poraka i mau tonu ki te Māori.
- 2.96. Ko te nuinga o ngā poraka i toe tonu i whakawhiwhia ki a Ngāti Hinerangi, he mea whakawhiwhi i raro i te Native Land Act 1873, i raro rānei i ngā tāpirihanga i whai ake. Nā tēnei, i mutu ai te pūnaha kaupupuru tekau, mā te kī me whakaingoa ia tangata takitahi ki te rārangi kaupupuru. Heoi, kāore he whakaritenga ōkawa, i whakamanahia e te ture e whakahaeretia ai ngā whenua e te hāpori, e wātea ai rānei ngā hāpori Māori ki te kōkiri i ngā whakatewhatewhatanga tīmatatanga o ngā taitara.
- 2.97. I waenga i te tau 1866 me te tau 1900 ka whakaūngia ngā pānga o Ngāti Hinerangi ki ētehi o ngā poraka, tae atu ki Matamata (1866), ki Te Tāpui (1868), ki Whangorau (1876), ki Hungahunga 1 me te 4 (1876), ki Hungahunga 3 (1878), ki Mangawhero (1877), ki Aratiatia (1878), ki Waiharakeke ki te Rāwhiti (1878) me Waiharakeke ki te Uru (1878), ki Tuarāpārahara 2 (1879), ki Maurihero (1884), me Tūranga Tangata (1900).
- 2.98. I te tau 1879 ka whakawhiwhi te Kōti Whenua Taketake i te poraka rahi o Ōkauia (i roto rā ko ngā poraka o Te Karaka, o Wairere me Tuarāpārahara 1), he nui ake i te 27,000 eka te rahi, ki a Ngāti Hinerangi. I wāwāhingia te poraka kia rima ngā poraka iti iho, ka whakawhiwhia ki ngā mema o Ngāti Tokotoko, o Ngāti Te Riha, o Ngāti Tangata hoki.
- 2.99. Ko ngā tāngata takitahi o Ngāti Hinerangi i tae atu ki ngā whakawātanga i mate ki te utu i ngā momo utu ki te Kōti Whenua Taketake. Ka nui tonu ngā utu o te rūri whenua hei pīkau mā te hunga e tonu taitara ā-ture ana ki ngā whenua, ā, ka pīkaungia e Ngāti

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

Hinerangi ngā utu o te kai me te wāhi noho, nō rātou i te Kōti i ngā tāone Pākehā pērā i Kemureti, i Pārāwai rānei, i te nuinga o te wā i tawhiti atu i ngā whenua e whakatewhatewhatia ana, i tawhiti hoki i ō ratou kāinga ake.

- 2.100. Tae rawa ki ngā tau tōmua o ngā tau 1800 kua mōiriiri ngā nohoanga a te Kōti o Kēmureti, i whakaarohia hoki he māteatea i te āhua o tā ngā kaikimi whenua tūmataiti tuku i te waipiro me te moni taurewa ki te Māori, i riro ai i te mutunga o te whakawātanga i te nuinga o te wā ko te whenua hei utu.

NGĀ WHAKARITENGA WHENUA I TE WĀ O TE KŌTI WHENUA TAKETAKE

- 2.101. Mai i ngā tau o waenga i ngā tau 1860, haere ake, i hokona atu ētehi poraka i muri tata mai i te whakawhiwhinga taitara ki ētehi o Ngāti Hinerangi. I ētehi wā whakaritea ana he whakaaetanga e ngā rōpū tūmataiti ki te hoko mai, ki te rīhi rānei i ngā whenua i mua i te whakawātanga o te taitara, ā, oti ana te hokonga i muri tata tonu iho i te whakawātanga o ngā taitara.
- 2.102. I te tau 1872 ka hoko tētehi tangata tūmataiti i te poraka o Tūranga-o-Moana, kua rīhitia kētia ki a ia i mua atu. Nā tēnei i pupū ake ai te raruraru nā te mea i roto ngā whenua i ngā rohenga o tētehi aukatinga i whakapūmautia e te Kīngitanga i muri i te Pakanga o Waikato.
- 2.103. I te tau 1879 ka hokona atu a Ōkauia 1 (e 23,008 eka) ki tētehi rōpū kaipakihi rongonui o Tāmaki Makaurau me ngā kaikimi whenua i muri tata tonu i te whakawhiwhinga o te poraka ki ētehi tāngata o Ngāti Hinerangi. I te Oketopa o te tau 1880, ka hokona atu anō hoki a Ōkauia 5, he poraka iti, paku neke atu i te rima eka te rahi, ki ngā kaihoko tūmataiti. I roto rā te taonga waiariki e mōhiotia ana ko Ramaroa (i muri mai ko Ngā Puna o Ōkauia me Ngā Puna Ōpure) i whakamahia ai e Ngāti Hinerangi i ngā wā o mua. I whakaritea e Ngāti Hinerangi tētehi whakaaetanga ā-waha ki ngā kaihoko tūmataiti kia wātea ai a Ngāti Hinerangi ki te kaukau tonu i ngā waiariki. Heoi, tae rawa ake ki te tau 1920 kua taiapatia ngā waiariki hei wāhanga mō tētehi kaupapa mahi moni, ā, ka mate a Ngāti Hinerangi ki te utu e uru ai rātou ki reira.
- 2.104. I ētehi wā, ka hokona ngā pānga ki ngā whenua kia utua ai ngā nama i hua ake i te whāinga o ngā taitara ā-ture. I whai wāhi ngā riana rūri me ngā utu kōti ki te whakatau kia hokona atu ngā pānga ki ngā poraka o Maurihero me Mangatōtara 1 ki te Karauna. I mōhio ngā āpiha o te Karauna e pēhia ana ngā Māori e aua utu kia hokona atu ō rātou whenua. I te tau 1894 i kī te Āpiha Hoko Whenua o te Karauna e whai wāhi atu ana ki te hoko pānga i te poraka o Maurihero, "ka whakaae ngā Māori ki te utu i te utu kua tohua nā te mea he maha ā rātou kēhi ka whakawāngia i te aroaro o te Kōti...nō reira me whai moni rawa rātou hei utu i ngā utunga Kōti". I te Hānuere o te tau 1895 ka tīmata te Karauna ki te hoko i ngā pānga o Ngāti Hinerangi i te poraka o Maurihero. I te Pēpuere o te tau 1895 ka tuhi kōrero a Te Kawau me ētehi atu o Ngāti Hinerangi ki te Minita mō ngā Take Māori ki te ātete i te hokonga o ngā whenua o Maurihero. Ka whakautu tētehi āpiha Karauna, nā te mea kāore ngā kaituku petihana i runga i te rārangi o ngā kaipupuru whenua kāore ō rātou mana ki te whakahē, ahakoa te whai pānga tonu a Te Kawau i te poraka. Ka haere tonu te mahi hoko pānga a te Karauna puta noa i te tau 1895 me ngā marama tōmua o te tau 1896, ā, i te Hūrae o te tau 1896 ka whakawhiwhi

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

te Kōti Whenua Taketake i te taitara o te poraka o Maurihoro 1,181 A ki te Karauna. I roto i taua poraka te Hīrere o Wairere, he wāhi whakahirahira ki a Ngāti Hinerangi.

- 2.105. I te 15 o Hepetema, i te tau 1896, ka urupare te Komiti mō ngā Take Māori ki tētehi petihana i tāpaetia ai e ētehi rangatira o Ngāti Hinerangi, ko Te Kawau tētehi, mō te poraka o Maurihoro. Ka tono ngā kaitāpae petihana kia tū tētehi whakawātanga ki te poraka. I tūtohu te komiti kia 'tukuna tēnei petihana ki te Kāwanatanga hei whakaarotanga.' Kāore he aha i puta i taua petihana.
- 2.106. I ngā kēhi o Mangatōtara, i ngā wā i hiahiatia tētehi wāwāhitanga hōu i muri i te hokonga o tētehi wāhanga noa o ngā pānga, ka whakahaua he rūritanga hōu, ka mate te hunga kāore i hoko atu ki te utu i tētehi wāhanga o te utu, ka pīrangi hoki ētehi atu kaipupuru whenua ki te hoko atu i ō rātou pānga kia ea ai ā rātou nama hōu.
- 2.107. Ahakoa te riro i ngā rōpū tūmataiti ngā poraka maha, i hoko mai anō hoki te Karauna i ētehi o ngā whenua o Ngāti Hinerangi i muri i te whakawhiwhinga o te taitara e te Kōti Whenua Taketake. Ko ngā poraka i whai pānga ai a Ngāti Hinerangi, i whai wāhi ai hoki ki ngā hokotanga a te Karauna, ko Maurihoro, ko Mangatōtara, ko Waiharakeke ki te Rāwhiti me Waiharakeke ki te Uru. Whakaritea ai e te Karauna ngā whakawhitinga whenua hei kaihoko mana tokitoki, nōna ka hoko whenua mai i te rautau 19.
- 2.108. Hui katoa, i te rohe o Matamata, i whai wāhi atu ngā tūpuna o Ngāti Hinerangi ki ngā whakawhiwhinga a te Kōti Whenua Taketake āhua 96,000 eka nei te rahi, i whai pānga ai anō hoki ētehi atu iwi. Tae rawa ki te tau 1900 ko ngā whenua i te takiwā o te 70,000 eka i whai pānga ai a Ngāti Hinerangi kua hokona tūmataititia mai, ā, kua hokona mai he 9,000 eka atu anō e te Karauna.

NGĀ MAHI WHAKAHAERE WHENUA I TE RAUTAU RUA TEKAU

- 2.109. Tae rawa mai ki te tōmuatanga o te rautau rua tekau kua hokona kētia atu te nuinga o ngā whenua i whai pānga ai a Ngāti Hinerangi. Ahakoa te kerēme pānga a Ngāti Hinerangi ki ngā eka 100,000 neke atu i waho i te takiwā raupatu o Tauranga, tae rawa mai ki te tau 1900, he 18,578 eka noa iho i ngā poraka i whai pānga ai rātou i mau tonu ki ngā kaipupuru Māori. Hāunga ngā whenua tiritiri i purutia ai te nuinga o ngā pānga e ētehi atu iwi, hapū rānei, ko te tapeke pū ko te 7,131 eka noa iho, i roto rā ko ētehi poraka e whā (ko Ōkauia, ko Waiharakeke ki te Uru, ko Waiharakeke ki te Rāwhiti me Maurihoro). I te tau 1900, i te rārangi ingoa o ngā Māori i noho whenua kore nā te raupatu i ngā takiwā o Waikato me Tauranga, ngā ingoa o ētehi tūpuna tokorua o Ngāti Hinerangi, ko Te Pōhoi Tahatika rāua ko Ngāhuia Tahatika.
- 2.110. I te tau 1900, nā te Māori Lands Administration Act i tū ai ngā Kaunihera Whenua Māori ki te tiro tiro i te whakahaerenga o ngā whenua Māori. I roto i aua kaunihera ētehi mema i pōti tikahia e te Māori me ngā mema nā te Karauna i kopou. I te tau 1905 i huri ngā Kaunihera Whenua Māori hei Poari Whenua Māori, ka mutu, haere ake ka kopoua ngā mema katoa e te Karauna. I taka ngā toenga whenua o Ngāti Hinerangi ki raro i te mana whakahaere o te Poari Whenua Māori o te Takiwā o Waikato, o te Poari Whenua Māori o te Takiwā o Waikato-Maniapoto rānei. Me whakaae rawa e aua poari e rua ngā whakawhitinga hokonga o ngā whenua o Ngāti Hinerangi i roto i ō rāua takiwā ake. Ka tangohia e te Native Land Act 1909 ngā rāhuitanga katoa o tērā wā tonu e pā ana ki te

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

hoko whenua Māori, engari i whakaritea rawatia e ngā Poari Whenua Māori kia kua tētehi kaupupuru e noho whenua kore, i mua i te whakaaetanga kia hokona. Heoi, he mea whakaahei e ētehi atu wāhanga o taua Ture anō ngā hokonga whenua kia whakaaetia e te Kāwana, ahakoa i te mutunga iho, ka noho whenua kore ngā kaupupuru, i runga i te here me mōhio te Kāwana ka whai oranga tonu te kaupupuru i ētehi atu o āna rawa. I te tau 1920 i whakaaetia e te Poari Whenua Māori o te Takiwā o Waiariki te hokotanga atu o tētehi whenua rāhui, e rima tekau eka te rahi i roto i te wāhi hoko o Te Puna-Katikati, ahakoa te rongō i te taunakitanga ka noho whenua kore tētehi tekau mā tahi o ngā kaupupuru o Ngāti Tokotoko i te mutunga iho. I ngā whakaritenga maha atu i te tau 1912 ki te tau 1936, ka whakaaetia te hokonga atu o ngā pānga i te poraka o Ōkauia ahakoa te toe mai o ētehi eka ruarua noa o ngā whenua tītōhea ki ngā kaihoko.

- 2.111. I haere tonu ngā hokonga whenua puta noa i te rautau rua tekau. Ahakoa he iti iho te rahinga whenua i hokona atu, he nui tonu ērā nā te ōrautanga o ngā whenua i toe tonu. Nā te Ture o te tau 1909 i whakarite ka taea anahe te hoko te whenua Māori o ngā tāngata neke atu i te tekau, i muri mai i tētehi hui mā ngā kaupupuru, ki reira whakaaetia ai te whakatau e te nuinga o ngā kaupupuru i tae ā-tinana atu, e ngā kaiwhakakapi rānei, kia hokona te whenua.
- 2.112. Nā te Ture 1909 hoki i āhei ai te Karauna ki te aukati i te katoa o ngā hokonga atu o ngā whenua Māori, hāunga anō ngā hokonga atu ki te Karauna, mō te kotahi tau, whai i muri mai ka whakaroatia ake ki te rua tau. Auau ana te whakahōutanga o ngā pānuitanga e te Karauna i muri i te mōnehutanga o te wā i tuhia i roto i te ture. Ko te āhua o tēnei pānuitanga ko te whakakore i te āheinga o ngā kaupupuru Māori o ngā poraka i pānui pēneitia, ki te rīhi, ki te whai mōkete, ki te hoko atu rānei i ō rātou pānga ki tētehi hunga kē, ki te hoko rānei i te mana kōhi i tētehi rawa, pēnei i ngā rākau. Nā tēnei pānuitanga kīhai i taea e te Māori te hoko whenua atu ki ngā tāngata tūmataiti i hiahia ki te tuku utu nui ake i te uara i whakatauhia e te Karauna. Ko ngā pānuitanga i hāngai ki ngā whenua o Ngāti Hinerangi i utaina ki te kēhi o Mangatōtara 1C ki te Raki me Mangatōtara 3B, tae atu hoki ki Matamata ki te Raki. Nā te Native Land Amendment Act 1913 i āhei ai te Karauna ki te karo i ngā huinga kaupupuru, ka hoko tika kē mai ai i ngā whenua i ngā kaupupuru takitahi.
- 2.113. I te tau 1914 ka whakatau te Karauna ki te hoko pānga i te poraka o Matamata ki te Raki nōna e tuku pānui ana hei ārai i ngā kaihoko tūmataiti ki te whakataetae ki aua whenua rā. I whakakore ngā mema o te huinga kaupupuru i te hiahia o te Karauna ki te hoko mai i te whenua, ā, ka tahuri kē te Karauna ki te hoko i ngā pānga o ngā tāngata takitahi, ahakoa ngā mautohe a ētehi kaupupuru. I noho whaimana tonu ētehi o ngā pānuitanga a te Karauna tae noa mai ki ngā tau mutunga o ngā tau 1920, i tērā wā neke atu i te haurua o te poraka tūturu o Matamata ki te Raki i riro i te Karauna.
- 2.114. I te tau 1919 ka tīmata te Karauna ki te hoko mai i ngā pānga o ngā kaupupuru o te poraka e 833 eka te rahi, o Mangatōtara 3B, me te tuku i te £1 10h i te eka hei utu hoko. I te tau ka whai ake ka wāhia te poraka, e 500 eka te rahi, o Mangatōtara 3B1 hei whenua Karauna. I te Hūrae o te tau 1920 ka puta te whakatau a te Kaihoko Whenua o te Karauna nā tētehi hapa rūri kua paku nui rawa te utu ki ngā kaihoko o Mangatōtara 3B1 mō ō rātou pānga. Heoi, ko tāna tohutohu kia kua e tono i te whakahokinga mai o te moni mō te toenga utu, nā te mea kīhai i whakaurua te uara o ngā rākau i te poraka ki te utu hoko a te Karauna, e ai ki a ia ko te £4 i te eka te uara. I te tau 1921 ka hoko te

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

Karauna i te poraka o Mangatōtara 3B2A, 150 eka tōna rahi. Kīhai te Karauna i ine anō i te uara o te poraka kia tāpirihia te uara o ngā rākau, i whakatika rānei i te utu mō ngā hea.

- 2.115. I waenga i te tau 1948 me te tau 1950 ka tukuna ngā poraka o Ōkauia 4E 2F1 me Ōkauia 4E3 nō ētehi takitahi o Ngāti Hinerangi, ki raro i te Kaitiaki Taketake (i muri ko te Kaitiaki Māori) nā te whakahau a te Kōti Whenua Māori i whakaturehia; i runga i te take he whenua ururua, ā, whai i muri iho ka rīhitia rānei, ka hokona atu rānei. Nā te Wāhanga 540 o te Native Land Act 1931 i whakarite kia pērā, mehemea kua rīhi kore te whenua, mehemea hoki kāore i nohoia e te tangata, kāore hoki i ngakia ngā otaota, i ngā wā hoki rānei kāore ngā kaipupuru whai pānga e kitea.
- 2.116. I te tau 1939 ka pūrongorongo te Tari Rūri Whenua, kua neke atu i te 24,000 eka kua hokona atu i te poraka o Ōkauia, toe ana ko tōna 3000 eka ki ngā kaipupuru Māori. Tae rawa mai ki te tau 2014, paku neke atu i te 1500 eka o Ōkauia e toe tonu ana hei whenua Māori.
- 2.117. I te tau 1952 ka whakakorea ngā Poari Whenua Māori, ka whakawhitia te nuinga o ā rātou mahi me ō rātou mana whakahaere ki te Kaitiaki Māori. Nā te Māori Affairs Act 1953 i āhei ai ngā pānga whenua i kīia ai he whenua 'tōtōā' kia whakaturehia te urunga o aua whenua ki raro i te Kaitiaki Māori i runga i te tūtohunga a te Kōti Whenua Māori. I whakaurua anō hoki ki te Māori Affairs Amendment Act 1967 he mana ōrite kia whiwhi pānga i raro i te ture, i kī rā anō hoki ka whakatōpūhia anō ngā whenua e purutia ana e ngā kaipupuru tokowhā, iti iho rānei i te tokowhā hei whenua ahuwhānui, kua hei whenua Māori, e herekore ana. I pupū ake te ātete nui a te Māori ki aua whakaritenga, engari kāore i whakakorea kia 1974 rā anō te tau.
- 2.118. Hei tauira, i Ōkauia 4E2F1, e 238 eka te rahi, 111 ngā kaipupuru i te tau 1961, ā, kāore he pānga i tētehi o ēnei kaipupuru (nā te wāwāhitanga o ngā pānga i te whakahaere o te ture whenua Māori) ka kīia he 'whaihua'. I te ākiritanga a ngā kaipupuru ki te tukunga a te Kaitiaki Māori ki te hoko mai i aua pānga, ka tangohia e te Kaitiaki Māori, i raro i te ture, ētehi pānga ki te poraka, me te rironga o tōna 60% o ngā pānga katoa ki taua poraka i mua i te tau 1967. I muri i tērā, ka hokona atu aua pānga e te Kaitiaki Māori ki tētehi kaihoko tūmataiti, ka riro hoki i taua kaihoko ngā pānga ki te poraka i toe mai. I tangohia hoki i raro i te ture, ētehi atu wāwāhinga o Ōkauia i whakatauhia he 'tōtōā'.
- 2.119. I whakawhiwhia a Ngāti Hinerangi ki ngā pānga i roto i ngā takiwā e rua o Tauranga Moana me Matamata, tōna 124,000 eka nei te tapeke, e te Kōti Whenua Taketake me ngā Kaikōmihana o Tauranga, i whai pānga ai hoki ētehi atu rōpū ki te nuinga o aua whenua. Tae rawa mai ki te tau 1900 i toe noa te 30,000 eka o aua whenua, me te iti noa o aua whenua i pupuru motuhaketia, i pupuru nuitia rānei e ngā kaipupuru o Ngāti Hinerangi. I tēnei rā he 12,500 eka noa iho e toe ana, ka mutu ko te 1,500 eka noa iho o Ōkauia ka kīia he whenua whaihua nō Ngāti Hinerangi te pānga matua.

TE WHAKATŌPŪTANGA ME TE WHAKAWHANAKETANGA

- 2.120. Mai i ngā tau tōmuri o ngā tau 1920 ka tīmata te Karauna ki te whakatutuki i te raruraru o ngā wāhi whenua kua wāwāhia, kua whakatōtōatia, i te whakatairangatanga o ngā kaupapa whakatōpū. Ko tā te whakatōpū he whakakotahi i ngā pānga ā-whānau kua

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

pirara puta noa i ngā poraka maha, kia tū ki tētehi wāhi kotahi, ki ngā wāhi piritata rānei e taea ai te whakawhanake hei wāhi pāmu. Heoi, kīhai i whakaurua ngā whenua o Ngāti Hinerangi e toe ana ki tētehi o ngā kaupapa whakatōpū i whakatūria i ngā tau tōmuri o ngā tau 1920 haere ake.

- 2.121. I te tau 1929 ka whakaritea e te Karauna te whakatūnga o ngā kaupapa whakawhanake whenua, nā te tukunga tōmuatanga o tētehi pūtea a te Karauna ki ngā kaupupuru Māori mō ngā pūtake whakawhanake ka noho hei nama ki te whenua kia utua rā anōtia, kia whakakorea rawatia rānei. Heoi anō, kia tae rawa mai ki te wā i huri ai te aronga o te Karauna ki te āwhina i ngā Māori ki te whakawhanake i ō rātou whenua, tē aro kē ai ki te hoko whenua i a rātou, he iti noa iho nei ō Ngāti Hinerangi whenua hei whakawhanake ake. I te tau 1932 ko tōna 1500 eka o ngā whenua o Ngāti Hinerangi i roto i te poraka o Ōkauia i pānuitia hei kaupapa whakawhanake. Hui katoa mai, i tūtohua he pūtea, tata ki te £1400 hei wāhanga mō te kaupapa whakawhanake o Ōkauia. Heoi, kāore he mahi i oti hei whakawhanake i ngā whenua nā ngā ārai toimaha i ngā whakapaunga moni tūmatanui, me te āhua anō hoki o te wāwāhitanga o te poraka i uaua ai te whakawhanake i ngā pāmu whaihua.
- 2.122. Nā te nui o te hokotanga o ō rātou whenua, me te wāwāhitanga o ngā taitara i purutia ai ō rātou whenua e toe tonu ana, i te pānga o ngā ture whenua Māori ka pā kinotia te ohaoha o Ngāti Hinerangi. I ngā tau 1930 he nui ngā mema o te iwi e noho ana i ngā whenua o Ōkauia, kua nui te noho nama, he mahi nui ki te whakaea, ā, he iti noa ā rātou kāhui kau hei oranga mō rātou, ka tahuri ētehi ki te hoko wahie atu hei mahi moni kē atu mā rātou.
- 2.123. Mai rā anō i whakakōroiroitia ai te whakawhanaketanga o ētehi whenua Māori i te korenga e puta atu ki te whenua i raro i te ture. Ahakoa te whakamanatia o te Kōti Teitei ki te whakahau i te whakawāteatanga o ngā poraka putanga kore i te tau 1975, i uaua tonu i te utu o te rūri me ngā whakahaere ā-ture. I utaina ngā reiti ki ngā poraka putanga kore, kāore hoki i whai urunga ā-ture, kāore rānei i whiwhi i ngā ratonga i ngā kaunihera, nā konā ētehi kaupupuru i whakatenatenahia ai kia hoko i ngā whenua pērā. Ko ngā whenua o Ngāti Hinerangi kāore anō kia whai urunga ā-ture i tēnei rā ko ēnei, arā ko ētehi wāhanga o Te Mahau, ko Mangatōtara, ko Maurihoro B, ko Waiharakeke ki te Rāwhiti me Ōkauia.

NGĀ MAHI TŪMATANUI

- 2.124. Ka riro i te Karauna, i raro i te ture, he whenua i a Ngāti Hinerangi mō ngā kaupapa maha. I mua i te weheruatanga o te rautau rua tekau, kāore te Karauna i whakawhiwhiti kōrero ki ngā Māori i te nuinga o te wā i mua i te rirohanga pērāhanga o ō rātou whenua mō ngā mahi tūmatanui. Kāore he ture e kī ana me aro te Karauna ki Te Tiriti o Waitangi, ki ngā painga whānui rānei o te Māori, i mua i te whakataua ka riro ngā whenua, i raro i te ture.
- 2.125. Nā ētehi ture i waenga i te tau 1862 me te tau 1927 ka whai wāhi te Karauna ki te tango whenua, tae atu ki te 5% o tētehi poraka whenua Māori, hei hanga rori mō ngā tau tekau i muri i te whakawhiwhinga taitara, me te korenga o ētehi whakaritenga kia utu paremata, kia whakawhiwhiti kōrero rānei ki ngā kaupupuru i mua mai. I te tau 1888 ka riro ētehi o ngā whenua o Ngāti Hinerangi i roto i ngā poraka o Waiharakeke ki te Uru 2A

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

me te Waiharakeke ki te Uru 2B hei hanga rori. I riro āno hoki tētehi wāhanga o Te Puna Rota 211, i mua i te tau 1920, engari kāore e tino mōhiotia ana te rā pū o te rirohanga.

TE ANAROA O KAIMAI ME TE WHAKATAKAHANGA

- 2.126. I ngā tau tōmua o ngā tau 1960 ka whakatau te Karauna kia hangā te Anaroa o Kaimai me te Whakatakahanga ki te hono i te ararino matua e rere ana mā te rohe o Waikato ki te herenga kaipuke o Tauranga. Ahakoa te whakaarohia o ētehi atu tūmomo ara i ērā o te anaroa me te whakatakahanga, ka whakakorea ēnei e te Karauna nā te nui rawa o te utu. I oti rawa te kaupapa i te tau 1978.
- 2.127. Ahakoa i whiwhi mahi ētehi o Ngāti Hinerangi i te kaupapa, ka noho taupua noa iho aua mahi, me te whakaaro iho o Ngāti Hinerangi kīhai te iwi whānui i whai hua ohaoha i te hanganga o te anaroa i te takahanga o te wā. I taua wā anō ka utaina te whānuitanga o ngā rāhuitanga e pā ana ki te āheinga ki te kerī matū, kia āhei atu hoki ki ngā waiariki ki runga i ngā whenua pātata o Ngāti Hinerangi nā te hanganga o te anaroa me te whakatakahanga.
- 2.128. E pūmau tonu ana te whakapono o Ngāti Hinerangi, nā te hanganga o te anaroa me te whakatakahanga i puta ai ngā pānga kino ki te taiao, tae atu ki te takakino ā-awa, ki te panonitanga, ki te urupatutanga rānei o ngā arawai, o ērā atu āhuetanga noa o te taiao, me te ngarohanga o te maru o te ngahere.
- 2.129. Ahakoa te hangaia o te anaroa e iwa kiromita te roa i raro i te Pae Maunga o Kaimai, i te maunga tapu o Ngāti Hinerangi, ā, ka paneke mā te rohe o Ngāti Hinerangi i ngā taha e rua i Waikato me Tauranga, kāore he whakawhitiwhitinga kōrero motuhake ki te iwi mō te hanganga, mō te ara rānei o te anaroa. I mua i te hanganga o te Anaroa o Kaimai i whakatū te Karauna i tētehi Kōmihana Uiuī ki te āta whiriwhiri me pēwhea e pai ake ai te urunga ki te Herenga Kaipuke o Tauranga. I wātea taua Uiuī ki ngā tāpaetanga tūmatanui; heoi kīhai ana tikanga whakahaere i whakaritea kia whakawhitiwhiti kōrero rātou ki te Māori, ā, kīhai te Karauna i tono whakaaetanga i a Ngāti Hinerangi mō te whakawhanaketanga. E kī tonu ana a Ngāti Hinerangi i tūkinotia tō rātou maunga tapu i te hanganga o te anaroa. Ko te ararino i te tīmatatanga o te anaroa ka whakawhiti i te awa tapu o Waihou me te whakawhiti i ngā whenua o Waiharakeke i mua i te urunga ki te anaroa. E kī ana rātou ahakoa he nui te whai wāhitanga o te anaroa ki te whakawhanaketanga ohaoha o te rohe o Tauranga, kāore a Ngāti Hinerangi i whai hua i taua tōnuitanga me te kore i whiwhi paremata mō te tūkinotanga o tō rātou maunga tapu, o ngā awa pātata rānei me ngā ngahere. E ai ki a Ngāti Hinerangi, nā te hanganga o te Anaroa o Kaimai me te whakatakahanga i pā kinotia ai te ahurea ahurei me te tuakiritanga o Ngāti Hinerangi.
- 2.130. Kīhai a Ngāti Hinerangi i toroa kia whakawhitiwhiti kōrero mō te whakapūmautanga o te Pāka Ngahere ā-Motu o te Pae Maunga o Kaimai i te tau 1975.

NGĀ WĀHI WAIARIKI O NGĀTI HINERANGI

- 2.131. Mai rā anō, i ngākaunuitia ai ngā wāhi waiariki e Ngāti Hinerangi hei taonga kia āta tiakina i raro i ngā mātāpono o te kaitiakitanga. I ahu mai te hononga o Ngāti Hinerangi ki ngā taonga waiariki i tō rātou rohe i te orokohanga rā anō.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- 2.132. Ko ngā taonga waiariki kei roto i te rohe o Ngāti Hinerangi ko Ōkauia (kei te Poraka o Ōkauia 5), ko Taihoa (kei ngā poraka o Ōkauia 1B me te Tuarāpārahara), ko Waiteariki (kei te Poraka o Ōkauia 4), ko Waiharakeke, ko ngā Puna o Sheehan rānei (kei te Poraka o Waiharakeke ki te Rāwhiti) me Manawaru (kei te uru o Waiharakeke ki te Uru).
- 2.133. Tae rawa mai ki te tau 1880 kua hokona te poraka o Ōkauia 5, i reira hoki te waiariki o Ramaroa, ki tētehi kaihoko tūmataiti nā tētehi whakaaetanga ā-kupu i waenga i te kaipupuru me Ngāti Hinerangi i runga i te tikanga ka mau tonu ki te iwi te mana uru tuku iho ki te waiariki. Tae rawa mai ki te tau 1920 kua hokona atu te poraka ki tētehi kaipupuru hōu, ā, ahakoa te mautohe ki te Karauna, ka mate a Ngāti Hinerangi ki te utu kia uru ki Te Puna. I mutu hoki te urunga atu ki ētehi atu taonga waiariki i te rohe o Ngāti Hinerangi nō te hokonga atu o ērā ki te Karauna, ki te hunga kaipupuru tūmataiti kē rānei.

TE TAHA TAI AO

- 2.134. Mai rā anō a Ngāti Hinerangi e kī ana ko rātou anō te kaitiaki o ngā whenua, o ngā maunga, o ngā moana, o ngā arawai, o ngā tupu me ngā kīrehe i tō rātou rohe, ā, kua roa kē rātou e whakamahi whānui ana i ēnei rawa. He kanorau ngā momo rawa o te taiao i te rohe o Ngāti Hinerangi, whātoro mai ana i ngā mānia o Matamata me Ōkauia, whakawhiti atu i te Pae Maunga o Kaimai ki Tauranga Moana me tōna whanga. I noho, i tiaki hoki a Ngāti Hinerangi me ōna hapū i ngā kāinga noho i Ōkauia, i Wairoa, i Whakamārama, i Te Irihanga, i Hūhārua me Aongatētē. Whakamahia ai e Ngāti Hinerangi me ōna hapū huhua ngā rawa o te taiao o tō rātou rohe, kohikohi kai ana i ngā ngahere i te maunga o Kaimai, me ngā ika me ētehi atu momo kaimoana i Tauranga Moana.
- 2.135. Nā te noho a te Pākehā ki te whenua me te taipūwhenuatanga i nui ai ngā rerekētanga i te taiao i te rohe o Ngāti Hinerangi. Arā noa te kaha o te mira i ngā rākau taketake i te Pae Maunga o Kaimai i te tīmatatanga o te rautau tekau mā iwa, nā reira, i whānui ai te whakaraketanga. Nō ngā tau 1970 noa iho nei, ka mutu rawa te topetope haere katoa i ngā rākau nā te āwangawanga e pā ana ki te horonga o te whenua. Nā te topetope i ngā rākau taketake me te whakatō paina anō i te whenua i ngaro ai te kanorau koiora i waenga i ngā momo i reira i mua, i ngā ngahere taketake.
- 2.136. He momo ika nō tāwāhi i whakaurua i te takanga o te wā e te Porianga Urutaunga o Tāmaki Makaurau i muri i te tau 1867, nā wai ā, ka nui atu ēnei i ngā momo ika māori maha i noho hei kai mā Ngāti Hinerangi. Ko ngā kararehe i whakaurua e te Porianga Urutaunga o Tāmaki Makaurau hei whakangangahu, pēnei i te tia whero me te rāpeti, nāwai ā, ka noho hei kīrearea. Heoi, ka huri ngā mahi patu i ngā kīrearea pēnei hei whakararuru anō hoki. I te tau 1906 i amuamu ētehi Māori o Ōkauia mō te paitini i whakatakotoria hei patu i ngā rāpeti, ā, i patua kētia ko ā rātou poaka, ko ngā kau me tētehi hōiho kia mate. Ahakoa ā rātou amuamu ki tētehi āpiha o te Karauna kāore ngā rangatira o aua kararehe i whiwhi paremata i te tangata nāna te paitini rāpeti i whakatakoto.

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

- 2.137. Nā te whakatahenga o ngā repo me te hiroutanga o ngā awa, i ngaro ai ētehi atu kohinga kai i a Ngāti Hinerangi me te aranga ake o ngā raruraru taiao mauroa. Ka panonihia te awa o Waihou kia taea ai te whakatere kaupuke tima Pākehā i ngā tau 1870, ki tētehi paku āwhinatanga o te rākau pohū. I haere tonu te mahi ahakoa ngā tini mautohe a te Māori me tā rātou tautohe i te ngaromanga o ō ratou taunga hī ika papatupu me ngā wāhi hī tuna.
- 2.138. I ara ake anō ngā raruraru i ngā mahi pāmu kau i te taha rāwhiti o Waikato. Nā te rukenga para i ngā wheketere miraka me ngā whare patu mīti i kaha puta ai te parakino ā-awa. Nā te parakaingaki i ngā pāmu e rere noa ana ki ngā arawai o te takiwā, me te whakapākeka, tatū ake ki te rerenga iho o te wairākau i te whenua i puta anō ai te whakakinotanga nui o te taiao me te whakakino hoki i te kounga o te wai. E maumahara ana ētehi kaumātua o Ngāti Hinerangi i heke te kounga o te wai o te manga o Mangapiko i Ōkauia i roto i te wā, nā te waipara e uru ana ki roto i te arawai i tētehi mahi ruakeri.
- 2.139. I roto i te takiwā o Tauranga i ara ake he pēhitanga kē atu anō ki te taiao māori nā te tere hōrapa o te nohonohonga tāone, me te whakawhanaketanga mai i te wā o te Pakanga Tuarua o te Ao. I te whakawhanaketanga me te whakawhānuitanga o te herenga kaupuke o Tauranga i ngaro ai te urunga ki ngā wāhi kaimoana tino whakahirahira o mua, nā runga hoki i te hiroutanga o te whanga, te whakawhenuatanga me ētehi atu mahi.
- 2.140. Mai rā anō i iti ai te whai wāhitanga atu o Ngāti Hinerangi ki ngā umanga kāwanatanga ā-rohe, kāwanatanga ā-motu hoki nō rātou te mana whakahaere i ngā rawa taiao i roto i tō rātou rohe. I mua i te Resource Management Act 1991 kīhai Te Tiriti o Waitangi i kōrerotia i roto i ngā ture e hāngai ana ki te whakahaere rawa, me te tino iti o te whai wāhitanga a te Māori ki ngā mahi whakakamahere taiao.

NGĀ PUTANGA Ā-PĀPORI-OHAOHA, Ā-AHUREA HOKI

- 2.141. Tae rawa mai ki te rautau rua tekau i noho whenua kore tētehi tokomaha o Ngāti Hinerangi, i toe tonu rānei ki a rātou he whenua iti noa kāore i pai hei oranga mō rātou nā te raupatu o Tauranga me te pānga o ngā hokonga whenua tahitanga i muri i te tau 1865. Kāore te nuinga o ngā whenua i purutia tonutia e ngā tāngata takitahi o Ngāti Hinerangi i whaihua ā-oahoā, i whaitake rānei hei mahinga mā rātou. He wero anō ka puta i ngā taitara kua wāwāhia me ngā uauatanga e pā ana ki te whai pūtea whakawhanake.
- 2.142. Nā te rironga o ngā whenua i whai oranga ai ngā hapori o Ngāti Hinerangi i mua atu, ka tino ngoikore te oranga ā-hapori, ā-ahurea, ā-oahoā hoki o Ngāti Hinerangi. Nā te rironga o ngā whenua takutai me ngā kāinga noho i Tauranga i heke ai te kaha o Ngāti Hinerangi ki te whiwhi kai nō te takutai i tino ngākaunuitia e te iwi i mua.
- 2.143. Mau tonu a Ngāti Hinerangi ki te kōrero i pēhia rawatia rātou kia wehe atu i tō rātou rohe papatupu ā-iwi ki te rapu mahi i ngā tāone Pākehā. I ngā tau 1950 me ngā tau 1960 he nui ngā whānau o Ngāti Hinerangi i nuku atu i ō rātou whenua tupu ki te rapu mahi i ngā tāone nui pērā i Tāmaki Makaurau, i Kirikiriroa, i tāwāhi atu rānei hoki i Ahitereiria. Nā tēnei nekehanga nui a te iwi whānui i tino heke ai te taupori o ngā kāinga noho taketake o Ngāti Hinerangi i ngā takiwā o Ōkauia me Matamata. Nā konā hoki i noho wehewehe

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

ai ngā whakatupuranga ka whai ake o Ngāti Hinerangi i ō rātou whānau, i te manaakitanga ā-iwi, i te mātauranga ā-iwi, i te tuakiritanga, i te hītori me ō rātou marae.

- 2.144. I ngā tau o te rautau rua tekau i huhua tonu ngā pūrongo a ngā āpiha a te Karauna mō te rawakore o ngā whānau Māori i Ōkauia e noho ana, ā, ka kōrerotia tēnei hei pūtake mō te whakatau ki te tautoko i tētehi Kura Māori i Ōkauia. I te tau 1936 i te tirohanga a te Kaitirotiro Kura Māori i te hāpori o Ōkauia, ka meatia e noho pōhara ana ngā mātua, ā, kāore ā rātou moni hei hoko kākahu kia rite ai te whakatupuranga o ā rātou tamariki ki tō ngā tamariki Pākehā i Matamata. Ko te matekahi, he mate e kaha kitea ana i ngā wāhi pōhara me ngā whare tē eke ki te taumata pai hei wāhi noho, i hōrapa ki te hāpori, ā, nā konā hoki i mate ai ētehi, nō roto i ngā whānau o Ngāti Hinerangi i te rautau rua tekau.
- 2.145. Nā te pōhara me ngā whare tē eke ki te taumata pai hei wāhi noho i whānui ai ngā momo māuiui hei patu i ngā putanga hauora. I te tau 1946 ka kōrerotia e tētehi āpiha o te Poari Whenua Māori ngā āhuatanga i Ōkauia me Te Poi, he whakaaturanga tūturu i te karukaru me te kiriwera. I kōrerotia te kino o ngā whare i Ōkauia mō ētehi whānau e rua o Ngāti Hinerangi i te pūrongo a te Āpiha Take Māori Toko i te Ora i te tau 1957. I tuhia e te āpiha, he nui ngā uauatanga kei roto i te tuku āwhina ki a rātou kia riro ai i a rātou ngā āhuatanga pai ake e pā ana ki ngā whare. Ko tētehi uauatanga, kāore i tētehi o ngā whānau e rua nei ōna anō pānga whenua i tērā takiwā e whai wāhi pai ai hei papa hanganga whare.
- 2.146. I te tino kitenga o te pōharatanga i ngā tau 1950 ka rere te heitara a ngā āpiha a te Karauna i ētehi wā, nō te Māori anō te hē i raru ai rātou, me te whakatairanga i te oranga Pākehā anahe hei rongoā. Ka puta te kōrero i tētehi pūrongo i te tau 1958 nā te Kaitirotiro Hauora ā-Rohe o Matamata, i nā noa nei, i oti i a rāua tahi ko tētehi tapuhi ā-Rohe i Matamata tētehi tirohanga hōmiromiro i ētehi whare Māori i ngā takiwā o Ōkauia me Te Poi o te rohe. E whā ngā whare i toroa, ā, i tino kino ngā āhuatanga i ērā whare katoa. E ai ki te kōrero, ko ēnei pea ngā whare Māori kino rawa atu i te rohe nei, ā, i aua whare katoa kāore he wharepaku, he wāhi horoi, ngā wāhi aha atu rānei e tika ana kia kitea. I aua whare e whā katoa, i kitea nuitia hoki te tino opurutanga tāngata, me ngā āhuatanga tūreikura o ngā tamariki i ēnei kāinga e noho ana, kātahi nā te pāpōuri. Me kī pēnei, ko te āhua nei kua ngaro te hiahia o aua tāngata ki te whakapai ake i a rātou anō, me te aha, heke iho ana aua waiaro ki ā rātou tamariki.
- 2.147. Ahakoa i piki haere te hauora o ngāi Māori i roto i te rautau rua tekau, i kino tonu te taumata hauora o te Māori i ō ērā atu tāngata o Aotearoa, haere ake nei te wā. Nā ngā āhuatanga kino o te noho pōhara i kaha ai te pāngia o ngā hāpori o Ngāti Hinerangi e ngā mate pērā i te mate kahi, i mōhiotia whānuitia he 'tahumaero nō te rawakore'. I tēnei rā ko te roa o te oranga o te Māori he poto iho tonu i tērā o tau iwi.
- 2.148. Ko te whakapākehātanga te whāinga matua o te pūnaha Kura Māori i whakatūria i muri i te tau 1867. I a Ngāti Hinerangi ā rātou ake pūnaha ako me te tuku ihotanga o te mātauranga i mua i te taenga mai o te Pākehā ki tō rātou rohe. Ko te reo Māori te reo whakawhitiwhiti kōrero o ia rā, ā-roto, ā-iwi, ā-whānau hoki, ā, i ngā whakawhitinga kōrero hoki ki ngā āpiha o te Karauna, ki ngā kiri-taipūwhenua Pākehā tuatahi rānei o tō rātou rohe. I raro i te pūnaha Kura Māori, ko te reo Ingarihi anahe te reo whakaako, ā, ka whakapāhunatia te kōrero Māori, i ētehi wā nā te whiu ā-patu i pērā ai. Hei tā ngā

DEED OF SETTLEMENT

2: TE WHAKATAKOTO WHAKAPĀHA KI A NGĀTI HINERANGI

kaumātua o Ngāti Hinerangi i haere ki te Kura Māori o Ōkauia, i tūkinotia rātou, i whakaitihia, i patua hoki rātou mō te kōrero i te reo Māori i te kura te take. Tāpiritia ana ko ngā pānga o te haere ki ngā tāone noho ai i muri i te Pakanga Tuarua o te Ao, nā reira, ko te whakaiti i te mana o te reo Māori hei reo tuatahi mō Ngāti Hinerangi te hua kua puta.

- 2.149. E ai ki te tatauranga whānui i te tau 2013 e 21% noa iho o ngāi Māori i te takiwā o Matamata-Piako e noho ana, e mōhio ana ki te kōrero i te reo Māori. E whakaaro ana a Ngāti Hinerangi e tāmata haere ana te kōrerotanga o te reo Māori, ka ngaro pea i tō rātou hapori nā te matemate haere o ngā kaumātua me te tokoiti o te hunga rangatahi e ako ana i te reo. Kei te takiwā o te 45% ngā Māori 15 ngā tau te pakeke neke atu rānei, i te takiwā o Matamata-Piako e noho ana kāore ō rātou tohu mātauranga, hei whakatauritenga ki te ōrau, paku kō atu i te 30, o te Māori whānui, puta noa i te motu.
- 2.150. E kī ana a Ngāti Hinerangi nā ngā mahi a te Karauna me ngā hapa o te Karauna mai i te tau 1840 i tūturu ai, i mauroa ai te kino me te mamae ki a rātou, ki te iwi.

2 HISTORICAL ACCOUNT

- 2.1. The Crown's acknowledgement and apology to Ngāti Hinerangi in part 3 are based on this historical account.

INTRODUCTION

- 2.2. "Ko koutou e haere, ko te ahi e ka mai nei. E kore e taea te tinei."

"Go all of you, to be consumed in the flames of war which will never be extinguished."

According to Ngāti Hinerangi oral tradition, Wiremu Tamihana spoke these words to Ngāti Hinerangi tupuna on the eve of their departure to fight in the battles of Pukehinahina and Te Ranga.

- 2.3. The Ngāti Hinerangi today comprises the descendants of Kōperu, the founding ancestor of Ngāti Hinerangi. Other important descent lines from Kōperu come through the primary Ngāti Hinerangi hapū which include Ngāti Tokotoko, Ngāti Te Riha, Ngāti Tangata, Ngāti Whakamaungārangi, Ngāti Kura, Ngāti Tamapango, Ngāti Tāwhaki and Ngāti Rangi. The main marae of Ngāti Hinerangi are Te Ōhākī, Hinerangi Tāwhaki, Tangata and Tamapango.

KŌPERU - THE FIRST EXPANSION BY KŌPERU IN MATAMATA AND TAURANGA MOANA

- 2.4. According to Ngāti Hinerangi oral tradition, Kōperu was a 10th generation direct descendant of Hoturoa, the commander of the Tainui waka. The father of Kōperu was Tamapango. The father of Tamapango was Uenukuterangihoka who was the son of Whatihua. The father of Whatihua was Tāwhao, the paramount chief of Tainui. Kōperu was born in Whāingaroa (Raglan) and grew up in the Kāwhia region in about the mid-1500s. Kōperu and his people were part of the Tainui eastward expansion into the eastern Waikato and Tauranga Moana regions. Kōperu married Moanawaiwai and they had three children: a daughter, Tūwaewae, and two sons, Tuakere and Pūtangimaru. Tūwaewae married Tāmure, the son of Taunga-ki-te-Marangai, a Tainui chief and a Te Arawa chieftainess, known as Hinerangimarino. The tribe shortened the name of Hinerangimarino calling themselves Ngāti Hinerangi, to establish their separate and unique cultural identity from other neighbouring tribes.

TOKOTOKO, TE RIHA AND TANGATA - THE SECOND EASTWARD EXPANSION IN MATAMATA AND TAURANGA MOANA

- 2.5. Tokotoko, Te Riha and Tangata, were the sons of Tūwaewae and Tāmure. Ngāti Hinerangi oral history records they completed the expansion of the tribe in Tauranga and the eastern Waikato including the Kaimai Range started by their grandfather Kōperu. The three grandsons consolidated the expansion by Kōperu with the occupation of the land.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

ESTABLISHMENT OF TE ROHE O KŌPERU

- 2.6. Ngāti Hinerangi tradition states that Kōperu and his descendants occupied lands in Matamata and Tauranga Moana. This resulted in the establishment of the Ngāti Hinerangi customary tribal territory known as Te Rohe o Kōperu. It extends from the Matamata region in the west, north to Manawaru then to Waipuna, from Waipuna eastward to Waiorongomai south of Te Aroha then to the Tauranga Moana, following the coastline south to the Wairoa River in the south-east, then west to Hinuera, from Hinuera to Te Tāpui in the south west and north to Peria near Matamata. The sacred maunga of Ngāti Hinerangi include Pukekōhatu, Wahine Rock (which Ngāti Hinerangi call Ngā Tamāhine e Rua), Motutapere, Mount Eliza, Te Hanga, Waianuanu, Te Weraiti, Whenua ā-Kura, Te Ara Pōhatu and Te Tāpui. The major ancestral rivers are Waihou, and Te Wairoa. The sacred waterfalls are Te Wairere and Te Ariki.
- 2.7. Tauranga Moana provided a ready supply of kaimoana - fish and other seafood. The forests of the Kaimai Range were a valuable source of birds, kiore, herbs used for medicinal purposes and timber for building shelters and waka. Swamp lands provided access to tuna, birds, harakeke and kiekie. Hot springs were used for bathing, cooking and healing. The Ngāti Hinerangi rohe included multiple tracks and trails that provided two-way access from the interior to the coast.

CONSOLIDATION OF NGĀTI HINERANGI

- 2.8. The three grandsons of Kōperu, Tokotoko, Te Riha and Tangata, became the founding tūpuna of three major Ngāti Hinerangi hapū: Ngāti Tokotoko, Ngāti Te Riha, and Ngāti Tangata. Ngāti Tamapango is named after the father of Kōperu. The Ngāti Tamapango descendants formed the ahikā roa of Kōperu after his first venture into Tauranga Moana by living on the Pūkekonui block on the Wairoa River. The two granddaughters of Kōperu, Whakamaungārangi and Kura, were acknowledged as important Ngāti Hinerangi tūpuna by their strategic marriages to rangatira of neighbouring tribes. Other hapū, Ngāti Rangi and Ngāti Tāwhaki, are also closely linked to Ngāti Hinerangi tūpuna through whakapapa and intermarriages formed as a result of strategic alliances.

EARLY CONTACTS

- 2.9. Pākehā traders began to visit Ngāti Hinerangi territory from the 1830s, including their coastal base on Tauranga harbour and further inland across the Kaimai Range. In the late 1830s European diseases like influenza had a devastating effect on Ngāti Hinerangi health and caused many deaths.
- 2.10. The northern musket raids of the 1820s and 1830s were the catalyst for a period of instability and prompted Ngāti Hinerangi tūpuna to acquire muskets for their protection. The chief of a neighbouring tribe was given the right to cut flax from Ngāti Hinerangi lands at Waiharakeke in order to raise funds to purchase muskets to protect both tribes. Human bearers carried bundles of flax over the Kaimai Range to flax traders in Maketū in exchange for muskets, shot and gun powder.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.11. According to Te Kawau Himiona of Ngāti Hinerangi, speaking at the Native Land Court in 1879, Ngāti Tokotoko had a pā at Hūhārua, a peninsula also known as Hūhārua or Plummer’s Point, that was stormed during the Musket Wars, after which the hapū fled to Ōkauia.
- 2.12. Missionaries from the Church Missionary Society (CMS) established mission stations at Te Papa, the narrow peninsula on which the city of Tauranga is now built, and Matamata in 1834 and 1835 respectively. Both stations were abandoned in 1836 due to inter-tribal fighting. Although the Te Papa station was re-occupied in 1838, the Matamata station did not open again.

TE WHAKAPUTANGA ME TE TIRITI O WAITANGI

- 2.13. In 1839 the paramount chief of the Waikato, Pōtatau Te Wherowhero, signed Te Whakaputanga, the Declaration of Independence. He later refused to sign te Tiriti o Waitangi / the Treaty of Waitangi. Ngāti Hinerangi tradition records that due to whakapapa links and political ties to neighbouring Waikato tribes many Ngāti Hinerangi tūpuna followed the example set by Pōtatau and did not sign the Treaty.
- 2.14. In April 1840, a copy of te Tiriti o Waitangi / the Treaty of Waitangi was sent to the CMS missionary at Te Papa. Soon after a number of Tauranga rangatira signed the document. One rangatira affiliated with Ngāti Hinerangi signed te Tiriti o Waitangi / the Treaty of Waitangi at Tauranga. The Treaty was not taken to Ngāti Hinerangi inland settlements across the Kaimai Range.
- 2.15. In December 1840, the Chief Protector of the Aborigines visited Matamata. The issues he discussed with local Māori included matters related to te Tiriti o Waitangi / the Treaty of Waitangi and the arrival of British law. Some chiefs present at this meeting stated they did not sign te Tiriti o Waitangi / the Treaty of Waitangi because they would not be “slaves”. In reply the Chief Protector emphasised the “honour and integrity” of the Crown and its pledge to protect the rights and privileges of Māori.
- 2.16. Ngāti Hinerangi did not alienate any land prior to the 1860s and were only lightly touched by European settlement. However, imported items such as pigs and potatoes were introduced to their district from an early date through customary Māori trading and exchange networks.

KĪNGITANGA

- 2.17. In 1852 the British Parliament passed a New Zealand Constitution Act, by which representative institutions (the General Assembly and the provisional councils) were established for settler self-government. The new constitution extended voting rights to all men over 21 years of age who owned or rented property that met a minimum value. However, because most Māori land at this time was held under customary tenure, only a very small number of Māori men were eligible to vote for the General Assembly that met for the first time in 1854. Relations between Māori and the Crown were reserved to the Governor and section 71 of the New Zealand Constitution Act also provided for “native districts” to be proclaimed within which Māori custom and law would be officially

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

recognised and protected. However, despite repeated requests from Māori this provision was never implemented.

- 2.18. Like many Māori, Ngāti Hinerangi felt alienated and excluded from government and parliament. Another concern was Crown pressure to purchase more land for European settlement and colonisation. From the early 1850s these were among the issues that encouraged some Māori leaders to initiate discussions over the need for a Māori King who could unite, protect and promote Māori interests while providing for improved governance within Māori communities.
- 2.19. In 1858 Pōtatau Te Wherowhero was “raised up” and installed as the first Māori King. Wiremu Tamihana Tarapipi Te Waharoa anointed the first Māori King with the Bible. He later became known as the “Kingmaker” or “Tumuaki” of the Kīngitanga. From the outset Ngāti Hinerangi were steadfast supporters of Wiremu Tamihana and the Kīngitanga. In the 1860s Wiremu Tamihana would represent Ngāti Hinerangi interests in the Native Land Court and was also involved in arbitrating disputes between Ngāti Hinerangi hapū and other groups in Matamata and Tauranga.
- 2.20. In 1866 during a hearing of the Native Land Court into the Tūranga o Moana land block at Matamata Wiremu Tamihana explained that his whakapapa links to Ngāti Hinerangi came through the ancestors Te Rei and Maramūtahi. Wiremu Tamihana stated “I am a chief...residing at Peria. This land belongs to Himiona Te Kohe, to me, and to those whose names are on the application”. He explained his role in relation to representing Ngāti Hinerangi as that of kaimahi working on behalf of Ngāti Hinerangi rangatira Himiona Te Kohe, stating “I do not wish my name to be in the Order of Certificate of Title. I am only a ‘kaimahi’ of Himiona’s, this land belongs to him”.
- 2.21. Wiremu Tamihana declared on several occasions that the Kīngitanga had been set up not to oppose the Crown but to make better provision for Māori needs, unite Māori and halt the sale of Māori land. Wiremu Tamihana envisioned a Māori society in control of its own destiny, under a system of Māori law, working in partnership with Pākehā law and participating in the benefits of Pākehā settlement. In 1861 at a meeting of Kīngitanga leaders Wiremu Tamihana thrust two sticks in the ground: one represented the Māori King, and the other the Governor. Across them he laid a third pole, the ridge-pole which he called the law of God and of the Queen. Then he drew a circle around them representing the Queen and stated she was to be “a fence for all”.

INVASION OF THE WAIKATO

- 2.22. In the early 1860s tensions between the Crown and the Kīngitanga movement escalated. Although some European observers viewed the emergence of the Kīngitanga as a welcome development, others in government considered that it posed a threat to their authority and feared it was a land league that might put a stop to further European settlement and colonisation in the North Island.
- 2.23. War broke out in Taranaki in March 1860 between British troops and Māori seeking to block the enforced sale of disputed land at Waitara. Although Wiremu Tamihana pursued a peaceful resolution to the Taranaki conflict, some parties from the Kīngitanga joined the fighting. Ngāti Hinerangi tradition records that Ngāti Hinerangi warriors

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

travelled to Taranaki to support the Kīngitanga forces and were involved in the battle at Mahoetahi. In March 1861 Wiremu Tamihana helped broker a truce in the Taranaki conflict. However, many of the underlying tensions that caused the conflict remained.

- 2.24. In October 1861 George Grey, newly re-appointed as Governor, proposed establishing a system of local government for Māori. The Crown hoped giving Māori a greater role in local government would restrict the appeal and undermine the influence of the Kīngitanga. He proposed the North Island be divided into administrative districts, each of which would have its own Māori rūnanga that could propose by-laws on matters of local concern under the supervision of a Crown appointed Civil Commissioner. For a number of reasons, not least because Grey's proposals excluded the King from involvement in the new institutions, many Waikato Māori were suspicious of Grey's rūnanga system and it gained little support across the district.
- 2.25. Relations between the Crown and the Kīngitanga continued to deteriorate over the early months of 1863. In March 1863 a dispute arose over the construction of a courthouse and police barracks at Te Kohekohe, a village on the west bank of the Waikato River, south of Meremere. In the same month another dispute arose over the publication of a Government-sponsored Māori-language newspaper by the Civil Commissioner at Te Awamutu, which was critical of the Kīngitanga movement. The Civil Commissioner feared for his safety and subsequently complied with an order from local Māori that he leave the district. Kīngitanga supporters were also concerned about reports the government intended patrolling the Waikato River with armour-plated gunboats.
- 2.26. Also in March 1863 the Crown completed construction of a road from Auckland to the Kīngitanga aukati boundary on the Mangatāwhiri River, where in May 1863 the Crown stationed 200 troops at the Queen's Redoubt. On 24 June 1863, following the outbreak of the second Taranaki War in May 1863, the Premier confirmed with Governor Grey a plan Grey had prepared for war and land confiscations directed against the Waikato tribes. On 9 July 1863 an ultimatum was issued requiring all Māori living between the Waikato River and Auckland to either take an oath of allegiance or retire to the Waikato. On 12 July 1863 Crown forces crossed the Mangatāwhiri River invading Kīngitanga territory and initiating the war in the Waikato.
- 2.27. Ngāti Hinerangi tradition records that due to whakapapa links they were involved in the defence of Waikato throughout the Waikato War. A February 1864 return of Tauranga Māori who had joined the "insurgents" in Waikato, listed 20 of the 21 men at the Ngāti Tokotoko settlement of Te Ngarue as having gone to fight in the Waikato War. Members of another Ngāti Hinerangi hapū from Pūkekonui on the Wairoa River were part of a party of 30 men also listed as having gone to fight in the Waikato. Ngāti Hinerangi also provided economic support to the Kīngitanga movement during the Waikato War by supporting Wiremu Tamihana's right to cut flax within the Ngāti Hinerangi rohe and to lease Ngāti Hinerangi land to a European settler in Matamata in order to purchase munitions.
- 2.28. The final battle of the Waikato War took place between 31 March and 2 April 1864, when Crown forces besieged an unfinished pā at Ōrākau near Kihikihi, resulting in a large number of deaths amongst the Māori defenders. Following the battle, the Kīngitanga leadership withdrew their forces across the Puniu River establishing the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

aukati line which stretched from the west coast to Te Awamutu in the centre, to Ngāti Hinerangi lands in Ōkautia and in the Kaimai Range in the east, extending north just past Te Aroha maunga.

THE WAR IN TAURANGA

- 2.29. Various tracks and trails over the Kaimai Range that connected Tauranga with Waikato passed through Ngāti Hinerangi territory. These included the Maurihiro (or Thompson's Track) in the Waiharakeke region, the Wairere Track in the Wairere Falls region, the Te Tuhi Track and the Ōhutu Track in the Ōkautia region, and the Te Ara Pōhatu Track in the Haukapa region. These routes were crucial in allowing reinforcements and supplies from the Bay of Plenty and beyond to reach the Kīngitanga defenders in Waikato. Ngāti Hinerangi tradition records that inland pā sites and settlements of Ngāti Hinerangi hapū were strategically situated along key points of these tracks on both sides of the Kaimai Range.
- 2.30. In January 1864, although there had been no prior military engagements in the district, the Crown decided to land a military expedition at Tauranga in order to, among other reasons, disrupt any movement of men and supplies to the Waikato front. Premier Whitaker justified this move by arguing that "All the Natives on the west side of the harbour" were "decided enemies" of the Crown who had either fought in Waikato or were intending to do so.
- 2.31. On 21 January 1864 a force of 600 troops landed on the Te Papa peninsula and took possession of the CMS station. They constructed two redoubts adjacent to the mission. Local missionaries had advised that Tauranga was peaceable, but the Crown viewed many Tauranga Māori as Kīngitanga supporters. Acting in defence of their homeland and anticipating imminent conflict as a result of the arrival of the troops, Tauranga Māori began fortifying old pā and issuing challenges to the Crown forces, whose numbers were boosted to 1,700 with further reinforcements. On hearing of the arrival of Crown troops at Te Papa, many Tauranga Māori who had fought in Waikato returned to Tauranga to aid in its defence.
- 2.32. On 29 April 1864 Crown forces attacked Pukehinahina (Gate Pā), a fortified position near the base of Te Papa peninsula. The assault opened with a heavy artillery barrage; however the fortifications of the pā were designed to withstand heavy bombardment and protected the approximately 200 Māori hidden inside. When Crown infantry stormed Pukehinahina in the late afternoon they came under fire from the Māori defenders. Although Crown forces suffered heavy losses in the attack, approximately 25 Māori were also killed defending the pā. After nightfall the Māori who had been defending Pukehinahina withdrew from the pā. The battle was widely seen as a serious defeat for the Crown.
- 2.33. After the Crown defeat at Pukehinahina, Tauranga Māori began fortifying a new position at Te Ranga, further inland from Te Papa, with the assistance of Māori reinforcements from other areas. On 21 June 1864 approximately 600 Crown troops attacked 500 Māori in the partially constructed pā at Te Ranga, inflicting significant casualties, with between 68 and 120 Māori killed.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.34. Ngāti Hinerangi traditional accounts state that 15 members of Ngāti Hinerangi participated in the Battle of Gate Pā and the Battle of Te Ranga. The following saying describes the involvement of Ngāti Hinerangi in these battles:

Ko Te Ahiroa te kāinga tuatahi i nohoia ai e Ngāti Hinerangi, i muri ka nohoia ko Te Umuokorongaehe. Koinei te kāinga i te wā o te Pakanga i a Gate Pā. I taua pakanga i konei a Wiremu Tamihana e noho ana i Ōkauia nei, Nōreira i puta ai tana kupu ki a Ngāti Hinerangi:

“Ko koutou e haere, ko te ahi e ka mai nei. E kore e taea te tinei.”

Te Ahiroa was the first settlement occupied by Ngāti Hinerangi. After that they lived at Te Umukorongaehe. This was the settlement that they were living in at the time of the Battle of Gate Pā. At the time of that battle (of Gate Pā) Wiremu Tamihana was living at Ōkauia. It was at this time that he uttered his words to Ngāti Hinerangi:

“Go all of you in to the consuming flames (of war) which will never be extinguished.”

- 2.35. Following the Te Ranga battle some Tauranga Māori submitted to the Crown, including 6 members of Ngāti Tokotoko who were recorded as having submitted to the Crown by 27 July 1864. Others remained at large or had been killed in battle.

TAURANGA RAUPATU

- 2.36. The New Zealand Settlements Act 1863 provided the legal framework for confiscation of Māori land at Tauranga. It authorised the punitive confiscation of land from Māori deemed to have levied war against the Crown, or to have aided or abetted others in acts of rebellion or armed resistance. Ngāti Hinerangi tūpuna were not rebels but were acting in defence of their homeland. The Act gave the Governor in Council authority to proclaim districts as subject to the legislation where satisfied that “any Tribe or Section of a Tribe or any considerable number thereof has since the first day of January 1863 been engaged in rebellion against Her Majesty’s authority”. Lands within such districts could then be confiscated and used for settlements. The same Act also provided for a Compensation Court to award compensation to Māori who had not aided or been involved in acts of rebellion but whose lands had been confiscated.
- 2.37. In January 1864 Governor Grey referred the New Zealand Settlements Act to London for approval, and although the British Colonial Office had “very grave objections” to several aspects of the New Zealand Settlements Act, it did not disallow the legislation. Instead it directed a two-year time limit on the application of the Act, the establishment of an independent commission to determine which lands should be taken and strongly suggested voluntary cessions of land be sought before imposing outright confiscation. The last two of these conditions were either partly or wholly ignored by the New Zealand government.
- 2.38. On 14 May 1864, Governor Grey met with a few chiefs deemed “friendly” to discuss the surrender of the remaining “rebels”, the kind treatment to be shown to those who did surrender, and what would become of their lands. Confiscation was not discussed.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.39. Before confiscation plans were further advanced, the Crown sought to negotiate a peace and the surrender of remaining Kīngitanga fighters. In July 1864 it proposed terms of surrender that included laying down arms, signing a declaration of allegiance to the Crown, and agreeing to place the mana of their lands with the Governor (translated as leaving “the disposal of their lands” to him), on the understanding that the Crown would retain land but most would be returned to Māori. On 25 July 1864 many Tauranga Māori still in arms surrendered.
- 2.40. On 5 and 6 August 1864 Governor Grey and his ministers attended a “pacification hui” at Te Papa to determine the lands that would be confiscated by the Crown. Many Tauranga Māori, including those who had not surrendered, were absent. During the hui, Grey promised Tauranga Māori that they would be shown generous treatment and not more than one-quarter of their lands would be retained by the Crown. Settlements would at once be allocated to Māori for them to live on and Crown grants would be issued for these. The Governor also undertook to provide assistance with resettlement.
- 2.41. There was disagreement between Governor Grey and his Ministers over the extent and the details of the confiscation. In particular there was debate over whether the one-quarter of land to be taken referred to a particular named iwi only and whether it applied only to the lands of those deemed to be “rebels”. In the end the Crown applied the legislation across the whole of the Tauranga district, including the lands of “loyal” Māori.
- 2.42. The Tauranga Māori present at the hui were unable to agree on the location of the lands to be retained by the Crown and left this to the Governor to determine. The Crown subsequently selected an area between the Waimapu and Wairoa rivers that was estimated to contain 50,000 acres.
- 2.43. An area at Tauranga estimated at 214,000 acres was declared subject to the New Zealand Settlements Act by Order-in-Council on 18 May 1865. The Chief Judge of the Native Land Court later raised doubts whether this proclamation, which confiscated the lands of a specific iwi within set bounds extinguished all Māori customary title in the district. However, the Tauranga District Lands Act 1867 retrospectively validated the Order-in-Council, declaring that the whole of the lands described had been duly “set apart reserved and taken” under the Settlements Act. The confiscation extinguished Ngāti Hinerangi customary interests in lands within the Tauranga confiscation district.
- 2.44. Subsequent to the 1867 legislation, it was discovered that part of the area of the 50,000 acre confiscation block the Crown intended retaining was outside the boundaries of the wider Tauranga confiscation district described in the schedule to the Act. The Tauranga District Lands Act 1868 expanded the confiscation district from 214,000 acres to an estimated 290,000 acres. The extension to the confiscation district was to the interior boundary, encompassing an area in the Kaimai Range that fell within the Ngāti Hinerangi customary rohe and where they were subsequently awarded land by the Commissioners of Tauranga Lands. Ngāti Hinerangi were not consulted about the boundary extension.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

TE PUNA-KATIKATI PURCHASE

- 2.45. In August 1864 the Crown entered into an agreement to purchase land at Te Puna and Katikati from a small group of chiefs belonging to another iwi. This land lay within the boundaries of what became the Tauranga confiscation district the Crown proclaimed in 1865. The Te Puna-Katikati block is estimated to be at least 90,000 acres.
- 2.46. In September 1864 the Native Minister, William Fox, described the Te Puna-Katikati purchase as “a forced acquisition of Native lands under the colour of a voluntary sale”.
- 2.47. The Crown did not investigate the ownership of the block before entering into this transaction, which prompted complaints from other Māori, including Ngāti Hinerangi, with interests in the Te Puna-Katikati block who had not been party to the transaction. Although a substantial portion of Ngāti Hinerangi lands east of the Kaimai Range were included in the Te Puna-Katikati boundaries, Ngāti Hinerangi were not party to the original sale.
- 2.48. In 1866 a Crown official attempted to purchase Ngāti Hinerangi’s interests in the Te Puna-Katikati block, but they refused to sell their interests at that time. However, in November 1866 a deed of sale for the Te Puna-Katikati block between the Crown and members of another iwi recorded that 400 acres of reserves had been set aside for Ngāti Tokotoko on the Ōmokoroa peninsula, within the Te Puna-Katikati purchase boundaries. These became Te Puna Lots 52, 53, 187 and 188. The same deed awarded a 25 acre lot on the Ōmokoroa peninsula, within the Te Puna-Katikati purchase area, to a Ngāti Tokotoko individual, which became Te Puna Lot 51. Both lots were sold by 1877. These lands were granted to individuals rather than in corporate or tribal title, making them more susceptible to being sold. The Crown expected that individualisation of title would eventually lead Māori to abandon their traditional communal land-holding structures, and promote their assimilation into European society. This contributed to the alienation of Ngāti Hinerangi from their traditional lands at Tauranga Moana.
- 2.49. In December 1866 Ngāti Tokotoko asked the Tauranga Civil Commissioner to reserve them a further eight acres of land within the Te Puna-Katikati block, close to the Te Puna township. This was agreed to by the Civil Commissioner; however the block that was later awarded to Ngāti Tokotoko was a larger but less valuable Te Puna Lot 211, a fifty acre block at Hūhārua. The Hūhārua reserve was sold in 1920. The alienation of land at Hūhārua resulted in Ngāti Hinerangi pā sites and wāhi tapu being disturbed or destroyed and kōiwi and taonga being removed after the land was alienated. A road running to the Hūhārua foreshore that provided Ngāti Hinerangi access to kaimoana and an urupā was closed once in private ownership.
- 2.50. In 1866 Ngāti Tokotoko were promised a 50 acre reserve within the confiscation block beside the Te Puna Stream by the Civil Commissioner. This land was instead granted to two individuals. It had been sold by 1877. In 1867 an area of 150 acres at Pūkekonui was listed by the Civil Commissioner as being set aside for a hapū of Ngāti Hinerangi but later became part of a 204 acre block whose ownership was shared with other groups.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.51. In 1871 a Crown official recorded that 130 acres of land in the Te Puna parish had been awarded to Ngāti Tokotoko, and that this land was “unappropriated”. There is no record that this reserve was created.
- 2.52. In January 1871, after years of opposition to the Te Puna-Katikati purchase, a small group of chiefs from Ngāti Hinerangi and another iwi wrote to the Native Minister outlining a portion of their interests in the Te Puna-Katikati block and requesting payment of £400 for each group. The authors of the letter declared “Kia mohio koe no te taha Hauhau matou” (You should know that we belong to the “Hauhau side”). The authors’ intentions were to establish a peace between themselves and the Government. They were concerned their lands at Te Puna had been sold by tribe.
- 2.53. The authors of the letter further stated: “...e whakaetanga tenei no matou kia koutou ara kia te Kawanatanga kua mutu nga kino o era nga rangi, he rangi pai tenei, he rangi marire tenei, he ra whakaoranga tenei. ...” “...this is an agreement with you, that is the Government, that the evil of the past has ended, today is a good day, it is a day for peace and a day for salvation.”
- 2.54. In May 1871, 6 chiefs, only three of whom were Ngāti Hinerangi or Ngāti Tokotoko, signed a separate deed in respect of Te Puna-Katikati, receiving payment of £471 for the combined interests of Ngāti Hinerangi, Ngāti Tokotoko and another group. The deed was signed in Auckland and Ngāti Hinerangi considers that the transaction may not have been agreed to by all of Ngāti Hinerangi. The lands in question were already in the Crown’s possession and Ngāti Hinerangi did not have any opportunity to retain them. Their choice was restricted to either agreeing to take money from the Crown or not.

PAIMĀRIRE

- 2.55. From 1864 Ngāti Hinerangi became adherents of the Paimārire faith, formed in 1862 by the Taranaki spiritual leader Te Ua Haumēne. This religion promised the achievement of Māori autonomy and support for the religion grew in a context of war and the confiscation of Māori lands by the Crown. Tāwhiao, the second Māori King, became a believer of the Paimārire religion and with his support Paimārire became an integral part of the practices and beliefs of the Kīngitanga movement in Tauranga. Wiremu Tamihana also became an active supporter of Paimārire and is credited with providing the karakia for the erection of the Paimārire niu pou at Kuranui, not far from Ngāti Hinerangi’s southern boundary at Haukapa. The Crown used the name Hauhau to describe Paimārire converts and the name Hauhau was widely used to describe those in rebellion.
- 2.56. Some Ngāti Hinerangi continued to practice Paimārire into the 20th century. In 1948 a person at an Ōkauia marae made a complaint under the Tohunga Suppression Act 1907 that individuals at the marae were practising tohungaism. However, the complaint was dismissed when it was found that the people referred to were practicing the Paimārire faith.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

THE TAURANGA BUSH CAMPAIGN

- 2.57. According to Ngāti Hinerangi tradition, following the battles of Pukehinahina and Te Ranga, rather than surrender in 1864, most Ngāti Hinerangi had withdrawn to their inland settlements, where they were joined by Māori from other iwi. In alliance with closely related groups Ngāti Hinerangi initially sought to passively resist and oppose the survey of the 50,000 acre confiscated block at Tauranga, along with the Te Puna-Katikati block.
- 2.58. When it became clear that the Crown might not be able to find 50,000 acres between the Waimapu and Wairoa rivers, surveyors employed by the government began to survey lands west of the Wairoa River and extending towards Te Puna. Tauranga Māori were warned by Governor Grey in March 1866 that if they did not agree to this extension “he would resort to extreme measures”. Wiremu Tamihana actively opposed the surveying and wrote first to the Chief Surveyor, then the Governor, requesting the surveying be stopped pending a review by the Government.
- 2.59. Ngāti Hinerangi and other Māori began to peacefully obstruct surveys in September 1866 by removing survey pegs and taking the surveyor’s equipment. At the same time, they warned the surveyors not to cross the Wairoa River. In November 1866 the Crown began using military escorts to protect the surveyors working on the west side of the Wairoa River. In December 1866, following the death of Wiremu Tamihana, a group of Paimārire leaders from outside the Tauranga region known as the Tekaumārua became more influential among Tauranga Māori. They advocated a more aggressive response to the surveying of confiscated land and at the end of December 1866 Crown surveyors operating without military support abandoned their work after receiving threats that they would be killed. A Kīngitanga party, including members of Ngāti Hinerangi, seized the goods they left behind.
- 2.60. On 17 January 1867 the bush campaign began when a Crown military force was sent to capture those believed responsible for interfering with the surveys. No arrests were made but between January and March 1867 several Māori settlements were attacked by the Crown force, including Ngāti Hinerangi settlements at Te Irihanga and Whakamārama. Ngāti Hinerangi record that their tūpuna were killed by Crown forces in the attack. Ngātūpara of Ngāti Hinerangi later stated:
- “I am a King native, and fight [fought] against the Pakeha. I was in the fight at Whakamarama and when it was over I went to the King’s headquarters at Tokangamutu...after I purchased the ammunition to conduct the Ngāti Hinerangi, and remained there for some time.”
- 2.61. Ngātūpara had travelled to the King Country to secure more ammunition with which to defend his lands using money obtained by leasing Ngāti Hinerangi lands at Tūranga o Moana.
- 2.62. Employing “scorched earth” tactics, the Crown force looted several Māori villages during this period, destroying cultivations and homes in an effort to render the settlements uninhabitable. These tactics were employed indiscriminately during the bush campaign

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

against all those in the area who opposed the confiscation of Tauranga lands, not just against those who had disrupted the surveys.

- 2.63. According to Ngāti Hinerangi tradition, as a result of the repeated attack by the Crown forces, Ngāti Hinerangi were driven out of their settlements in Tauranga and were forced to retreat further into the bush surrounding Whakamārama. Ngāti Hinerangi gave shelter to other neighbouring iwi who were also rendered homeless on the Ōkauia side of the Kaimai Range for a number of years. This period is remembered by Ngāti Hinerangi as being a time when its tūpuna endured severe food shortages, impoverishment, ill health and disease as a direct result of the Crown's bush campaign in Tauranga. Ngāti Hinerangi tupuna, Paratene Te Kaharunga, wrote to the Native Minister Donald McLean stating the iwi had no money to buy food.
- 2.64. On the 12th of January 1870 the prophet Te Kooti Arikirangi Tu Turuki and approximately 100 men arrived in the Kaimai region. Te Kooti and a party of his followers stayed with Ngāti Hinerangi in their settlement at Ōkauia. Ngāti Hinerangi oral history records that Te Kooti wished to recruit Ngāti Hinerangi to his cause against the Crown as they were considered Hauhau or un-surrendered rebels. However, Ngāti Hinerangi did not join Te Kooti out of loyalty to the Kīngitanga. On the 16th of January 1870 Te Kooti and a group of his followers rode out from Ōkauia to meet a European settler to discuss possible peace terms. The settler recorded the details of his meeting and sent an account to the Minister of Defence.
- 2.65. In 1871, following the bush campaign Ngāti Hinerangi returned to their remaining coastal Tauranga lands.

THE TAURANGA LANDS COMMISSION AND ALLOCATION OF RESERVES

- 2.66. Although the New Zealand Settlements Act 1863 provided for a Compensation Court to award compensation to Māori deemed eligible, the Tauranga District Lands Act 1867 set out a separate process. It allowed the Governor to appoint individuals to make inquiries into the persons eligible to receive the three-quarters of the land promised by Grey at the pacification hui in August 1864. Due to the Crown's retention of land in the 50,000 acre confiscation block and the Te Puna-Katikati purchase the total lands retained by Māori in Tauranga came to significantly less than three-quarters of the confiscation district.
- 2.67. The process of returning lands was a drawn out one that began in 1868 and was not completed until 1886. Un-surrendered "rebels" were ineligible to receive lands by this process. In the Te Puna-Katikati block some members of Ngāti Hinerangi the Crown perceived as being un-surrendered rebels received virtually no reserves, despite the Crown being aware of their interests in the block.
- 2.68. The Commissioners of Tauranga Lands who were responsible for carrying out the inquiry were not required to keep any formal records of their proceedings, were usually asked to advise whether appeals should be granted against their own decisions and operated without detailed and transparent guidelines for determining customary interests. Members of Ngāti Hinerangi were concerned that sittings of the Tauranga Commissioner's Court had the potential to conflict with sittings of the Native Land Court.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

In one instance members of Ngāti Hinerangi wrote to the Chief Judge of the Native Land Court and requested that the Commissioner's Court be adjourned until the sitting of the Native Land Court at Cambridge was finished, to ensure they were able to attend both hearings. The eventual Tauranga Commissioner's Court investigation did not take place until the following year, allowing Ngāti Hinerangi to attend.

- 2.69. In April 1880 Ngāti Hinerangi rangatira Tupaoa and Te Awanui Kiritapu joined with others in applying to the Native Minister Bryce to have the title for their Kaimai lands investigated. In 1881 and 1882 the Tauranga Commissioners investigated lands in the Kaimai district. The Commissioners included Ngāti Hinerangi individuals, along with members of other groups, on the awards for the Whakamārama, Te Mahau, Ōteora, Mangatōtara and Poripori blocks, totalling over 27,000 acres.
- 2.70. The first of these blocks investigated by the Tauranga Commissioners was the Whakamārama block. In October 1881 the Whakamārama block (totalling approximately 11,000 acres) was awarded to a number of tribal groups, including Ngāti Hinerangi and Ngāti Tokotoko.
- 2.71. In November 1881 the 7,600 acre Mangatōtara block was awarded to several tribal groups, including hapū of Ngāti Hinerangi.
- 2.72. In January 1882 the Tauranga Commissioner delivered his judgement for a number of blocks together, including the Te Mahau and Ōteora blocks that Ngāti Hinerangi was included on the awards for.
- 2.73. The 5,700 acre Poripori block was heard on the 22nd of December 1881. There is no record of the Tauranga Commissioner's final judgement for the Poripori block, however members of Ngāti Hinerangi were later recorded as being among the owners of the block.
- 2.74. In 1881 Ngāti Hinerangi wrote to the Native Minister that they had been awarded the Pūrākautahi block by a Tauranga Commissioner in 1878, prior to the 1881 title investigation by a different Tauranga Commissioner. Te Awanui and Henare Tawhārangi of Ngāti Hinerangi protested to the Native Minister that the block was being surveyed as part of another claim. Tūpaoa made a similar complaint at this time. In November 1881 the Tauranga Commissioner in charge of the second investigation wrote that prior to starting his investigation it was agreed by all parties that the Purakautahi block should be adjudicated as part of his investigation into the Kaimai block and that it would be reheard irrespective of any previous decision.
- 2.75. Titles were awarded to named individuals rather than in hapū ownership. Individualisation made the lands awarded more susceptible to partition and alienation. By 1886, many of the Tauranga blocks that members of Ngāti Hinerangi had been included on the awards of had been sold to private parties, including Whakamārama 2, Te Mahau and Ōteora 1, totalling over 10,000 acres. Between 1896 and 1919 the Crown purchased 5,556 acres of land in the Mangatōtara block.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.76. In 1878 the Crown had announced that titles to all lands returned at Tauranga were to be inalienable other than by leases not exceeding 21 years unless the consent of the Governor had first been obtained. In 1886 a Commission of Inquiry was established to investigate whether the restrictions on alienation should be lifted on a number of blocks in which private parties had entered into negotiations with Māori owners and subsequently applied to the Governor to have the restrictions on alienation removed.
- 2.77. The blocks investigated included several in which Ngāti Hinerangi had been awarded interests. The Commissioner recommended that restrictions on alienation be lifted on the Te Mahau, Irihanga and Ōteora blocks. In the case of the Poripori 1 and Poripori 2 blocks the Commissioner recommended the restrictions on alienation not be lifted due to the fraudulent nature of the purchases. The fraudulent practices described by the Commissioner included purchase agents forging the signatures of owners on receipts of sale and discrepancies between money recorded as being paid to owners and the amounts owners received.
- 2.78. In the wider Tauranga district, including the Te Puna-Katikati and confiscation blocks, Ngāti Hinerangi individuals were included on the awards of approximately 28,000 acres of land, in which a number of other groups were also awarded interests. By the early twentieth century, only around 13,000 acres of these lands remained in Māori ownership. Crown and private purchasing, along with some compulsory public works takings, continued in the twentieth century. Today, Ngāti Hinerangi individuals retain interests in approximately 3600 acres within the Tauranga district, nearly all of it steep and heavily forested land in the Kaimai Range. The Ngāti Hinerangi customary interests at Tauranga prior to war and confiscation extended over a non-exclusive area of approximately 90,000 acres.
- 2.79. The loss of coastal lands at Tauranga deprived Ngāti Hinerangi of access to ancestral coastal settlements, pā sites, urupā and other wāhi tapu as well as customary sources of kaimoana, while some of the lands Ngāti Hinerangi were awarded by the Tauranga Commissioners further inland were steep, inaccessible, and unproductive land blocks.

PETITIONS AND APPEALS

- 2.80. Ngāti Hinerangi long sought to protect their interests through petitions and protests to the Crown. Members of Ngāti Hinerangi had asserted their interests in the Kaimai maunga area prior to any determinations of title by the Tauranga Commissioners when Ngāti Hinerangi rangatira Ngātūpara protested plans to allow gold prospecting in the region. In August 1876 at a meeting with the Tauranga Civil Commissioner, Ngātūpara spoke against opening the Kaimai Range to gold mining. At a later meeting in November 1876 both Ngātūpara and Te Kahukoti spoke against gold mining.
- 2.81. On the 9th of July 1877, the Ngāti Hinerangi rangatira, Te Parawhau Te Kohe and six other Ngāti Hinerangi tūpuna sent a petition from Rarupua in Tauranga to the Governor asking their lands be secured to them “as a permanent possession for us and our children after us”. The petition described a number of places that were wāhi tapu or sacred sites within Te Rohe o Kōperu. Te Parawhau specifically acknowledged the rights of the hapū Ngāti Tāwhaki and Ngāti Tamapango to the lands described in the petition.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.82. In October 1877 a Crown official who met with the petitioners soon after reported that they had applied to have their lands declared a reserve because portions of their estate were being sold by other Māori. Te Parawhau stated that “I wrote to the Government because of the people who are selling land ...They are selling land which does not belong to them and have spent the money. They have sold to the Europeans of Cambridge.” Several tribes had interests in the lands in question and some of these groups had sold their interests to the Crown. Part of the land Ngāti Hinerangi claimed extended into the Te Puna-Katikati purchase area, where the Crown had signed a deed of purchase with three Ngāti Hinerangi tūpuna in 1871. However, since the inland boundary of the purchase along the Kaimai Range had never been surveyed, there was confusion over what had been alienated, with Ngāti Hinerangi believing there was still Māori land between the Crown purchase and the confiscation district boundary. The Crown official advised Ngāti Hinerangi to apply to the Native Land Court and Commissioner of Tauranga Lands if they wished to have their titles proved, observing that “A title they no doubt have, but not an exclusive one.”
- 2.83. In December 1877, Ngāti Hinerangi rangatira Te Awanui Kiritapu wrote to the Native Minister objecting to the land dealings of European settlers who were attempting to purchase land in the Kaimai area. This was prior to title being awarded to the lands by the Tauranga Commissioners.
- 2.84. Ngāti Hinerangi protest continued into the 20th century. On the 25th of January 1927 James Douglas of Ngāti Hinerangi filed a petition with respect to an estimated 14,000 acres within the Aongatētē district, within the Te Puna-Katikati purchase area. He objected to the confiscation of Ngāti Hinerangi lands and called for their grievances to be inquired into. Douglas stated: “...we claim that this land belongs to us, that is, to the Ngāti Hinerangi tribe...we the Ngāti Hinerangi request that this land be restored to us. We emphatically say that this land was unjustly confiscated.”
- 2.85. The Ngāti Hinerangi petition was received too late to be formally referred to the Royal Commission on Confiscated Lands (the Sim Commission) that sat in Tauranga for two and a half days in March and April 1927. The Sim Commission heard evidence concerning the Ngāti Hinerangi petition but made no specific recommendations or finding with respect to it because it had been filed too late. The Commission’s terms of reference were limited and stated that the Commission was not to “have regard to any contention that Natives who denied the sovereignty of Her then Majesty and repudiated Her authority could claim benefit of the provisions of te Tiriti o Waitangi / the Treaty of Waitangi”. The Commission’s view of the wider Tauranga confiscation was that the confiscation was justified and not excessive.
- 2.86. In 1944 James Douglas submitted another petition on behalf of Ngāti Hinerangi, this time in respect of an estimated 20,000 acres at Aongatētē. The petition stated that Ngāti Hinerangi had been wrongfully deprived of the land when the Crown purchased the area from others who had no authority to sell. It noted that the issues had been raised before the 1927 Commission but not pressed further at the time. Ngāti Hinerangi asked that the lands be restored to them or that adequate compensation be paid for the loss of these.
- 2.87. The petition described the boundaries of the area of land that was claimed as being “the Aongatētē Block, parish of Te Apata Tauranga District being bounded as follows:

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

Commencing at the Trig Station marked Ngā Tamāhine e Rua; along the South line to Mimiha o Tūwhanga; thence to the East along the Whakamārama No. 2 Block to Umukorongaehe; thence to the North to the Waitekohe Settlement and Thompson's Track; thence along Thompson's Track to the starting Point..."

- 2.88. In 1948, after some time had passed, the government rejected the petition from Ngāti Hinerangi. The Crown considered the 1871 deed signed with three chiefs had extinguished their rights and interests over Te Puna-Katikati, even though not all Ngāti Hinerangi were party to the transaction. The Crown did not investigate Ngāti Hinerangi's claims any further.

THE NATIVE LAND COURT

- 2.89. By the early 1860s the pre-emption system under which the Crown maintained a monopoly on the purchase of Māori land was widely considered by Crown officials and settler politicians to have failed to ensure sufficient quantities of Māori land were made available for European settlement. The Crown promoted legislation which established a new system of dealing with native land in order to facilitate the alienation of land from Māori and give individual Māori greater opportunity to participate in the developing economy.
- 2.90. The Native Land Court was established under the Native Lands Acts of 1862 and 1865 to determine the owners of Māori land "according to Native Custom" and to convert customary title into title derived from the Crown. Although title for blocks of land under 5,000 acres could be awarded to named tribes, this provision was never implemented in respect to Ngāti Hinerangi lands and was repealed after 1873. Instead, titles were to be awarded to named individuals, who were also free to apply for investigations of title without reference to other owners. Ngāti Hinerangi considers this undermined the communal basis of customary Māori land tenure and the ability of hapū and iwi to manage their lands in a considered way.
- 2.91. Through the Native Land Acts, the Crown's pre-emptive right of land purchase was set aside, enabling individual Māori named as owners by the Native Land Court to lease and sell their lands to private parties as well as the government. There was no consultation with Ngāti Hinerangi or any other Māori concerning this legislation prior to it being enacted and Māori were not represented in the New Zealand Parliament at the time. A freehold title from the court was necessary for Māori to sell or legally lease land, or to use it as security to enable development of the land. Ngāti Hinerangi and other iwi therefore had no choice but to use the Native Land Court if they wished to secure title to their lands and integrate their land into the modern economy and secure access to mortgage finance and capital.
- 2.92. Customary tenure systems were able to accommodate complex and fluid relationships and land and resource usages. The legislation under which the Native Land Court operated did not reflect this fluidity and instead assigned permanent ownership to individuals. The Court's awards did not reflect Ngāti Hinerangi customary tenure or tikanga.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

NGĀTI HINERANGI AND THE NATIVE LAND COURT

- 2.93. The Native Land Court began investigating titles to lands claimed by Ngāti Hinerangi in March 1866, when the court sat for the first time in Hamilton. Ngāti Hinerangi were absent from the hearing but Wiremu Tamihana presented a claim on their behalf to the large Tūranga o Moana block (24,523 acres) that encompasses what is today Matamata. The claim was uncontested at the time.
- 2.94. The Tūranga o Moana block was awarded to just ten individuals under the Native Land Court's ten-owner rule that was enforced between 1865 and 1873. The ten-owner rule system provided for the Native Land Court to limit the number of owners named on a title to ten or fewer individuals. Those named on a certificate of title were legally able to act as absolute owners of the land and could alienate lands without reference to their hapū or iwi. Although Wiremu Tamihana told the court that the ten named as owners were representatives of their hapū, legally the form of title gave them outright ownership of the block.
- 2.95. Title to the Matamata block (5468 acres) was also heard in March 1866 and Ngāti Hinerangi tūpuna were included among the ten named owners. In 1884 the Matamata block was partitioned and nearly half of it (Matamata South, 2597 acres) awarded to owners who had arranged to sell their interests to a private party. Under the Native Equitable Owners Act 1886 the Native Land Court was empowered to determine whether those named on titles issued under the ten-owner system held the land as trustees for others. If the court found this to be the case, then the full list of beneficial owners could be named on a new title. However, the law only applied with respect to lands still owned by Māori. In 1905 the court found that a beneficial trust was intended with respect to the Matamata block. But it could only determine the beneficial owners to be added to the title with respect to Matamata North (2,871 acres), the portion of the block which remained in Māori ownership.
- 2.96. Most of the remaining blocks awarded to Ngāti Hinerangi were under the Native Land Act 1873 or later amendments. This ended the ten-owner system by stipulating that every individual was to be named on the list of owners. However, there was no formal, legally recognised provision made for the lands to be communally managed, or for Māori communities to be enabled to undertake preliminary investigations of title.
- 2.97. Between 1866 and 1900 Ngāti Hinerangi interests were recognised in a number of blocks, including Matamata (1866), Te Tāpui (1868), Whangorau (1876), Hungahunga 1 and 4 (1876), Hungahunga 3 (1878), Mangawhero (1877), Aratiatia (1878), Waiharakeke East (1878) and Waiharakeke West (1878), Tūāraparaharaha 2 (1879), Maurihero (1884), and Tūranga Tangata (1900).
- 2.98. In 1879 the Native Land Court awarded the large Ōkauia block (which included the Te Karaka, Wairere and Tūāraparaharaha 1 blocks) containing over 27,000 acres, to Ngāti Hinerangi. The block was partitioned into five smaller blocks, awarded variously to members of Ngāti Tokotoko, Ngāti Te Riha and Ngāti Tangata.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.99. Ngāti Hinerangi individuals who attended its hearings were required to pay various fees to the Native Land Court. Survey costs involved in seeking legal title to lands could be substantial and Ngāti Hinerangi incurred costs for food and lodgings when attending the Court in European towns such as Cambridge or Thames that were frequently some distance from the lands under investigation or from their usual place of residence.
- 2.100. By the early 1880s the Court's Cambridge sittings had become notorious, and were considered scandalous, for the manner in which private speculators plied Māori with alcohol or cash advances that were often recouped at the end of the hearing in land.

LAND DEALINGS IN THE NATIVE LAND COURT ERA

- 2.101. From the mid 1860s onwards, a number of land blocks were alienated soon after title was awarded to members of Ngāti Hinerangi. In some cases private parties had entered into agreements to purchase or lease land prior to legal adjudication of title, and the purchase was formally completed shortly after the titles were adjudicated.
- 2.102. In 1872 a private party purchased the Tūranga o Moana block which had been previously leased to him. This caused tensions because the lands were within the boundaries of an aukati established by the Kīngitanga in the aftermath of the Waikato War.
- 2.103. In 1879 Ōkauia 1 (23,008 acres) was sold to a group of prominent Auckland businessmen and land speculators shortly after the block was awarded to members of Ngāti Hinerangi. In October 1880, Ōkauia 5, a block of just over five acres, was also sold to private buyers. It contained geothermal taonga known as Ramaroa (and later as Ōkauia Springs and Opal Spring) that were traditionally used by Ngāti Hinerangi. Members of Ngāti Hinerangi entered into an informal agreement with the private buyers allowing them to continue to bathe in the waiariki. However, by 1920 the hot springs had been fenced off as part of a commercial venture, and Ngāti Hinerangi had to pay to access them.
- 2.104. In some cases, interests in lands were sold in order to pay expenses incurred in securing legal titles. Survey liens and court fees contributed to the decision to sell interests in the Maurihero and Mangatōtara 1 blocks to the Crown. Crown officials were aware that these costs put pressure on Māori to sell their land. In 1894 the Crown's Land Purchase Officer involved in purchasing interests in the Maurihero block stated that "the natives will accept the price offered as they have a number of cases coming before the Court...and they must have money to pay Court fees". In January 1895 the Crown began purchasing Ngāti Hinerangi interests in the Maurihero block. In February 1895 Te Kawau and other Ngāti Hinerangi wrote to the Native Minister opposing the sale of Maurihero lands. A Crown official replied that because the petitioners were not on the lists of owners they had no right to object, despite the fact that Te Kawau did hold interests in the block. The Crown continued to purchase interests in the block throughout 1895 and early 1896, and in July 1896 Native Land Court awarded ownership of the 1,181 Maurihero A block to the Crown. This block contained the Wairere Falls, an important site to Ngāti Hinerangi.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.105. On the 15th of September 1896, the Native Affairs Committee responded to a petition filed by Ngāti Hinerangi rangatira including Te Kawau regarding the Maurihoro block. The petitioners asked that a rehearing of the block take place. The Committee recommended that “this petition be referred to the Government for consideration.” Nothing further came from the petition.
- 2.106. In the cases of Mangatōtara, when a new partition was required as a result of a partial purchase of interests, a new survey was ordered and the non-sellers were forced to bear a share of the costs, encouraging more owners to sell their interests in order to be relieved of the new debt.
- 2.107. Although many blocks were acquired by private parties, the Crown also purchased Ngāti Hinerangi lands after title had been awarded by the Native Land Court. Blocks in which Ngāti Hinerangi held interests that were subject to Crown purchasing included Maurihoro, Mangatōtara, Waiharakeke East and Waiharakeke West. The Crown generally negotiated transactions as a monopoly purchaser when buying lands in the 19th century.
- 2.108. In total in the Matamata area Ngāti Hinerangi tūpuna were included in the awards of approximately 96,000 acres of land by the Native Land Court, in which other iwi were also awarded interests. By 1900 approximately 70,000 acres of land in which Ngāti Hinerangi had been awarded interests had been privately purchased and a further 9,000 acres had been purchased by the Crown.

TWENTIETH CENTURY LANDS ADMINISTRATION

- 2.109. By the early twentieth century many of the lands Ngāti Hinerangi had interests in had been alienated. Although Ngāti Hinerangi claimed interests in over 100,000 acres outside the Tauranga confiscation district, by 1900 only 18,578 acres of the blocks in which they had been awarded interests remained in Māori ownership. Excluding shared lands in which other iwi or hapū held the majority of interests the figure was only 7,131 acres, consisting of four blocks (Ōkauia, Waiharakeke West, Waiharakeke East and Maurihoro). In 1900 a list of Māori rendered landless through land confiscation in the Waikato and Tauranga districts included two Ngāti Hinerangi tūpuna, Te Pōhoi Tahatika and Ngāhuia Tahatika.
- 2.110. In 1900 the Māori Lands Administration Act provided for the establishment of Māori Land Councils to oversee the administration of Māori land. These councils comprised members directly elected by Māori and members appointed by the Crown. In 1905 the Māori Land Councils became Māori Land Boards, which were henceforth to consist of members appointed solely by the Crown. Remaining Ngāti Hinerangi lands came under the jurisdiction of either the Waiariki District Māori Land Board or the Waikato-Maniapoto District Māori Land Board. Both boards were required to approve transactions involving the alienation of Ngāti Hinerangi lands in their respective districts. The Native Land Act 1909 removed all existing restrictions on the alienation of Māori land, but required the Māori Land Boards to ensure that no owner would be left landless before approving any alienation. However, other provisions of the same Act enabled alienations to be approved by the Governor even if the effect was to leave owners landless, provided the Governor was satisfied that the owner was able to support themselves through other

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

means. In 1920 the Waiariki District Māori Land Board approved the alienation of a fifty acre reserve within the Te Puna-Katikati purchase area, despite receiving evidence that eleven of the Ngāti Tokotoko owners would be rendered landless as a result. In multiple cases from 1912 to 1936 the alienation of interests in the Ōkauia block were approved despite these alienations leaving the vendors with just a few acres of poor quality land.

- 2.111. Land alienations continued over the course of the twentieth century. Although smaller in scale these sometimes remained significant as a percentage of remaining lands. The 1909 Act provided that Māori land owned by more than ten individuals could only be sold following a meeting of the assembled owners at which at majority by value of those in attendance or by proxy agreed to the decision.
- 2.112. The 1909 Act also allowed the Crown to prohibit all alienations of any Māori-owned land with the exception of alienations to the Crown for one year, which was subsequently extended to two years. The Crown frequently renewed proclamations after the time period provided for in legislation had expired. The effect of this provision was to prevent Māori owners of land blocks proclaimed in this way from leasing, mortgaging or selling their interests to any other party, or selling rights to a specific resource, such as timber. This provision meant that Māori could not sell land to private parties who were willing to pay more than the Crown valuation price. Proclamations in respect of Ngāti Hinerangi lands were imposed in the case of Mangatōtara 1C North and Mangatōtara 3B, as well as Matamata North. The Native Land Amendment Act 1913 enabled the Crown to bypass meetings of owners and purchase land interests directly from the individual owners.
- 2.113. In 1914 the Crown decided to purchase interests in the Matamata North block while employing proclamations that prohibited private buyers from competing for the same lands. Members of the assembled owners rejected the Crown's offer to purchase the land, and the Crown instead proceeded to purchase individual interests, despite the protests of some owners. Some of the Crown proclamations remained in place until the late 1920s, by which time the Crown had acquired more than half of the original Matamata North block.
- 2.114. In 1919 the Crown began to purchase the interests of owners in the 833 acre Mangatōtara 3B block, offering owners a purchase price of £1 10s per acre. The following year the 500 acre Mangatōtara 3B1 block was partitioned out as Crown land. In July 1920 the Crown's Land Purchase Agent concluded that due to a survey error the sellers of Mangatōtara 3B1 had been slightly overpaid for their interests. However, he advised against attempting to obtain a refund for the overpayment, as the Crown's purchase price had not taken into account the value of timber on the block, which he understood to be worth £4 per acre. In 1921 the Crown purchased the 150 acre Mangatōtara 3B2A block. The Crown did not revalue the block to take into account the value of timber or adjust the price offered for shares.
- 2.115. Between 1948 and 1950 the Ōkauia 4E 2F1 and Ōkauia 4E3 blocks owned by Ngāti Hinerangi individuals were vested in the Native (later Māori) Trustee by compulsory order of the Land Court due to being overgrown with weeds, and subsequently leased or sold. Section 540 of the Native Land Act 1931 made provision for this to occur if the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

land was unleased and unoccupied and not kept clear of noxious weeds or in cases where not all of the beneficial owners could be located.

- 2.116. In 1939 the Department of Lands and Surveys reported that over 24,000 acres had been alienated in the Ōkaiua block, leaving approximately 3000 acres in Māori ownership. By 2014 just over 1500 acres of Ōkaiua remained Māori land.
- 2.117. In 1952 the Māori Land Boards were abolished and many of their functions and powers transferred to the Māori Trustee. The Māori Affairs Act 1953 allowed land interests deemed “uneconomic” to be compulsorily vested in the Māori Trustee upon the recommendation of the Māori Land Court. Similar powers to compulsorily acquire interests were included in the Māori Affairs Amendment Act 1967, which also declared that any land owned by no more than four owners was to be compulsorily reclassified as general rather than Māori freehold land. These measures generated considerable Māori opposition but were not finally repealed until 1974.
- 2.118. As an example, Ōkaiua 4E2F1, containing 238 acres, had 111 owners by 1961, not one of whom (as a result of fractionation of interests through the Māori land law regime) held interests deemed “economic”. When the Māori Trustee’s offer to purchase these interests was rejected by the owners, the Māori Trustee proceeded to compulsorily acquire interests in the block, accumulating around 60% of all interests in the block by 1967. Subsequent to this, these interests were sold by the Māori Trustee to a private buyer, who also succeeded in acquiring the remaining interests in the block. Other Ōkaiua partitions were also subject to compulsory acquisition of interests considered “uneconomic”.
- 2.119. In the Tauranga Moana and Matamata districts combined Ngāti Hinerangi were awarded interests in approximately 124,000 acres of land by the Native Land Court and Tauranga Commissioners, much of which was shared with other groups. By 1900 just 30,000 acres of this remained, very little of which was held exclusively or predominantly by Ngāti Hinerangi owners. Today just 12,500 acres remain, of which only the 1,500 acres of Ōkaiua can be considered economically useful land in which Ngāti Hinerangi have the predominant interest.

CONSOLIDATION AND DEVELOPMENT

- 2.120. From the late 1920s the Crown began to address the problem of fragmented, and often uneconomic, landholdings through the promotion of consolidation schemes. Consolidation sought to group whānau interests that were scattered across numerous blocks into single or adjoining areas that could then be developed for farming purposes. However, remaining Ngāti Hinerangi lands were not included in any consolidation schemes introduced from the late 1920s.
- 2.121. In 1929 the Crown made provision for land development schemes, through which the Crown would advance funds to Māori owners for development purposes that would then be a charge on the land until repaid or written off. However, by the time the Crown finally turned its focus to helping Māori develop their land as opposed to acquiring it from them, Ngāti Hinerangi had little land left for development. In 1932 approximately 1500 acres of Ngāti Hinerangi land within the Ōkaiua block was gazetted as a development scheme. In

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

all expenditure of nearly £1400 was recommended as part of the Ōkaia development scheme. However, no work was done to develop the lands because of severe constraints in public spending and because the way in which the block had been partitioned made it difficult to develop viable farms.

- 2.122. The alienation of so much of their land, and the fragmentation of titles they held their remaining land under due to the impact of native land laws, had a significant economic impact on Ngāti Hinerangi. In the 1930s many iwi members resident on the Ōkaia lands had significant debts, which they struggled to service, and only small dairy herds from which to secure a livelihood, though some relied on selling firewood in order to supplement their incomes.
- 2.123. Historically, the development of some Māori land has been hampered by lack of legal access. Although the High Court gained the power to order access to landlocked blocks in 1975, the costs of survey and litigation could be prohibitive. Even land-locked blocks without legal access or council services were subject to rates, which in some cases encouraged the owners to alienate such lands. Ngāti Hinerangi lands without legal access today include parts of, Te Mahau, Mangatōtara, Maurihoro B, Waiharakeke East and Ōkaia.

PUBLIC WORKS

- 2.124. The Crown compulsorily acquired land from Ngāti Hinerangi for various purposes. Prior to the mid-twentieth century, the Crown generally did not consult with Māori before compulsorily acquiring their lands for public works. There was no legislative requirement to have regard to te Tiriti o Waitangi / the Treaty of Waitangi, or Māori interests more broadly, before deciding on compulsory land takings.
- 2.125. Various legislative provisions in place between 1862 and 1927 provided for the Crown to take up to 5% of any land block owned by Māori for roading purposes for up to ten years after the title was granted, without any requirement to pay compensation or first consult the owners. In 1888 some Ngāti Hinerangi lands in the Waiharakeke West 2A and Waiharakeke West 2B blocks were taken for roading. Part of Te Puna Lot 211 was also taken for roading prior to 1920, although the exact date of this taking is unknown.

KAIMAI TUNNEL AND DEVIATION

- 2.126. In the early 1960s the Crown decided to construct the Kaimai Tunnel and Deviation in order to link the main trunk railway line that ran through Waikato with the port of Tauranga. Although alternatives to the tunnel and deviation were considered, the Crown dismissed these as too costly. The project was finally completed in 1978.
- 2.127. Although some Ngāti Hinerangi individuals secured work on the project, this was only temporary, and Ngāti Hinerangi consider that the wider iwi did not benefit economically from the tunnel development in the long term. Meanwhile, a range of restrictions were imposed on mineral, mining and geothermal rights over nearby Ngāti Hinerangi lands as a result of the construction of the tunnel and deviation.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.128. Ngāti Hinerangi maintain that the construction of the tunnel and deviation resulted in significant negative environmental impacts including river pollution, the alteration or destruction of waterways or other natural features, and removal of existing bush cover.
- 2.129. Although the nine-kilometre tunnel was constructed under the Kaimai Range, the sacred maunga of Ngāti Hinerangi, and passed through the Ngāti Hinerangi rohe on both the Waikato and Tauranga sides, there was no consultation specifically with the iwi about the construction or route of the tunnel. Prior to constructing the Kaimai Tunnel the Crown established a Commission of Inquiry to investigate improving access to the Port of Tauranga. This Inquiry was open to public submission; however its terms of reference did not require consultation with Māori and the Crown did not specifically approach Ngāti Hinerangi for their consent to the development. Ngāti Hinerangi maintain that the construction of the tunnel violated their maunga tapu. The railway line leading into the tunnel crosses the sacred Waihou River and traverses the Waiharakeke lands before entering the tunnel. They note that although the tunnel has contributed substantially to the economic development of the Tauranga region, Ngāti Hinerangi have not shared in that prosperity and have never received any compensation for the desecration of their sacred maunga or surrounding awa and ngāhere. Ngāti Hinerangi consider the development of the Kaimai Tunnel and deviation caused harm to the cultural integrity and identity of Ngāti Hinerangi.
- 2.130. Ngāti Hinerangi were not consulted about the proclamation of the Kaimai Range State Forest Park in 1975.

NGĀTI HINERANGI WAIARIKI - GEOTHERMAL FIELDS

- 2.131. Geothermal resources have always been highly valued and treasured by Ngāti Hinerangi, who considers waiariki to be taonga over which they have exercised kaitiakitanga. Ngāti Hinerangi's association with the geothermal taonga in their rohe date back to their ancestral origins.
- 2.132. The geothermal taonga located within the Ngāti Hinerangi rohe are Ōkauia (on Ōkauia 5 Block), Taihoa (on Ōkauia 1B and Tūāraparaharaha blocks), Waiteariki (on Ōkauia 4 Block), Waiharakeke or Sheehan Springs (on Waiharakeke East Block) and Manawaru (west of Waiharakeke West).
- 2.133. By 1880 the Ōkauia 5 block containing the Ramaroa waiariki was sold into private ownership with a verbal agreement between the owner and Ngāti Hinerangi that the iwi would retain customary rights of access to the waiariki. By 1920 the block had been sold to a new owner, and despite protest to the Crown, Ngāti Hinerangi had to pay to access the spring. Access to several other geothermal taonga within the Ngāti Hinerangi rohe was also ended when they were sold into Crown or private ownership.

ENVIRONMENTAL

- 2.134. Ngāti Hinerangi have always viewed themselves as kaitiaki of the lands, maunga, moana, waterways, flora and fauna within their rohe and historically made extensive uses of these resources. The Ngāti Hinerangi rohe was diverse in its natural resources, extending from the Matamata and Ōkauia plains, across the Kaimai Range to the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Tauranga Moana and its harbour. Ngāti Hinerangi and their hapū occupied and maintained settlements at Ōkauia, Wairoa, Whakamārama, Te Irihanga, Hūhārua and Aongatētē. Ngāti Hinerangi and their various hapū consistently utilised the natural resources of their rohe, harvesting food from the forests in the Kaimai maunga and fish and other kaimoana from Tauranga Moana.

- 2.135. European settlement and colonisation resulted in major changes to the natural environment within the rohe of Ngāti Hinerangi. Extensive milling of indigenous timber in the Kaimai Range began in the nineteenth century, resulting in widespread deforestation. It was only in the 1970s that concern over the resultant erosion prompted a halt to clear-felling. The felling of native trees and subsequent replanting of land with *pinus radiata* resulted in a loss of biodiversity among species that had previously dwelt in the native forests.
- 2.136. Exotic fish species introduced by the Auckland Acclimatisation Society after 1867 over time supplanted many of the native species that Ngāti Hinerangi had relied upon as a food source. Animals introduced by the Auckland Acclimatisation Society for hunting purposes, such as red deer and rabbits, in time became pests. But efforts to eliminate such pests also caused problems. In 1906 Ōkauia Māori complained that poison laid for rabbits had killed their pigs, cattle and a horse. Despite their complaints to a Crown official, the owners of these animals received no compensation from the individual laying the rabbit poison.
- 2.137. The drainage of wetlands and river dredging deprived Ngāti Hinerangi of further food supplies and caused long-term environmental problems. The Waihou River was made navigable for European steamers in the 1870s, partly with the aid of dynamite. The work proceeded despite considerable Māori protest and opposition at the loss of their customary fishing grounds and eeling spots.
- 2.138. Dairy farming in the eastern Waikato has caused further problems. The discharge of waste from dairy factories and freezing works resulted in significant river pollution. Effluent from farms entering local waterways, combined with leaching and runoff from fertilisers, also resulted in significant environmental and water quality degradation. Ngāti Hinerangi kaumātua recall that the water quality of the Mangapiko stream in Ōkauia deteriorated over their lifetimes due to sediment entering the waterway as a result of a quarrying operation.
- 2.139. Within the Tauranga district, rapid urbanisation and development since the Second World War has created significant additional pressures on the natural environment. The development and expansion of the port of Tauranga has resulted in the loss of access to previously important kaimoana resources as a result of harbour dredging, reclamations and other activities.
- 2.140. Ngāti Hinerangi have historically had little involvement with local and central government agencies responsible for managing environmental resources within their rohe. Prior to the Resource Management Act 1991 there was no reference to te Tiriti o Waitangi / the Treaty of Waitangi in relevant resource management legislation, and very limited provision for Māori input into environmental planning.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

SOCIO-ECONOMIC AND CULTURAL CONSEQUENCES

- 2.141. The Tauranga confiscation and the impact of cumulative land alienations after 1865 left many Ngāti Hinerangi landless or with inadequate lands to support themselves by the 20th century. Many of the lands that remained in the ownership of Ngāti Hinerangi individuals were not economically viable or useful. Fragmented titles and problems with accessing development capital posed further challenges.
- 2.142. The loss of lands vital to the well-being of Ngāti Hinerangi communities resulted in the social, cultural and economic marginalisation of Ngāti Hinerangi. The loss of coastal lands and settlements at Tauranga undermined the ability of Ngāti Hinerangi to access coastal food resources that were previously of great significance to the tribe.
- 2.143. Ngāti Hinerangi maintain that they were forced to leave their traditional tribal rohe in order to find work in European towns. In the 1950s and 1960s many Ngāti Hinerangi families moved away from their traditional tribal homelands to seek work in cities like Auckland and Hamilton, or further afield in Australia. This population shift resulted in a significant de-population of traditional Ngāti Hinerangi settlements in the Ōkauia and Matamata area. It also resulted in successive generations of Ngāti Hinerangi being disconnected from their traditional whānau, cultural support systems, knowledge, identity, history and marae.
- 2.144. Through the 20th century Crown officials reported a number of times on the poverty of Māori families living at Ōkauia and this was cited as a factor in the decision to support a native school at Ōkauia. In 1936 the Native Schools Inspector observed of the Ōkauia community that “The parents are in poor circumstances and cannot afford clothes to bring their children up to equality with that of the pakeha children at Matamata”. Tuberculosis, a disease commonly associated with poverty and sub-standard housing, was also prevalent in the community and caused deaths in a number of Ngāti Hinerangi families in the 20th century.
- 2.145. Poverty and substandard housing contributed to a range of negative health outcomes. In 1946 a Māori Land Board official described conditions at Ōkauia and Te Poi as bearing “the very hall marks of dilapidation and desperation”. A 1957 report by the Māori Affairs Welfare Officer discussed the poor state of housing at Ōkauia for two Ngāti Hinerangi families. The official wrote that “efforts to assist them to obtain improved housing conditions are fraught with difficulties. One difficulty is that neither family possess sufficient land interests in that locality to enable acquisition of a suitable building site”.
- 2.146. With severe poverty evident even in the 1950s Crown officials sometimes blamed Māori for their plight, promoting assimilation and the adoption of European lifestyles as the only solution. A 1958 report by the Matamata County Health Inspector stated “Recently, in conjunction with the District nurse at Matamata an inspection was made of several Māori dwellings in the Te Poi and Ōkauia areas of the County. Four dwellings were visited and the conditions in all were extremely bad. These are apparently the worst of the Māori dwellings in the area and in all cases the houses were without privy, washing and ordinary facilities of any kind. Again, in all four cases gross overcrowding was in evidence and the condition of the children living in these premises was deplorable.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Generally speaking these people seem to have lost the will to improve themselves and as a result this attitude is being passed on to the children”.

- 2.147. Although the health of Māori improved during the 20th century, the standards of health amongst Māori continued to be worse than those of other New Zealanders. Poor living conditions contributed to high incidences of diseases like tuberculosis in Ngāti Hinerangi communities that are commonly known as “diseases of poverty”. Today life expectancy for Māori remains lower than that of non-Māori.
- 2.148. Assimilation was a key aim of the Native Schools system established after 1867. Ngāti Hinerangi had their own systems of learning and knowledge transmission prior to the arrival of Europeans in their district. Te reo Māori was the language of everyday communication, both internally and in talking with Crown officials or early European residents of the district. Under the Native Schools system, English was the sole language of instruction and use of te reo Māori was discouraged, sometimes through the use of corporal punishment. Ngāti Hinerangi kaumātua who attended Ōkauia Native School state they were subject to abuse and humiliation as well as corporal punishment for speaking te reo Māori at school. Combined with the effects of post-World War Two urbanisation the result has been to undermine the status of te reo Māori as the first language of Ngāti Hinerangi.
- 2.149. In the 2013 census only 21% of Māori living within the Matamata-Piako district were able to speak te reo Māori. Ngāti Hinerangi considers that te reo usage within their community is currently at risk of dying out as kaumātua pass away and few young people learn the language. Approximately 45% of Māori aged 15 years or older within the Matamata-Piako district held no formal educational qualification, compared with just over 30% for Māori nationally.
- 2.150. Ngāti Hinerangi say that the actions and omissions of the Crown since 1840 have resulted in real and enduring harm and distress to them as a people.

3 NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

NGĀ WHAKAAETANGA

3.1 E whakaae ana te Karauna:

3.1.1 i whai wāhi ētehi mema o Ngāti Hinerangi ki te pakanga i Tauranga i te tau 1864, i reira ka mate te tokomaha o ngā Māori o Tauranga me ngā takiwā huri noa; ā,

3.1.2 i te mutunga iho, ko ia tonu te take i tīmata ai taua pakanga, ā, nā āna mahi i takahia ai te Tiriti o Waitangi me ōna mātāpono.

3.2 E whakaae ana te Karauna:

3.2.1 i raro i te ture, i whakakorea e te raupatu o Tauranga i te tau 1865 me ngā ture, me te Tauranga District Lands Act o te tau 1867 me tō te tau 1868 ngā pānga tuku iho o Ngāti Hinerangi i roto i te takiwā raupatu o Tauranga;

3.2.2 ko te whenua i whakahokia ki a Ngāti Hinerangi i whakahokia hei taitara tangata takitahi, kua hei taitara whenua Māori, papatupu nei;

3.2.3 nā tēnei i wātea ake ai ngā whenua kia hokona, me te aha, haukotia ana te haere ki ngā wāhi tapu me ngā mahinga kai papatupu, ā, i kaha ake ai te mamae me te ngākau pōuri o Ngāti Hinerangi; ā,

3.2.4 kāore te raupatu o ngā whenua i Tauranga me ngā ture, me te Tauranga District Lands Act o te tau 1867 me tō te tau 1868 i whai ake, i tōkeke, ā, i takahi hoki aua āhuatanga i te Tiriti o Waitangi me ōna mātāpono.

3.3 E whakaae ana te Karauna:

3.3.1 i kōkiri ia i tana rautaki muru whenua i āna huakitanga ki a Ngāti Hinerangi i te kōkiritanga i te ngahere o te tau 1867; ā,

3.3.2 nā te urupatutanga o ngā māra kai me ngā kāinga noho o Ngāti Hinerangi i te wā o te kōkiritanga i te ngahere, i kaha pēhia rawatia ai te oranga o Ngāti Hinerangi.

3.4 E whakaae ana te Karauna i hē āna mahi, he inati, kāore hoki i whai tikanga, i te wā o te kōkiritanga i te ngahere, ā, i takahi aua mahi i te Tiriti o Waitangi me ōna mātāpono.

3.5 E whakaae ana anō te Karauna kīhai rawa ia i ngana ki te tiaki i ngā pānga whenua o Ngāti Hinerangi, i hiahiatia kia pupurutia e rātou, nōna i tīmata ki te hoko mai i ngā poraka o Te Puna me Katikati i te tau 1864, me te kore i whakatewhatewha i te mana o Ngāti Hinerangi ki aua whenua, ā, nā tēnei hapa i takahia ai te Tiriti o Waitangi me ōna mātāpono.

DEED OF SETTLEMENT

3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

- 3.6 E whakaae ana te Karauna:
- 3.6.1 kīhai ia i whakawhitiwhiti kōrero ki a Ngāti Hinerangi i mua i te whakaurunga o ngā ture whenua Māori, i whakaturehia ai te tangata takitahitanga o ngā whenua Māori i tōpū kē te purutia i mua;
- 3.6.2 i nui ngā utu i puta i te tukanga whakatau taitara o te Kōti Whenua Taketake, tae atu ki ngā utu rūri, utu kōti anō hoki, ā, i ētehi wā i whai wāhi ēnei ki te hokonga atu o ngā whenua o Ngāti Hinerangi.
- 3.6.3 nā ngā whakaritenga ka heke i ngā ture whenua Māori, ina koa te whakawhiwhi i ngā poraka ki ngā tāngata takitahi, tē whakawhiwhi kē ai ki te iwi, ki ngā hapū rānei, nā reira i wātea ake ai ngā whenua o Ngāti Hinerangi kia hokona, kia whakawehengia, kia wāwāhitia hoki; ā,
- 3.6.4 i ngāhorohorotia ngā tikanga pāpori tuku iho me te rangatiratanga o Ngāti Hinerangi e ngā ture whenua Māori. E whakaae ana te Karauna i hē āna mahi tiaki i aua tikanga, ā, nā konei i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.7 E whakaae ana te Karauna i kūnakunaku ngā whakaritenga i roto i ngā ture whenua Māori i hangaia ai kia whai wāhi te whakatau ā-rōpū mō ngā hokonga whenua ka tau i ngā hui tōpū o ngā kaupupuru, nō te Karauna e hoko mai ana i ngā pānga o ngā kaupupuru takitahi i roto i te poraka o Matamata ki te Raki i muri i te ākiritanga o te tuku a te Karauna i tētehi huinga tōpū o ngā kaupupuru, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.8 E whakaae ana te Karauna nōna ka hoko whenua i a Ngāti Hinerangi i ngā tau 1920, kīhai i tika i ētehi wā tana whakatau i te uara o ngā rākau i aua whenua, ā, i takahi aua mahi i te Tiriti o Waitangi me ōna mātāpono.
- 3.9 E whakaae ana te Karauna i waenga i te tau 1953 ki te tau 1974 i whakamanatia te Kaitiaki Māori kia riro mai i a ia ngā hea o ngā whenua o Ngāti Hinerangi, i raro i te ture, i kīia rā e te Karauna he whenua tōtōā, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono, ka mutu nā konā i motu ai te here o ētehi o Ngāti Hinerangi ki tō rātou tūrangawaewae.
- 3.10 E whakaae ana te Karauna nā te tāpirihanga o ngā pānga i hua i āna mahi me ōna hapa ka tata whenua kore te noho a Ngāti Hinerangi, ā, i kino rawa atu ngā pānga ki tō rātou orange ā-ōhanga, ā-iwi, ā-ahurea, me te whakawhanaketanga hoki. Nā te korenga o te Karauna i whakarite kia mau tonu ki a Ngāti Hinerangi tētehi wāhanga nui o te whenua e tika ai tā rātou tiaki i a rātou anō i tērā wā, ā haere ake nei hoki, he takahitanga tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.11. E whakaae ana te Karauna kua noho te hanganga o te Anaroa o Kaimai mā te maunga tapu o Ngāti Hinerangi hei nawe nunui, hei take i pāmamae nui ai a Ngāti Hinerangi. E whakaae ana hoki te Karauna he wāhi nui tō te Anaroa o Kaimai ki te tōnuitanga ā-ōhanga o te rohe o Tauranga, ā, nā ngā kaupapa here a te Karauna i whāiti ai te whai wāhitanga o Ngāti Hinerangi ki taua tōnuitanga.

DEED OF SETTLEMENT
3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

TE WHAKAPĀHA

- 3.12 E whakatakoto ana te Karauna i tēnei whakapāha ki ngā hapū me ngā whānau o Ngāti Hinerangi, ki ō koutou tūpuna me ā koutou mokopuna.
- 3.13 E tino pōuri ana te Karauna i tana korenga i whakatinana i ōna herenga ki a Ngāti Hinerangi i raro i te Tiriti o Waitangi. Ko tōna tikanga kua ahu mai te whanaungatanga i waenga i a Ngāti Hinerangi me te Karauna i ngā mātāpono o te whakawhirinaki taupuhipuhi me te mahi ngātahi, i matakitea ai i te Tiriti, heoi i mōnenehutia kētia taua whanaungatanga i ngā tau tini e ngā mahi a te Karauna.
- 3.14 Anei te Karauna e kaha whakapāha atu nei i tana kawē i te pakanga ki tō koutou iwi me te raupatutanga o te whenua i muri mai. Inā te nui o te whakapāha a te Karauna i āna rautaki muru whenua i kōkiritia ki a Ngāti Hinerangi i te wā o te kōkiritanga i te ngahere, me te mōhio ki te tino mamae i pā ki ō koutou tūpuna i te pakanga me te raupatu.
- 3.15 E whakapāha atu ana te Karauna i tana whakatairanga i te huhua o ngā ture me ngā kaupapa here, nā reira i riro ai ngā whenua o Ngāti Hinerangi e toe ana, me te kauneke hoki i te hekenga o ngā āhuatanga o te ōhanga me te pāpori o Ngāti Hinerangi i roto i tō koutou ake rohe. Arā noa te kaha o te pōuri o te Karauna, nā āna mahi i whakakore te āheinga o Ngāti Hinerangi ki te uru ki ngā maunga, ki ngā awa, ki ngā waiariki, ki ngā wāhi tapu me ngā mahinga kai i whai oranga ai tō koutou iwi mō ngā whakatupuranga e whia nei.
- 3.16 E pōuri ana te Karauna kāore i tika tana urupare ki ngā whakatupuranga o mua atu, o Ngāti Hinerangi, i ngana ki te whai i te tika mō tō rātou anō iwi.
- 3.17 E tūmanako ana te Karauna mā tēnei whakataunga e ū anō ai tōna mana, e hiki anō te wairua whakamau e tika ana kia rangona e ngā whakatupuranga o Ngāti Hinerangi. E anga whakamua ana te Karauna ki te whakapakari i tētehi hononga whaitake ki a Ngāti Hinerangi ka ahu mai i ngā mātāpono o te mahi ngātahi, o te whakawhirinaki taupuhipuhitanga, me te whakaute i te Tiriti o Waitangi me ōna mātāpono.

3 ACKNOWLEDGEMENT AND APOLOGY

3.1. The Crown acknowledges that:

3.1.1. members of Ngāti Hinerangi fought in the war in Tauranga in 1864, during which many Māori of Tauranga and surrounding areas lost their lives; and

3.1.2. it was ultimately responsible for the outbreak of that war, and that its actions breached te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

3.2. The Crown acknowledges that:

3.2.1. the 1865 Tauranga confiscation / raupatu and the subsequent Tauranga District Lands Acts 1867 and 1868 compulsorily extinguished the customary interests of Ngāti Hinerangi that lay within the Tauranga confiscation district;

3.2.2. the land it returned to Ngāti Hinerangi was returned in individualised title rather than Māori customary title;

3.2.3. this made Ngāti Hinerangi land more susceptible to alienation and resulted in the loss of access to wāhi tapu and traditional mahinga kai, and caused significant suffering and distress to Ngāti Hinerangi; and

3.2.4. the confiscation / raupatu of land at Tauranga and subsequent Tauranga District Lands Act 1867 and 1868 were unjust and a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

3.3. The Crown acknowledges:

3.3.1. it inflicted a scorched earth policy in its assaults on Ngāti Hinerangi during the 1867 bush campaign; and

3.3.2. the destruction of Ngāti Hinerangi's cultivations and settlements during the bush campaign had a devastating impact on the welfare of Ngāti Hinerangi.

3.4. The Crown acknowledges its conduct during the bush campaign was unreasonable and unnecessary and was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

3.5. The Crown acknowledges that it failed to actively protect Ngāti Hinerangi interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Hinerangi to these lands and this failure was in breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.6. The Crown acknowledges that:
- 3.6.1. it did not consult with Ngāti Hinerangi before introducing native land laws that provided for the individualisation of Māori land previously held in collective tenure;
 - 3.6.2. the Native Land Court title determination process carried significant costs, including survey and court costs, which at times contributed to the sale of Ngāti Hinerangi land;
 - 3.6.3. the workings of the native land laws, in particular the awarding of land to individuals rather than iwi or hapū, made the lands of Ngāti Hinerangi more susceptible to alienation, fragmentation and partition; and
 - 3.6.4. the native land laws eroded Ngāti Hinerangi traditional social structures and rangatiratanga. The Crown acknowledges it failed to take adequate steps to protect these structures, and this was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.
- 3.7. The Crown acknowledges that it made a sham of provisions in the native land laws that provided for collective decision making about land alienations to be made by meetings of the assembled owners when it purchased individual interests in the Matamata North block after a meeting of assembled owners had rejected the Crown offer, and this was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.
- 3.8. The Crown acknowledges when purchasing land from Ngāti Hinerangi in the 1920s, in some instances it failed to account fairly for the value of timber on the land, which was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.
- 3.9. The Crown acknowledges that between 1953 and 1974, it empowered the Māori Trustee to compulsorily acquire shares in Ngāti Hinerangi lands which the Crown considered uneconomic and this was in breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles and deprived some Ngāti Hinerangi of a direct link to their tūrangawaewae.
- 3.10. The Crown acknowledges that the cumulative effect of its acts and omissions left Ngāti Hinerangi virtually landless, and had a devastating impact on their economic, social and cultural well-being and development. The Crown's failure to ensure that Ngāti Hinerangi retained sufficient land for their present and future needs was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.
- 3.11. The Crown acknowledges that the construction of the Kaimai Tunnel through Ngāti Hinerangi's sacred maunga has been a significant source of grievance for Ngāti Hinerangi. The Crown further acknowledges that the Kaimai Tunnel contributed to the economic prosperity of the Tauranga region, and that Crown policies limited the ability of Ngāti Hinerangi to share in that prosperity.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

APOLOGY

- 3.12. The Crown makes the following apology to the hapū and whānau of Ngāti Hinerangi, to your tūpuna and your mokopuna.
- 3.13. The Crown is profoundly sorry for having failed to uphold its obligations to Ngāti Hinerangi under te Tiriti o Waitangi / the Treaty of Waitangi. The relationship between Ngāti Hinerangi and the Crown should have been one based upon the principles of mutual respect and partnership, as envisioned in te Tiriti o Waitangi / the Treaty of Waitangi, however for too many years Crown actions tarnished this relationship.
- 3.14. The Crown unreservedly apologises for bringing war to your people and for the raupatu of land that followed. The Crown deeply regrets the scorched earth tactics it employed against Ngāti Hinerangi during the bush campaign and acknowledges the profound distress war and raupatu caused your tūpuna.
- 3.15. The Crown apologises for its promotion of many laws and policies that facilitated the loss of Ngāti Hinerangi's remaining lands, which contributed to the economic and social marginalisation of Ngāti Hinerangi within your own rohe. The Crown deeply regrets that its actions deprived Ngāti Hinerangi of access to the maunga, awa, waiariki, wāhi tapu and mahinga kai that had sustained your people for many generations.
- 3.16. The Crown regrets that it did not respond adequately to the past generations of Ngāti Hinerangi who sought to obtain justice for their people.
- 3.17. The Crown hopes that through this settlement it can restore its honour and alleviate the justifiable sense of grievance felt by generations of Ngāti Hinerangi. The Crown looks forward to building a meaningful relationship with Ngāti Hinerangi based on cooperation, mutual trust and respect for te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

4 SETTLEMENT

ACKNOWLEDGEMENTS

- 4.1. Each party acknowledges that –
- 4.1.1. the other parties have acted honourably and reasonably in relation to the settlement; but
 - 4.1.2. full compensation of Ngāti Hinerangi is not possible; and
 - 4.1.3. Ngāti Hinerangi intends 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 Ngāti Hinerangi and the Crown (in terms of te Tiriti o Waitangi / the Treaty of Waitangi, its principles, and otherwise).
- 4.2. Ngāti Hinerangi acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

SETTLEMENT

- 4.3. Therefore, on and from the settlement date, –
- 4.3.1. the historical claims are settled; and
 - 4.3.2. the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
 - 4.3.3. the settlement is final.
- 4.4. Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.

REDRESS

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

DEED OF SETTLEMENT
4: SETTLEMENT

IMPLEMENTATION

- 4.6. The settlement legislation will, on the terms provided by sections 15 to 20 of the draft settlement bill, –
- 4.6.1. settle the historical claims; and
 - 4.6.2. exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
 - 4.6.3. provide that the legislation referred to in section 17 of the draft settlement bill does not apply –
 - (a) to a redress property or any RFR land; or
 - (b) for the benefit of Ngāti Hinerangi or a representative entity; and
 - 4.6.4. require any resumptive memorial to be removed from a record of title for a redress property or any RFR land; and
 - 4.6.5. 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 Te Puāwaitanga o Ngāti Hinerangi Iwi Trust, being the governance entity, may hold or deal with property; and
 - (ii) the Te Puāwaitanga o Ngāti Hinerangi Iwi Trust may exist; and
 - 4.6.6. require the Tumu Whakarae – Chief Executive of the Office for Māori Crown Relations - Te Arawhiti to make copies of this deed publicly available.
- 4.7. Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 CULTURAL REDRESS

OVERLAY CLASSIFICATION

- 5.1. The settlement legislation will, on the terms provided by sections 48 to 62 of the draft settlement bill, –
- 5.1.1. declare Wairere Waiteariki (being part Maurihero Scenic Reserve, part Wairere Falls Scenic Reserve, part Gordon Park Scenic Reserve and part Kaimai Mamaku Conservation Park) (as shown on deed plan OTS-135-15), to be an overlay area subject to an overlay classification; and
 - 5.1.2. provide the Crown's acknowledgement of the statement of Ngāti Hinerangi values in relation to the overlay area; and
 - 5.1.3. require the New Zealand Conservation Authority, or a relevant conservation board, –
 - (a) when considering a conservation document, in relation to the overlay area, to have particular regard to the statement of Ngāti Hinerangi values, and the protection principles, for the overlay area; and
 - (b) before approving a conservation document, in relation to the overlay area, to –
 - (i) consult with the governance entity; and
 - (ii) have particular regard to its views as to the effect of the document on the statement of Ngāti Hinerangi values, and the protection principles, for the area; and
 - 5.1.4. require the Director-General of Conservation to take action in relation to the protection principles; and
 - 5.1.5. enable the making of regulations and bylaws in relation to the overlay area.
- 5.2. The statement of Ngāti Hinerangi values, the protection principles, and the Director-General of Conservation's actions are in part 1 of the documents schedule.

STATUTORY ACKNOWLEDGEMENT AND GEOTHERMAL STATUTORY ACKNOWLEDGEMENT

- 5.3. The settlement legislation will, on the terms provided by sections 27 to 42 and 44 to 47 of the draft settlement bill, –
- 5.3.1. provide the Crown's acknowledgement of the statements by Ngāti Hinerangi of their particular cultural, spiritual, historical, and traditional association with the following areas or geothermal resource (as the case may be):

DEED OF SETTLEMENT
5: CULTURAL REDRESS

- (a) Kaimai range ridgeline (as shown on deed plan OTS-135-18):
- (b) Part Kaimai Range (including part of Kaimai Mamaku Conservation Park, part Gordon Park Scenic Reserve, part Wairere Falls Scenic Reserve and part Maurihero Scenic Reserve) (as shown on deed plan OTS-135-19):
- (c) Part Maurihero Scenic Reserve (as shown on deed plan OTS-135-20):
- (d) Te Ara o Maurihero (Thompson's Track) (as shown on deed plan OTS-135-21):
- (e) Te Tapui Scenic Reserve within the area of interest (as shown on deed plan OTS-135-22):
- (f) Waianuanu (being part Kaimai Mamaku Conservation Park and part Gordon Park Scenic Reserve) (as shown on deed plan OTS-135-23):
- (g) Waihou River and its tributaries within the area of interest (as shown on deed plan OTS-135-24):
- (h) The geothermal resource (as shown on deed plan OTS-135-17):
 - (i) Ōkauia Geothermal Resource:
 - (ii) Taihoa Geothermal Resource:
 - (iii) Waiteariki Geothermal Resource; and

5.3.2. require –

- (a) relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- (b) relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgment; and

5.3.3. require relevant consent authorities to forward to the governance entity –

- (a) summaries of resource consent applications for an activity 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

5.3.4. enable the governance entity, and any member of Ngāti Hinerangi, to cite the statutory acknowledgement and the geothermal statutory acknowledgement as evidence of Ngāti Hinerangi's association with an area.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

- 5.4. The statements of association are in part 2 of the documents schedule.

STATEMENT OF ASSOCIATION FOR WAIORONGOMAI

- 5.5. The Crown acknowledges that Ngāti Hinerangi has an association with, and asserts certain spiritual, cultural, historical and traditional values in relation to Waiorongomai.
- 5.6. The statement by Ngāti Hinerangi of their association and values in relation to the area referred to in clause 5.5 is set out in part 3 of the documents schedule.
- 5.7. The parties acknowledge that the acknowledgement in clause 5.5 and the statement referred to in clause 5.6 are not intended to give rise to any rights or obligations.

DEEDS OF RECOGNITION

- 5.8. The Crown must, by or on the settlement date, provide the governance entity with a copy of the deeds of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
- 5.8.1. Part Maurihero Scenic Reserve (as shown on deed plan OTS-135-20); and
- 5.8.2. Waianuanu (being part Kaimai Mamaku Conservation Park and part Gordon Park Scenic Reserve) (as shown on deed plan OTS-135-23).
- 5.9. Each area that the deeds of recognition relate to includes only those parts of the area owned and managed by the Crown.
- 5.10. The deeds of recognition will provide that the Minister of Conservation and the Director-General of Conservation, must, if undertaking certain activities within an area that the deeds relate to, –
- 5.10.1. consult the governance entity; and
- 5.10.2. have regard to its views concerning Ngāti Hinerangi's association with the area as described in a statement of association.

PROTOCOLS

- 5.11. Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:
- 5.11.1. Crown minerals protocol; and
- 5.11.2. Taonga tūturu protocol.
- 5.12. A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS

- 5.13. The deeds of recognition will be –
- 5.13.1. in the form in part 4 of the documents schedule; and
 - 5.13.2. issued under, and subject to, the terms provided by sections 43 to 47 of the draft settlement bill.
- 5.14. Each protocol will be –
- 5.14.1. in the form in part 5 of the documents schedule; and
 - 5.14.2. issued under, and subject to, the terms provided by sections 21 to 26 of the draft settlement bill.
- 5.15. A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.

RELATIONSHIP AGREEMENT WITH THE DEPARTMENT OF CONSERVATION

- 5.16. The Department of Conservation and the governance entity must, by or on the settlement date, sign a relationship agreement.
- 5.17. The relationship agreement sets out how the Department of Conservation will interact with the governance entity with regard to the matters specified in it.
- 5.18. The relationship agreement will be in the form in part 6 of the documents schedule.
- 5.19. A failure by the Crown to comply with the relationship agreement is not a breach of this deed.

RELATIONSHIP AGREEMENT WITH THE MINISTRY FOR THE ENVIRONMENT

- 5.20. The Ministry for the Environment and the governance entity must, by or on the settlement date, sign a relationship agreement.
- 5.21. 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.
- 5.22. The relationship agreement will be in the form in part 7 of the documents schedule.
- 5.23. A failure by the Crown to comply with the relationship agreement is not a breach of this deed.

RELATIONSHIP AGREEMENT WITH THE NEW ZEALAND TRANSPORT AGENCY

- 5.24. Separate to this deed, the New Zealand Transport Agency (Transport Agency) and the governance entity have committed to developing a relationship agreement to be entered

DEED OF SETTLEMENT
5: CULTURAL REDRESS

by the Transport Agency and the governance entity no later than six months after this deed is signed.

- 5.25. The Transport Agency and the governance entity intend that the future relationship agreement will –
- 5.25.1. enable the Transport Agency and the governance entity to maintain a positive, collaborative and enduring relationship into the future;
 - 5.25.2. provide for engagement with the governance entity on the Transport Agency's strategic plans, programmes, projects, and policy in the area of interest;
 - 5.25.3. provide for the governance entity to participate in any iwi leadership group that the Transport Agency may establish in relation to the area of interest; and
 - 5.25.4. include any other topics as agreed by the Transport Agency and the governance entity.
- 5.26. The Transport Agency and the governance entity intend that the future relationship agreement will set out the Transport Agency and the governance entity's agreement to uphold the following principles –
- 5.26.1. working in a spirit of co-operation;
 - 5.26.2. ensuring early engagement on issues arising in the area of interest;
 - 5.26.3. operating a 'no surprises' approach;
 - 5.26.4. acknowledging that the relationship is evolving, not prescribed;
 - 5.26.5. respecting the independence of the parties and their individual mandates, roles and responsibilities; and
 - 5.26.6. recognising and acknowledging the mutual respect from the parties working together by sharing their vision, knowledge and expertise.
- 5.27. For the avoidance of doubt, clauses 5.24 to 5.26 do not create any obligations on the Crown, nor does the Crown bind the Transport Agency.

MINISTRY FOR PRIMARY INDUSTRIES LETTER OF RECOGNITION

- 5.28. The Director-General of the Ministry for Primary Industries will write a letter of recognition to the governance entity, by or on the settlement date, which will be in the form in part 8 of the documents schedule.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

5.29. The Ministry for Primary Industries will:

- 5.29.1. recognise Ngāti Hinerangi as tangata whenua within their area of interest and that they have a special relationship with all species of fish, aquatic life and seaweed within their area of interest;
- 5.29.2. work with the governance entity to enable Ngāti Hinerangi as tangata whenua to have input and participate in the Ministry for Primary Industries' national fisheries plans; and
- 5.29.3. invite the governance entity to be involved with implementing the Fisheries (Kaimoana Customary Fishing) Regulations 1998 within Ngāti Hinerangi's area of interest.

APPOINTMENT AS ADVISORY COMMITTEE

5.30. The Minister of Fisheries must, by or on the settlement date, appoint the trustees of the governance entity as an advisory committee under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 for the purpose of advising the Minister in relation to the eel fishery in the Waihou catchment, and the fisheries in Tauranga Moana within the area of interest (as shown in the area of interest map in the attachments).

LETTERS OF INTRODUCTION

- 5.31. No later than six months after the settlement date, the Minister for Treaty of Waitangi Negotiations will write a letter of introduction in the form set out in part 9 of the documents schedule to the Minister of Internal Affairs to introduce the governance entity and encourage the Department of Internal Affairs to enhance its relationship with the governance entity.
- 5.32. No later than six months after the settlement date, the Tumu Whakarae – Chief Executive of The Office for Māori Crown Relations – Te Arawhiti will write a letter of introduction in the form set out in part 9 of the documents schedule to each of the following entities, to introduce the governance entity, and encourage each entity to enhance its relationship with the governance entity:

Core Crown Organisations

- 5.32.1. Department of Internal Affairs:
- 5.32.2. Housing New Zealand:
- 5.32.3. Ministry of Social Development:
- 5.32.4. Ministry of Education:
- 5.32.5. Ministry of Justice:

DEED OF SETTLEMENT
5: CULTURAL REDRESS

5.32.6. New Zealand Police:

5.32.7. Statistics New Zealand:

Non-Core Crown Organisations and Non-Crown Organisations

5.32.8. Bay of Plenty District Health Board:

5.32.9. Hauraki District Council:

5.32.10. Heritage New Zealand Pouhere Taonga:

5.32.11. KiwiRail:

5.32.12. Matamata-Piako District Council:

5.32.13. Museum of New Zealand Te Papa Tongarewa:

5.32.14. South Waikato District Council:

5.32.15. Tauranga City Council:

5.32.16. Waikato Regional Council:

5.32.17. Waipa District Council:

Museums

5.32.18. Cambridge Museum:

5.32.19. Firth Tower Museum:

5.32.20. Rotorua Museum; and

5.32.21. Waikato Museum.

STATEMENT OF COMMITMENT

5.33. The Western Bay of Plenty District Council and the governance entity intend to work together to establish a relationship and will define how to best develop an enduring relationship together after the settlement date. For the avoidance of doubt, this clause 5.33 does not create any obligations on the Crown, nor does the Crown bind the Western Bay of Plenty District Council.

CULTURAL REVITALISATION FUND AND MARAE REBUILD FUND

5.34. The Crown must pay the governance entity on the settlement date:

DEED OF SETTLEMENT
5: CULTURAL REDRESS

- 5.34.1. \$200,000.00 and the governance entity may, at its discretion, apply all or some of the amount towards cultural revitalisation; and
- 5.34.2. \$20,000.00 and the governance entity may, at its sole discretion, apply all or some of the amount towards rebuilding marae.

CULTURAL REDRESS PROPERTIES

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

In fee simple

- 5.35.1. the fee simple estate in each of the following sites:
 - (a) Ōkauia property;
 - (b) Tūranga o Moana property;
 - (c) Wairere Falls property; and

As a historic reserve

- 5.35.2. the fee simple estate in Te Ara o Maurihiro (East) property as a historic reserve, with the governance entity as the administering body; and

As a historic reserve subject to an easement

- 5.35.3. the fee simple estate in each of the following sites as a historic reserve, with the governance entity as the administering body, subject to the governance entity providing a registrable pedestrian right of way easement in gross in favour of the Minister of Conservation in relation to that site in the form in parts 10.3, 10.4 and 10.5 (respectively) of the documents schedule:
 - (a) Te Taiaha a Tangata;
 - (b) Te Tuhi (East) property;
 - (c) Te Tuhi (West) property; and

As a historic reserve subject to an easement

- 5.35.4. the fee simple estate in Te Ara o Maurihiro (West) property as a historic reserve, with the governance entity as the administering body, subject to the governance entity providing a registrable right of way easement in gross in favour of the Matamata-Piako District Council in the form in part 10.1 of the documents schedule; and

DEED OF SETTLEMENT
5: CULTURAL REDRESS

As a recreation reserve

- 5.35.5. the fee simple estate in the Ngāti Hinerangi property as a recreation reserve, with the governance entity as the administering body; and

As a scenic reserve

- 5.35.6. the fee simple estate in each of the following sites as a scenic reserve, with the governance entity as the administering body:

- (a) Te Mimiha o Tūwhanga;
- (b) Ngā Tamahine e Rua;
- (c) Te Wai o Ngāti Hinerangi property;
- (d) Ngāti Hinerangi Waipapa property; and

As a scenic reserve subject to an easement

- 5.35.7. the fee simple estate in Te Hanga as a scenic reserve, with the governance entity as the administering body, subject to the governance entity providing a registrable pedestrian right of way easement in gross in favour of the Minister of Conservation in relation to that site in the form in part 10.2 of the documents schedule; and
- 5.36. Each cultural redress property is to be –
- 5.36.1. as described in schedule 3 of the draft settlement bill; and
 - 5.36.2. vested on the terms provided by –
 - (a) sections 64 to 96 of the draft settlement bill; and
 - (b) part 2 of the property redress schedule; and
 - 5.36.3. subject to any encumbrances, or other documentation, in relation to that property –
 - (a) required by clause 5.35 to be provided by the governance entity; or
 - (b) required by the settlement legislation; and
 - (c) in particular, referred to by schedule 3 of the draft settlement bill.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

- 5.37. 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.
- 5.38. However, the Crown must not enter into another settlement that provides for the same redress as set out in clause 5.35.

WAIRERE FALLS EASEMENT

- 5.39. The parties acknowledge that the Matamata-Piako District Council has agreed to provide the governance entity with a right of way easement to provide access to the Wairere Falls property in the form in part 10.6 of the documents schedule.

WAIHOU, PIAKO, COROMANDEL CATCHMENT AUTHORITY

- 5.40. The Crown acknowledges that:
- 5.40.1. Ngāti Hinerangi have interests in those parts of the Waihou River and Piako River catchments within their area of interest that are of significant cultural, historical, and spiritual importance to Ngāti Hinerangi; and
- 5.40.2. The Pare Hauraki Collective Redress legislation will establish a statutory authority called the Waihou, Piako, Coromandel Catchment Authority. The purpose of the Waihou Piako, Coromandel Catchment Authority will be to provide co-governance, oversight and direction for the taonga that are the waterways of the Coromandel, Waihou and Piako catchments in order to promote a co-ordinated and intergenerational approach, the Pare Hauraki World View and Programme for a Culture of Natural Resource Partnership, community aspirations for the Waihou, Piako, Coromandel catchments, and values of various iwi within the catchment areas including the values of Ngāti Hinerangi; and
- 5.40.3. Te Mātāpuna o ngā awa o Waihou Piako will be established pursuant to the Pare Hauraki Collective Redress Deed in relation to the waterways of the upper Waihou and Piako catchments. Members of the body will comprise representatives of certain iwi and local authorities in the region including Ngāti Hinerangi. The functions of the body will include: drafting the upper Waihou and Piako section of the Waihou, Piako and Coromandel Catchments Plan; proposing names of hearing commissioners; making recommendations to the Waihou, Piako Catchment Authority; and participating in community engagement on issues relating to the upper Waihou and Piako waterways.

6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 6.1. The Crown must pay the governance entity on the settlement date \$5,561,000.00, being the financial and commercial redress amount of \$8,100,000 less –
- 6.1.1. \$2,539,000.00 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 encumbrances provided in part 3 of the property redress schedule in relation to that property; and
- 6.3.2. in the case of the licensed land:
- (a) subject to the governance entity providing to the Crown, before the registration of the transfer of the licensed land, a right of way easement in gross on the terms and conditions set out in part 11.1 of the documents schedule (subject to any variations necessary only to ensure its registration); and
 - (b) subject to the governance entity providing to the Crown, before the registration of the transfer of the licensed land, a right of way easement in gross on the terms and conditions set out in part 11.2 of the documents schedule (subject to any variations necessary only to ensure its registration).
- 6.4. Each of the following commercial redress properties is to be leased back to the Crown, immediately after its transfer to the governance entity, on the terms and conditions provided by the lease for that property in parts 12 and 13 (respectively) of the documents

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase):

- 6.4.1. Manawaru School site (land only); and
 - 6.4.2. Matamata Police Station (land only).
- 6.5. Clause 6.6 applies in respect of a school house site if, before the enactment date, the board of trustees of the related school site relinquishes the beneficial interest it has in the school house site.
- 6.6. If this clause applies to a school house site –
- 6.6.1. the Crown must, within 10 business days of this clause applying, give notice to the governance entity that the beneficial interest in the school house site has been relinquished by the board of trustees; and –
 - 6.6.2. the commercial redress property that is the related school site will include the school house site; and
 - 6.6.3. all references in this deed to a commercial redress property that is the related school site are to be read as if the commercial redress property were the related school site and the school house site together; and
 - 6.6.4. the transfer value for the commercial redress property that is the related school site is the aggregate of the transfer values for the related school site and the school house site; and
 - 6.6.5. as a result of clause 6.6.4 –
 - (a) the amount referred to in clause 6.1.1 is increased accordingly; and
 - (b) the amount the Crown must pay to the governance entity under clause 6.1 is correspondingly reduced.
- 6.7. Clause 6.8 applies in respect of a school house site if, before the enactment date, the board of trustees of the related school site does not agree to relinquish the beneficial interest it has in the school house site.
- 6.8. If this clause applies –
- 6.8.1. the Crown will arrange for the creation of a record of title for the fee simple estate in the balance school site in accordance with paragraph 4.46.2 of the property redress schedule; and
 - 6.8.2. the Crown shall be entitled to enter into any easements or encumbrances affecting or benefitting the balance school site which the Crown deems reasonably necessary in order to create separate records of title for the fee simple estate in the school house site and the balance school site. Any

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

easements or encumbrances affecting the balance school site must be located within the area marked A and bordered red on the map in part 3 of the attachments; and

- 6.8.3. such encumbrances shall be in the standard form incorporating the rights and powers in Schedule 5 of the Land Transfer Regulations 2018 (and, where not inconsistent, Schedule 5 of the Property Law Act 2007) provided however that clauses relating to obligations for repair, maintenance, and costs between grantor and grantee(s) shall provide for apportionment based on reasonable use of any shared easement facilities.
- 6.9. In the event that any school site becomes surplus to the land holding agency's requirements, then the Crown may, at any time before the enactment date, give written notice to the governance entity advising it that the school site is no longer available as a commercial redress property. To avoid doubt, the school site will become land to which the definition of RFR land in paragraph 6.1 of the general matters schedule applies.
- 6.10. If clause 6.9 applies:
- 6.10.1. the amount referred to in clause 6.1.1 is reduced accordingly; and
- 6.10.2. the amount the Crown must pay to the governance entity under clause 6.1 is correspondingly increased.

LICENSED LAND

- 6.11. The settlement legislation will, on the terms provided by sections 97 to 99, 101 to 103 and 106 to 111 of the draft settlement bill, provide for the following in relation to the commercial redress property that is licensed land:
- 6.11.1. its transfer by the Crown to the governance entity:
- 6.11.2. it to cease to be Crown forest land upon registration of the transfer:
- 6.11.3. 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:
- 6.11.4. 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 –

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

- (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:
- 6.11.5. 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: and
- 6.11.6. for rights of access to areas that are wāhi tapu.

SETTLEMENT LEGISLATION

- 6.12. The settlement legislation will, on the terms provided by sections 97 to 105 of the draft settlement bill, enable the transfer of the commercial redress properties.

RFR FROM THE CROWN

- 6.13. The governance entity is to have a right of first refusal in relation to a disposal of RFR land, being land listed in the attachments as RFR land that, on the settlement date,
- 6.13.1. is vested in the Crown; or
 - 6.13.2. the fee simple for which is held by the Crown or Housing New Zealand Corporation.
- 6.14. The right of first refusal is –
- 6.14.1. to be on the terms provided by sections 112 to 141 of the draft settlement bill; and
 - 6.14.2. in particular, to apply –
 - (a) for a term of 178 years from the settlement date; but
 - (b) only if the RFR land is not being disposed of, in the circumstances provided by sections 120 to 130, nor as a result of a matter referred to in section 131(1), of the draft settlement bill.

7 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

- 7.1. The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 7.2. The settlement legislation will provide for all matters for which legislation is required to give effect to this deed of settlement.
- 7.3. The draft settlement bill proposed for introduction to the House of Representatives –
 - 7.3.1. must comply with the drafting standards and conventions of the Parliamentary Counsel Office for Government Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and
 - 7.3.2. must be in a form that is satisfactory to Ngāti Hinerangi and the Crown.
- 7.4. Ngāti Hinerangi and the governance entity must support the passage of the draft settlement bill through Parliament.

SETTLEMENT CONDITIONAL

- 7.5. This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.6. However, the following provisions of this deed are binding on its signing:
 - 7.6.1. clauses 7.4 to 7.10:
 - 7.6.2. paragraph 1.3, and parts 4 to 7, of the general matters schedule.

EFFECT OF THIS DEED

- 7.7. This deed –
 - 7.7.1. is “without prejudice” until it becomes unconditional; and
 - 7.7.2. may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.8. Clause 7.7.2 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

- 7.9. The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 7.9.1. the settlement legislation has not come into force within 36 months after the date of this deed; and
 - 7.9.2. the terminating party has given the other party at least 40 business days notice of an intention to terminate.
- 7.10. If this deed is terminated in accordance with its provisions –
- 7.10.1. this deed (and the settlement) are at an end; and
 - 7.10.2. subject to this clause, this deed does not give rise to any rights or obligations; and
 - 7.10.3. this deed remains “without prejudice”.

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. giving notice under this deed or a settlement document; and
 - 8.1.4. 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 Ngāti Hinerangi, 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 te Tiriti o Waitangi / 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 that relates exclusively to Ngāti Hinerangi or a representative entity, including the following claims:
- (a) Wai 1226 – Ngāti Hinerangi claim; and
 - (b) Wai 2110 – Ngāti Hinerangi Lands claim; and
 - (c) Wai 2112 – Ngāti Hinerangi Trust claim; and
- 8.2.3. includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Ngāti Hinerangi or a representative entity, including the following claims:
- (a) Wai 1379 – Maurihero B Trust claim; and
 - (b) Wai 2111 – Ngāti Tamapango, Ngāti Tokotoko and Others Lands claim; and
 - (c) Wai 2113 – Ngāti Tamapango and Ngāti Tokotoko Lands claim; and
 - (d) Wai 2114 – Ngāti Tamapango and Ngāti Hinerangi Lands claim; and
 - (e) Wai 2106 – Heeni Rawiri Whanau and Others Lands claim.
- 8.3. However, historical claims does not include the following claims:
- 8.3.1. a claim that a member of Ngāti Hinerangi, or a whānau, hapū, or group referred to in clause 8.6.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 8.6.1:
 - 8.3.2. a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 8.3.1.
 - 8.3.3. any claim based on descent from a recognised ancestor of Ngāti Rangī, Ngāti Tāwhaki or Ngāti Tamapango to the extent that a claim is, or is founded on, a right arising from being descended from an ancestor other than Kōperu.
- 8.4. To avoid doubt, clause 8.2.1 is not limited by clauses 8.2.2 or 8.2.3.
- 8.5. To avoid doubt, this settlement does not affect the right of any group to apply for recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.
- NGĀTI HINERANGI**
- 8.6. In this deed, Ngāti Hinerangi means –

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- 8.6.1. the collective group composed of individuals who descend from one or more Ngāti Hinerangi ancestors; and
- 8.6.2. every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.6.1, including the following groups:
- (a) Ngāti Tamapango; and
 - (b) Ngāti Tokotoko; and
 - (c) Ngāti Te Riha; and
 - (d) Ngāti Kura; and
 - (e) Ngāti Whakamaungārangī; and
 - (f) Ngāti Tāwhaki; and
 - (g) Ngāti Rangī; and
 - (h) Ngāti Tangata; and
- 8.6.3. every individual referred to in clause 8.6.1.
- 8.7. For the avoidance of doubt, Ngāti Tangata as referenced in clause 8.6.2(h) does not mean the hapū of Ngāti Tamaterā.
- 8.8. For the purposes of clause 8.6.1 –
- 8.8.1. a person is descended from another person if the first person is descended from the other by –
- (a) birth; or
 - (b) legal adoption; or
 - (c) Māori customary adoption in accordance with Ngāti Hinerangi tikanga (including whāngai adoption); and
- 8.8.2. Ngāti Hinerangi ancestor means an individual who:
- (a) exercised customary rights by virtue of being descended from:
 - (i) Kōperu; or
 - (ii) a recognised ancestor of any of the groups listed in clause 8.6.2; and

DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- (b) exercised customary rights in clause 8.8.2(a), predominantly in relation to the area of interest after 6 February 1840.

8.8.3. 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.

MANDATED NEGOTIATORS AND SIGNATORIES

8.9. In this deed –

8.9.1. **mandated negotiators** means the following individuals:

- (a) Hine Dianna Vaimoso, Matamata, Social Worker:
- (b) Tomairangi Smith, Tauranga, Communications Manager; and

8.9.2. **mandated signatories** means the following individuals:

- (a) Phillip Ian Smith, Mount Ruapehu, Conservation Ranger:
- (b) Barbara Mary Nganehu Kinzett, Hamilton, Postal Delivery Officer:
- (c) Hine Dianna Vaimoso, Matamata, Social Worker:
- (d) Waimatao Phyllis Smith, Matamata, Retired:
- (e) David Rawiri Thompson, Huntly, Retired:
- (f) Phillip John Samuels, Matamata, Company Director:
- (g) Whanaupani Smith, Matamata, Retired; and
- (h) Christopher Wilson, Otaki, Tutor.

ADDITIONAL DEFINITIONS

8.10. The definitions in part 6 of the general matters schedule apply to this deed.

INTERPRETATION

8.11. Part 7 of the general matters schedule applies to the interpretation of this deed.

DEED OF SETTLEMENT

SIGNED as a deed on 4 May 2019

SIGNED for and on behalf
of Ngāti Hinerangi by
the mandated signatories in the
presence of –

Phillip Ian Smith

Barbara Mary Nganehu Kinzett

Hine Dianna Vaimoso

Waimatao Phyllis Smith

David Rawiri Thompson

Phillip John Samuels

Whanaupani Smith

Christopher Wilson

WITNESS

Name:

Occupation:

Address:

DEED OF SETTLEMENT

SIGNED by the initial trustees of the
governance entity in the presence of -

Phillip Ian Smith

Barbara Mary Nganehu Kinzett

Hine Dianna Vaimoso

Waimatao Phyllis Smith

David Rawiri Thompson

Phillip John Samuels

Christopher Wilson

WITNESS

Name:

Occupation:

Address:

DEED OF SETTLEMENT

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

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

Hon Andrew Little

WITNESS

Name:

Occupation:

Address:

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

Hon Grant Robertson

WITNESS

Name:

Occupation:

Address: