

**NGATIKAHU KI WHANGAROA**

**and**

**KAHUKURAARIKI TRUST**

**and**

**THE CROWN**

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**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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**18 December 2015**

## PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngatikahu ki Whangaroa 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
- settles the historical claims of Ngatikahu ki Whangaroa; and
- specifies the cultural redress, and the financial redress, to be provided in settlement to the governance entity that has been approved by Ngatikahu ki Whangaroa to receive the redress; and
- includes definitions of –
  - the historical claims; and
  - Ngatikahu ki Whangaroa; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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## SCHEDULES

### GENERAL MATTERS

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Draft settlement bill

## DEED OF SETTLEMENT

**THIS DEED** is made between

**NGATIKAHU KI WHANGAROA**

and

**KAHUKURAARIKI TRUST**

and

**THE CROWN**

## 1 BACKGROUND

### NEGOTIATIONS

- 1.1 In 2001 Ngatikahu ki Whangaroa gave the mandated body, Kahukuraariki Trust Board, a mandate to negotiate a deed of settlement with the Crown.
- 1.2 The Crown recognised the mandate of the mandated body on 20 September 2001.
- 1.3 The mandated body and the Crown –
  - 1.3.1 by terms of negotiation dated 19 October 2004, agreed the scope, objectives and general procedures for the negotiations; and
  - 1.3.2 by agreement dated 22 December 2007, agreed, in principle, that Ngatikahu ki Whangaroa and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
  - 1.3.3 following a period of further negotiations, acknowledge the agreement referred to in 1.3.2 was refined as outlined in an offer letter from the Crown to the mandated body dated 3 July 2014; and
  - 1.3.4 agree, that on 7 July 2014, the mandated body agreed to the offer and the agreement referred to in 1.3.2 was refined (the **agreement in principle**); and
  - 1.3.5 have now negotiated and initialled a final deed of settlement.

### RATIFICATION AND APPROVALS

- 1.4 Ngatikahu ki Whangaroa have, since the initialling of the deed of settlement by the mandated body, by a majority of –
  - 1.4.1 78%, ratified this deed; and
  - 1.4.2 71.73%, approved its signing on their behalf by the initial trustees of the Kahukuraariki Trust; and
  - 1.4.3 71.20%, approved the trustees of the Kahukuraariki Trust 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 Ngatikahu ki Whangaroa.
- 1.6 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 7 November 2015.
- 1.7 The Crown is satisfied –
  - 1.7.1 with the ratification and approvals of Ngatikahu ki Whangaroa 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.

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.

## 2 HISTORICAL ACCOUNT

2.1 The Crown's acknowledgement and apology to Ngatikahu ki Whangaroa in part 3 are based on this historical account.

### AREA OF INTEREST





2: HISTORICAL ACCOUNT

**BACKGROUND**

- 2.2 Ngatikahu ki Whangaroa describe their ancestral lands as being between the eastern side of the Mangonui Harbour and the Whangaroa Harbour. This area covers from Taemaro along the coastline to Omata then to Te Whatu (Berghan Point) then to Tokerau (Doubtless Bay), to Waiaua, Te Hihi and then to Paewhenua Motu (Island), up the Oruaiti River taking in Otangaroa, Maunga Taratara, Waihapa, then to Waihapa Bay and following the shoreline along Totara North around to Taupo Bay then northward to Frear Bay, Tupou Bay, Motukahakaha, Waimahana and then back to Taemaro. Ngatikahu ki Whangaroa have maintained their ahi kā over their ancestral lands through occupation. This is an area approaching 50,000 acres.
- 2.3 By the 1840s, other iwi from the east and south-west had also asserted some authority over the land between the Mangonui and Whangaroa Harbours. The Crown, as a consequence, usually dealt with chiefs of other iwi on matters relating to those lands.

**PRE-TREATY AND CROWN TRANSACTIONS OVER EASTERN MANGONUI LANDS**

- 2.4 Two chiefs of other iwi, Nopera Panakareao and Pororua Wharekauri, were in dispute over the extent of their authority in the Mangonui-Oruru area in 1840. Pororua Wharekauri had entered into land transactions prior to 1840 with Pakeha traders and sawyers, covering approximately 17,000 acres on the eastern side of Mangonui Harbour. The Crown sought to settle the dispute by acquiring the interests of each chief in a broad area between Mangonui, Taemaro and Otangaroa in separate transactions in 1841. Both the Crown transactions incorporated land that Pakeha claimed to own through their pre-Treaty dealings with Pororua Wharekauri. All these transactions encompassed ancestral lands of Ngatikahu ki Whangaroa in eastern Mangonui, but there is no evidence of Ngatikahu ki Whangaroa taking part in them.

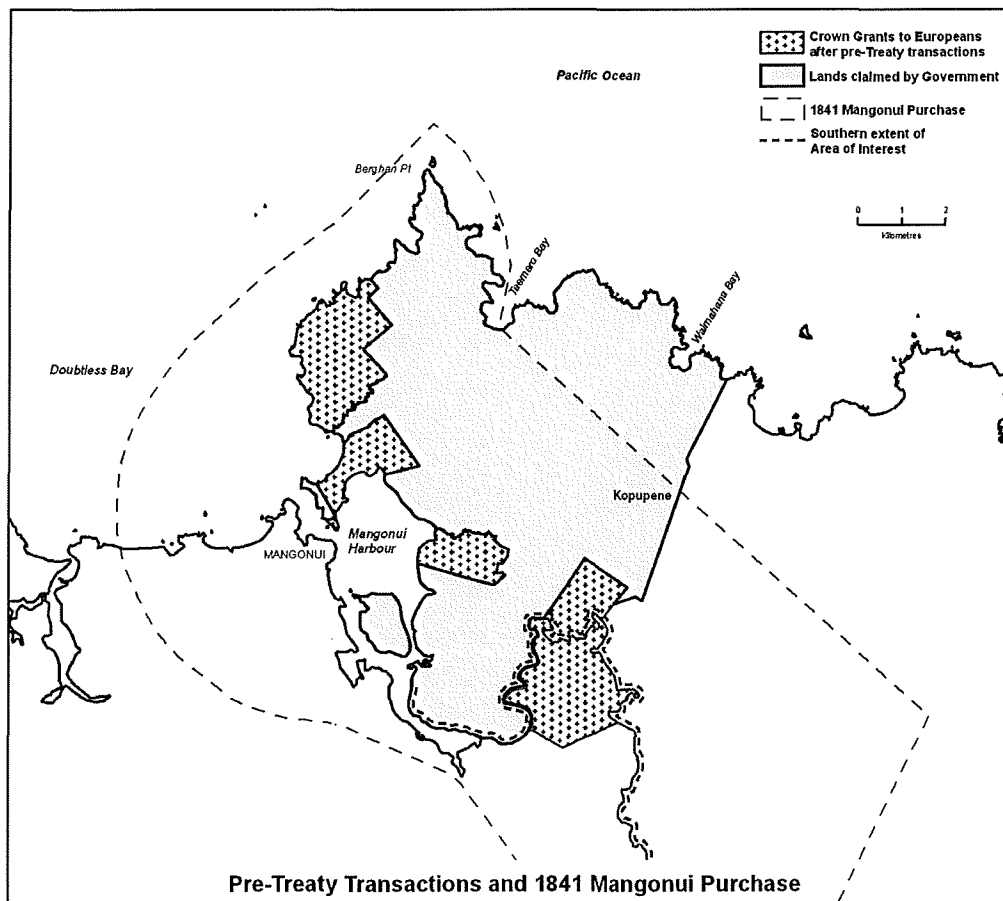
**INVESTIGATION OF EASTERN MANGONUI PRE-TREATY TRANSACTIONS**

- 2.5 Before the signing of the Treaty of Waitangi Governor Hobson promised that the Crown would inquire into pre-Treaty transactions between Māori and settlers, and return any lands unjustly held. The Crown subsequently set up a Land Claims Commission to investigate all pre-1840 land transactions. Generally, where the transaction was supported by Māori, the Commission would recommend that the Crown issue a land grant to the Pakeha claimant. The amount of land the Crown granted depended on a set of specific criteria.
- 2.6 Land Claims Commissioner Colonel Edward Godfrey arrived at Mangonui to investigate land claims in the district in January 1843. Land Claims Commissioners generally heard evidence from Māori on whether they confirmed the transaction as valid or challenged the rights of those involved in the transaction with the land claimant to deal in the land in question. Godfrey was, however, unable to complete his investigations into the eastern Mangonui lands because of the conflict over land rights in this area between Nopera Panakareao and Pororua Wharekauri. The Crown offered Pakeha who claimed eastern Mangonui lands 'scrip' (a certificate that they could exchange for Crown land elsewhere) to remove them from the area of conflict. In return, the Crown took over their land claim. In most cases Māori evidence about the validity of the pre-Treaty transactions had not been heard in an open, public inquiry. The Crown later presumed, without further formal investigation of the pre-Treaty transaction, that it owned some of these lands. In 1851 the Crown granted 852 acres of land in the

2: HISTORICAL ACCOUNT

eastern Mangonui area to two Pakeha settlers in satisfaction of their land claims in another area.

- 2.7 The ownership of lands transacted before 1840 remained unclear, particularly in the eastern Mangonui area, and the Crown set up a further inquiry process aimed at resolving any outstanding claims. In 1857 Land Commissioner, Francis Dillon Bell, inquired into outstanding claims in the eastern Mangonui area. Bell investigated some claims but did not undertake any formal inquiry into Māori interests in the land for other claims. As a result of recommendations made by Bell, the Crown granted approximately 1900 acres of land in eastern Mangonui to Pakeha settlers.

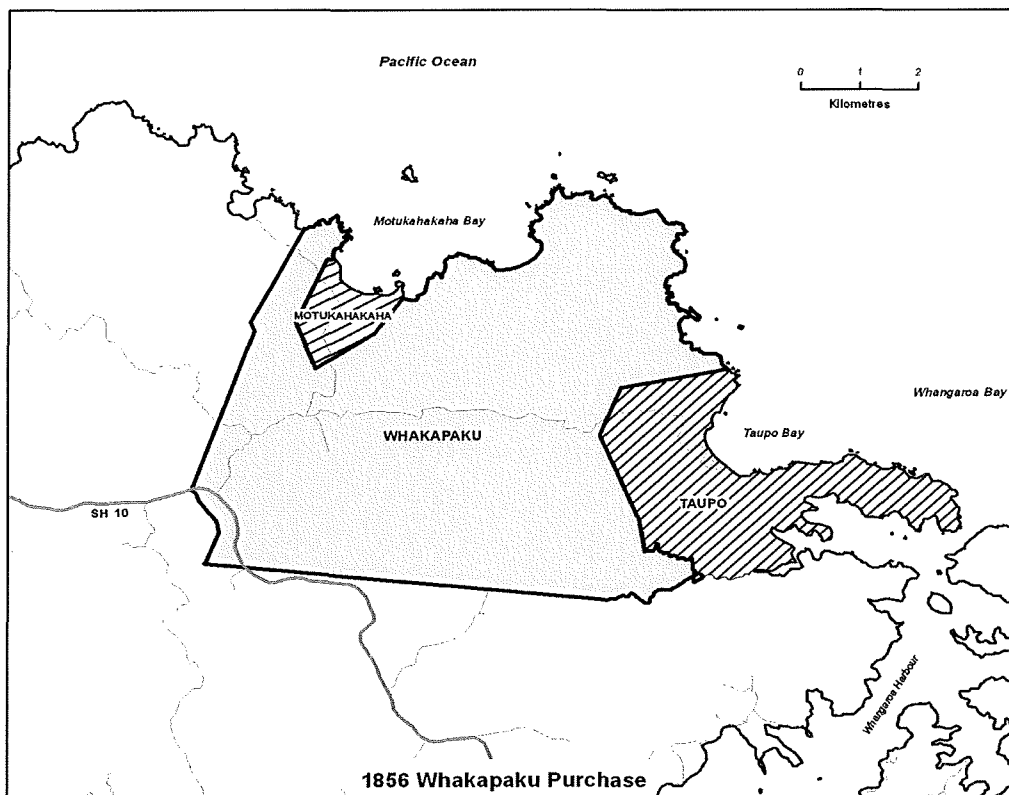


- 2.8 The Crown retained the remainder of the eastern Mangonui lands involved in pre-1840 transactions under its 'surplus' land policy. The Crown considered that if Māori had sold the land to a settler then customary title had been extinguished and the Crown could then issue a land grant to the settler. The Crown generally limited land grants to settlers to a maximum of 2,560 acres to ensure settlers did not become owners of large areas of land. The Crown retained the balance of land from the original transaction, which was estimated at the time to be 11,000 acres, as 'surplus land'. Most of the surplus areas were not surveyed on the ground at this time and Ngatikahu ki Whangaroa and other Māori continued to live on some of these lands, including the land around Taemaro Bay.

2: HISTORICAL ACCOUNT

**CROWN PURCHASE OF WHAKAPAKU BLOCK**

- 2.9 In April 1856 some Māori chiefs offered to sell the Crown the Whakapaku block, which encompassed most of the land between Motukahakaha Bay and the Whangaroa Harbour. The Crown purchased the Whakapaku block in December 1856. Two areas, at Taupo and Motukahakaha, were reserved from the sale. At this time, Crown officials estimated that the boundaries of the block contained 3,000 acres and the reserved blocks, Taupo and Motukahakaha, 400 and 180 acres respectively. On survey, in 1857, it was found that the Whakapaku block actually contained 12,050 acres. The Taupo block contained 2,510 acres and the Motukahakaha block contained 480 acres.



**1863 MANGONUI PURCHASE**

- 2.10 In 1862 local Māori claimed that they still had interests in the eastern Mangonui area. The Resident Magistrate, William Bertram White, considered that most of the land they claimed already belonged to the government through its surplus land policy and offered them £100 for their claim, which was initially rejected.
- 2.11 In May 1863 the Crown signed an agreement (the Mangonui purchase deed) with Pororua Wharekauri and other chiefs, including the Ngatikahu ki Whangaroa chief Te Paeara, to extinguish all outstanding claims in the area between the Mangonui Harbour and the Whakapaku block for payment of £100. This transaction included Kopupene, which was an area where Resident Magistrate White acknowledged that Māori title had not previously been extinguished.
- 2.12 Two areas within the boundaries of the Mangonui purchase deed, Taemaro (77 acres) and Waiaua (144 acres) were surveyed out and were intended to be granted to Māori

2: HISTORICAL ACCOUNT

as reserves. The surveyed area for the Taemaro reserve did not include all of the areas at Taemaro Bay that were occupied and cultivated by Ngatikahu ki Whangaroa. The deed did not specify who would be granted these reserves and no Crown grants were issued at this time. Ngatikahu ki Whangaroa continued to live in their settlements at Taemaro and Waimahana.

- 2.13 It is unclear whether a sketch plan of the area described in the Mangonui Purchase deed was available at the time the deed was signed. One of the Ngatikahu ki Whangaroa signatories to the deed claimed in petitions to the Crown in the 1890s that the only land they had intended to include in this transaction was Kopupene.

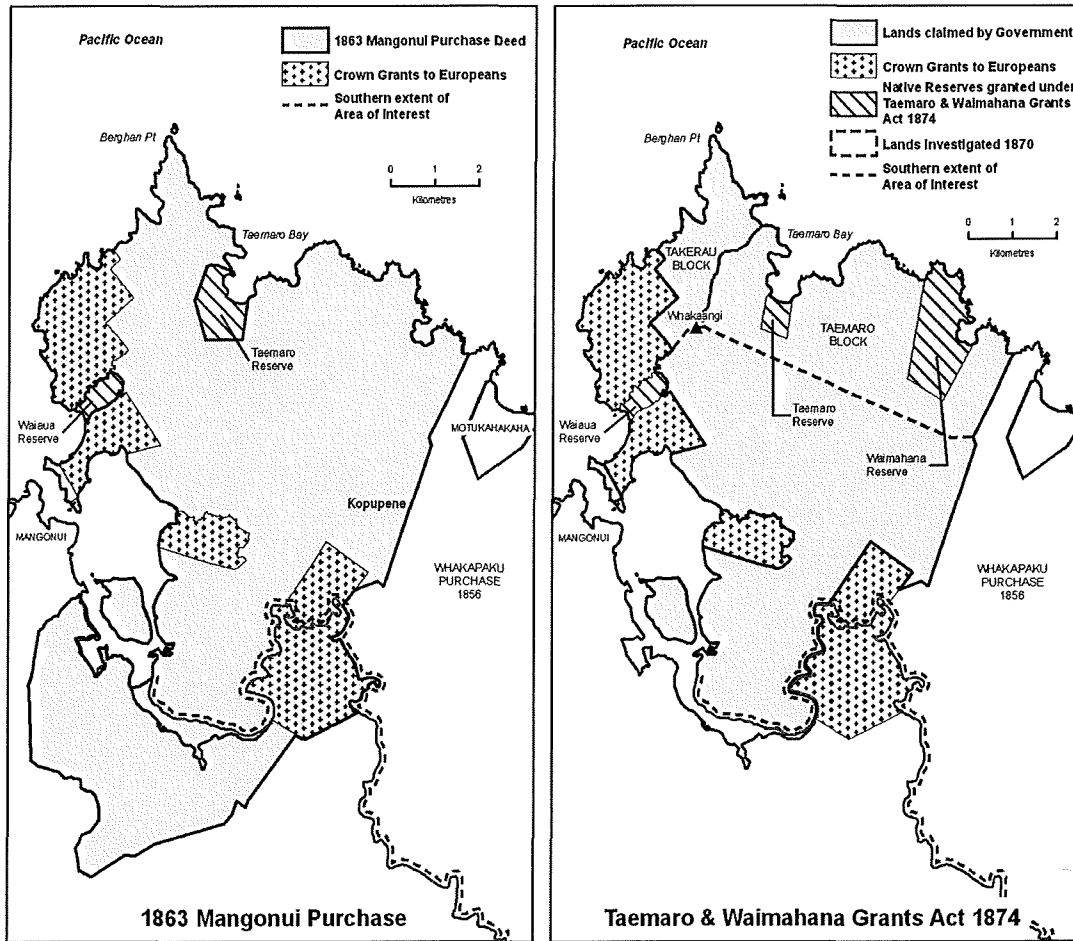
**TAIMARO<sup>1</sup> AND WAIMAHANA GRANTS ACT 1874**

- 2.14 In the late 1860s Tamati Werohu and others applied to the Native Land Court for an investigation of title into the Taemaro block, which was within the area covered by the Mangonui Purchase Deed. The Crown also claimed ownership of this land as 'surplus' lands of the Crown, but Crown officials did not attend the Court's title investigation hearings in 1870 to press the Crown's claim. Judge Maning recorded that "the claimant stated in the course of the investigation that he had heard that part or the whole of this land is claimed by the government but that there was no foundation for any such claim. No one appeared to oppose the claim on the part of the government and the land is not marked on any plan in my possession as Government land". The Court awarded the 3,990 acre Taemaro block to Māori owners.
- 2.15 In 1869, the Court also heard applications for title to the Whakaangi and Takerau blocks, which were also within the area covered by the 1863 Mangonui Purchase Deed. It dismissed the Whakaangi claim and awarded the 977 acre Takerau block to Māori owners. The Government subsequently sought and was granted a rehearing in respect of the Takerau block. As a result of the rehearing, the Court decided that it did not have any jurisdiction over the land, because it was owned by the Crown, and cancelled the claimants' certificate of title.
- 2.16 Resident Magistrate White only discovered that the Court had issued a certificate of title for the Taemaro block in September 1870. He informed the Court and the Native Minister that the Taemaro land was Crown land. There was no jurisdiction for the Court to investigate his claim, as it was outside the period of time allowed to apply for a rehearing.
- 2.17 In July 1871 three of the signatories to the 1863 Mangonui deed applied to the Court to have the 77 acre Taemaro reserve promised in that deed granted to them. This land was within the 3990 acre Taemaro block the Court had awarded to 26 Māori the previous year. Their application was dismissed because they did not provide a survey plan.

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<sup>1</sup> The Act misspelled the name Taemaro.

2: HISTORICAL ACCOUNT



- 2.18 In 1873, White attended a Native Land Court hearing to try to overturn the Taemaro certificate of title. White subsequently persuaded the Taemaro block owners to surrender their title to the 3,990 acres in return for reserves of 99 acres at Taemaro and 649 acres at Waimahana. When an issue arose eighteen years later about the circumstances of the surrender of the title to the Taemaro block, White stated that the Judge had recommended to the holders of the title that they surrender the certificate, and appeal to the Government for a grant of land. White reported that the local community also put pressure on the title holders to give up their certificate of title. Ngatikahu ki Whangaroa made several petitions beginning in 1881 stating that White had threatened terms of imprisonment for the grantees if they did not surrender their certificate of title. The Crown officials involved denied these allegations.
- 2.19 The 99 acre Taemaro reserve replaced the 77 acre reserve promised to Māori as a result of the 1863 Mangonui purchase. This agreement was given effect to by the Taemaro and Waimahana Grants Act 1874. The Act empowered the Governor to issue Crown grants to six named grantees for the Taemaro reserve, rather than the 26 who had been awarded ownership of the wider Taemaro block by the Court in 1870. The Waimahana reserve was to be granted to 10 people.
- 2.20 The surrender of the Native Land Court's certificate of title to Taemaro block remained a contentious issue for Ngatikahu ki Whangaroa. The grants for the reserves were not

2: HISTORICAL ACCOUNT

issued until the turn of the century, despite a number of petitions from Ngatikahu ki Whangaroa.

- 2.21 Ngatikahu ki Whangaroa continued to petition the Crown between 1876 and the 1940s disputing its ownership of 'surplus' lands in the area and seeking a review of transactions on the Taemaro, Takerau and other lands (see clause 2.94 for a list of available petitions and petitioners). There were a number of Crown investigations into the petitions of Ngatikahu ki Whangaroa but the issues were not resolved.
- 2.22 Petitions about the Taemaro and the Takerau block were referred to the Government for inquiry and were eventually considered by a Royal Commission established in 1946 to investigate Māori claims relating to surplus land. The Commission did not make any specific recommendations in respect of the Ngatikahu ki Whangaroa grievances. One Commissioner stated that "The whole question could only be one of surplus lands and even if there was any surplus in this case any rights of whatever kind the Māoris might have had therein were extinguished by the Crown purchases from the Māoris". The Commission recommended that compensation be paid on a regional basis rather than directly to the iwi affected by surplus land sales. As a result the Tai Tokerau Māori Trust Board was established and the Crown paid it £47,150 4s for all of the surplus land claims in the North Auckland region.

**MOTUKAHAKAHA BLOCK**

- 2.23 The Native Land Court investigated ownership of the Motukahakaha block in 1873 and awarded it to two owners with a proviso that the block be inalienable for sale or lease for more than 21 years. The Motukahakaha block was later sold to private interests.

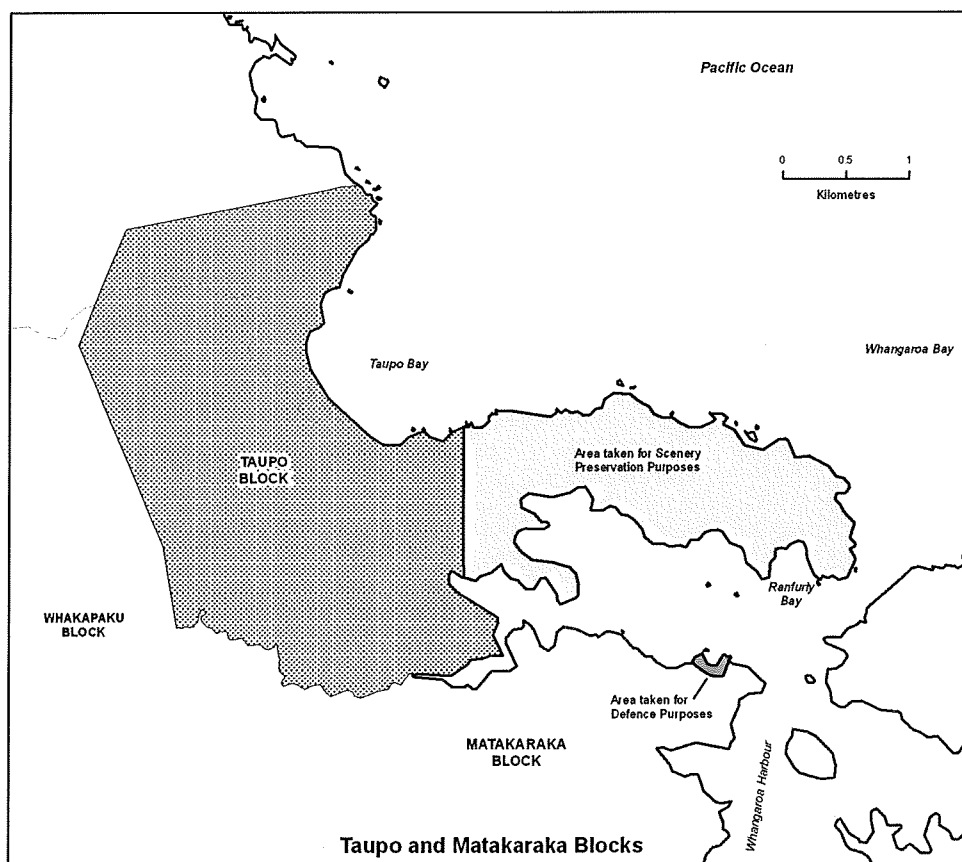
**TAUPO BLOCK**

- 2.24 In 1899 the Governor, Lord Ranfurly, and Premier, Richard Seddon, had a picnic at a beach in the Taupo block near the entrance to Whangaroa Harbour. They were impressed with their surroundings and renamed the area (known to local Māori as Kohatupapa) Ranfurly Bay, after the Governor. Seddon later recorded that local Māori had indicated they would be willing to meet a request from the Government to gift the bay for a recreation reserve.
- 2.25 Before the area could be reserved for this purpose, ownership of the wider Taupo block had to be determined by the Native Land Court and the agreed area partitioned out of the wider block. The owners applied to the Native Land Court for an investigation of title to the Taupo block but the Surveyor-General, S. Percy Smith, initially would not authorise the necessary survey of the block because he was concerned that Māori in the area had little land remaining. He considered that once the land was surveyed and title determined it would be more likely to be sold.
- 2.26 In 1900 Premier Seddon directed the local Land Purchase Officer to make a further approach to Māori about ceding Ranfurly Bay to the Crown. Seddon asked that the Māori owners be told that they would "earn the esteem and respect of this generation and the generations to come" if they agreed to the wishes of the Governor and the Government to set the land apart for all time as a recreation reserve.
- 2.27 Motukiwi Hone Tua and others of Ngatikahu ki Whangaroa subsequently agreed to provide the Crown with an area estimated at about ten acres of land at Ranfurly Bay. When an official reported to Seddon on the agreement, he included a map he had drawn of the land to be given and suggested authorising a survey of the whole block. He also suggested that the Crown consider purchasing a further area of land near the

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- Bay to acquire some interesting caves. The caves were ancient burial caves of Ngatikahu ki Whangaroa.
- 2.28 By April 1901 both the local settlers and the Māori owners were expressing their desire to have the reservation of the land progressed. In September 1901, Motukiwi Hone Tua and Wirihana Hone Tua asked the Native Office to prepare a map of the Ranfurly Bay land desired by the Crown, so the Native Land Court could investigate title to the land. They applied to the Court to have the title investigated, but the Chief Judge of the Court had instructed the local Judge that investigations of title were to be suspended. In November 1901, other Māori from Whangaroa and Taupo sought information on the nature of the agreement that had been entered into with the Government as they had not been informed of it.
- 2.29 The Tokerau Māori Land Council investigated title to the 2,510 acre Taupo block in 1902 and 1905. The Council made an order, with the consent of the owners, granting the Crown around 17 acres of the block in Ranfurly Bay. No action was taken to formalise this award and the land was not vested in the Crown at this time.
- 2.30 The Crown appointed a Scenery Preservation Commission in 1904 under the Scenery Preservation Act 1903 (which aimed to protect sites of scenic and historic significance). The Commission's role included finding and recommending suitable scenic and historic sites for permanent reservation by the Crown. In 1905 the Chair of the Commission, S. Percy Smith, advised the Department of Tourist and Health Resorts that Ranfurly Bay was in his notes for reservation but he was not sure how much land the Commission would want. The Commission did not make any recommendations to the Crown to reserve the land.
- 2.31 The Crown again began investigating in 1912 whether it could acquire land in Whangaroa Harbour area on the peninsula part of the Taupo block (which had been partitioned and was known as Taupo 24 block) for a scenic reserve after representations from members of the public and the Chairperson of the Whangaroa County Council that land at Okahumoko Bay had scenic value. Local people and tourists used the bays in the area for camping and recreation in summer. The Crown Lands Ranger advised that much of the area had no scenic value, but recommended that a strip of water frontage and an inland area of bush be purchased and reserved. Instead, the Crown decided to acquire 706 acres, which was the majority of the peninsula, for scenery preservation purposes.
- 2.32 The 706 acre area was within the 910 acre Taupo 24 block which had 58 owners and contained a number of burial grounds and three pā. The Crown decided in 1915 to take the land under scenery preservation and public works legislation, but deferred action because of the state of the country's finances due to the war.
- 2.33 In 1917 the Native Land Court partitioned the Taupo 24 block. It awarded Motukiwi Hone Tua and six others title to a one acre urupā site, Taupo 24A. During the court hearing, Motukiwi Hone Tua stated the urupā contained the remains of his parents. He wanted the urupā excluded from the land in Taupo 24, which was leased to a Pakeha farmer at £40 per year for 30 years.
- 2.34 A notice of the Crown's intention to take the land for scenic purposes was published in the *New Zealand Gazette* and in a local newspaper in April 1919, but it is not clear whether the owners of the land were directly advised.

2: HISTORICAL ACCOUNT



- 2.35 The Crown formally took the land in June 1919, under the authority of the Public Works Act 1908, the Scenery Preservation Act 1908 and the Scenery Preservation Amendment Act 1910, and subsequently started proceedings in the Native Land Court to compensate affected parties. The proclamation formally taking the 706-acre scenic reserve stated that it was a portion of Taupo 24, but made no mention of the 1917 partition.
- 2.36 The compensation claimed for the scenic reserve was considerably more than the value estimated by Crown officials. As a result, the Crown sought a delay in the Native Land Court's decision on compensation, while it considered whether to reduce the amount of land it would take. Land Department officials advised that "it would be unwise and wasteful to lock up the whole of the 706 acres permanently as a Scenic Reserve" and that the Crown's scenery preservation needs could be served by reserving a five chain-wide strip of water frontage around Ranfurly Bay and the adjacent bay. The lessee did not agree with this proposal and the Court proceeded with its compensation decision. It awarded the lessee £999 compensation for the loss of his lease of the 706 acres. The 58 Māori owners were awarded £1,060 for the loss of ownership over that land. The Crown lodged most of the compensation payable to the Māori owners with the Tokerau Māori Land Board for distribution. The taking of the land meant the Māori owners lost the income stream they had negotiated with the lessee for that land for the remaining 27 years of the lease.
- 2.37 There is no record of any contact between the land owners and the Crown about the taking of this land. The area taken included many pā, urupā and other sites of importance to Ngatikahu ki Whangaroa.



2: HISTORICAL ACCOUNT

- 2.38 In 1935 a Ngatikahu ki Whangaroa resident Mrs Riwhi, was concerned that members of the public were entering burial caves on the Taupo 24 block and removing relics. An injunction was sought and received from the Native Land Court to try to stop the desecration of their sacred sites

**MATAKARAKA BLOCK**

- 2.39 During the Second World War the Navy occupied 6 acres of Māori land in the Matarakara block opposite Ranfurly Bay and built a wharf, barracks, gun emplacements and observation dugouts. At the end of the war the Navy no longer required the site but the Crown decided to take the land under public works legislation so that it could preserve the value of the Crown's investment in the wharf and buildings.
- 2.40 The Crown does not appear to have consulted the owners of the land before taking it by proclamation in August 1946. The Court awarded compensation of £55 the following year and ordered it be paid to the Tokerau District Māori Land Board for distribution to the owners. The Crown removed all the moveable buildings, including the wharf platform. In 1983, the Crown declared that the 6 acre area was no longer required for public works purposes. The Crown considered offering the land back to its former owners as required under section 40 of the Public Works Act 1981. Officials noted that it would be a complex task to trace the descendants of the 89 former owners of the land. Instead, the Crown decided to transfer it to the Department of Lands and Survey as the block did not have legal road frontage and the surrounding lands had been sold to that Department. In 1990, after appeals from descendants of the former owners, the Crown vested the land in representatives of those former owners.
- 2.41 In 1949 the Whangaroa County Council wrote to the Commissioner of Crown Lands proposing that the Crown acquire the 324 acre Matarakara B blocks (consisting of three blocks: Matarakara B1, B2 and B3) from their Māori owners and vest them in the Council as a scenic reserve. The Crown decided to apply to the Māori Land Court to call a meeting of the owners of the blocks to test whether they would be willing to sell the land to the Crown. At that hearing, the owners stated that they wanted those lands to be reserved for local Māori. They indicated that they used it for gathering oysters, in areas that the 1946 fishing regulations reserved for their use. They also indicated they would possibly build on the land. The Court asked the owners to give the matter further consideration and suggested the land be visited during the next Court session.
- 2.42 In informal discussions, some owners subsequently indicated to Crown officials that they were willing to discuss negotiating to sell the land to the Crown. The process for alienating Māori land owned by more than 10 people required the Māori Land Board to call a meeting of the owners (known as an 'assembled owners meeting') to consider the purchase offer and resolve whether to proceed. An assembled owners meeting had a quorum if 5 owners of the land were present or represented, irrespective of the amount of their total shareholding in the land. A resolution was deemed to be carried if the owners who voted in favour of it owned a larger total share of the land than those who voted against it.
- 2.43 In February 1952 the Māori Land Board called meetings of 'assembled owners' for each of the Matarakara B blocks to consider the Crown's proposal to acquire them for scenic purposes. The meeting for Matarakara B1 block did not proceed because of insufficient attendance. The Crown subsequently decided to deal directly with the individual owners, as there was no legal requirement to hold an assembled owners meeting for this block because there were only 6 owners. Six of the fifty owners of the Matarakara B2 block met and resolved to sell that block to the Crown. The Matarakara

2: HISTORICAL ACCOUNT

B3 block meeting was attended by 8 of the 122 owners. According to the records of the meeting they unanimously resolved to sell the land.

- 2.44 At a subsequent Tokerau Māori Land Board meeting to discuss the sale of the Matarakara B2 and B3 blocks one of the owners who had earlier supported the resolution to sell the Matarakara B3 block objected to the transfer, stating that the price was too low. Others stated that they expected at least £1 per acre for the land and the matter was referred back to Crown officials to see whether the Crown would agree to raise its offer. The Crown subsequently agreed to pay £1 per acre and the transactions for those blocks were completed in 1953. The Māori owners retained two and half acres in Matarakara B2 for summer fishing camps and access to offshore oyster beds.
- 2.45 Crown officials approached the owners of Matarakara B1 individually to purchase their land. Five of the 6 owners had signed a Memorandum of Transfer by February 1954 but Māori Land Court officials were unable to locate the remaining owner to seek his agreement to sell his share of the land. The Māori Land Court subsequently issued an Order directing that the Māori Trustee act as that owner's agent and execute the transaction in favour of the Crown. The Māori Trustee received the purchase money to distribute to the owner.
- 2.46 The Matarakara B blocks were subsequently declared to be Crown land in 1958. They were added to the Ranfurly Bay Scenic Reserve, which was under the control of the Whangaroa County Council, in 1959.

**LAND REMAINING IN MĀORI OWNERSHIP**

- 2.47 Today Ngatikahu ki Whangaroa only own approximately 3 percent of their ancestral lands and the majority of their people live outside of their tribal rohe.

2: HISTORICAL ACCOUNT

**KUPU WHAKAMĀRAMA**

- 2.48 E whakaahua ana a i ō rātou whenua tuku iho hei whenua e takoto ana i waenga i te taha rāwhiti o te Whanga o Mangōnui me Whangaroa. Ka kapi i tēnei takiwā ngā whenua mai i Taemaro whai haere i te takutai moana ki Omata, kātahi ki Te Whatu, atu i reira ki Tokerau, ki Waiaua, Te Hihī, tae atu ki te Motu o Paewhenua, mai i reira whakarunga i te Awa Oruaiti mā Ōtangaroa, Maunga Taratara, Waihapa, kātahi ki te Kokoru o Waihapa me te whai haere i te takutai moana mā Tōtara ki te Raki huri rauna i te kūrae kia tae ki te Kokoru o Taupō, whakateraki atu i reira ki te Kokoru o Frear, te Kokoru o Tūpou, Motukahakaha, Waimahana, kātahi ka hoki mai ki Taemaro. Kua mau tonu a Ngatikahu ki Whangaroa ki tō rātou ahikā i runga i ō rātou whenua tuku iho nā tō rātou noho tonu i reira. Tata ki te 50,000 eka te rahi o tēnei takiwā
- 2.49 Tae noa mai ki ngā tau o 1840 kua whakapuakina e ētahi atu iwi mai i te rawhiti me te tonga-mā-uru tō rātou mana i runga i te whenua i waenga i ngā Whanga o Mangōnui me Whangaroa. Ko te mutunga iho, whakariterite ai te Karauna ki ngā rangatira o ētahi atu iwi mō ngā take e pā ana ki aua whenua.

**NGĀ TAUWHITINGA I MUA I TE TIRITI O WAITANGI ME NGĀ TAUWHITINGA A TE KARAUNA E PĀ ANA KI NGĀ WHENUA O MANGŌNUI KI TE RĀWHITI**

- 2.50 E tautohetohe ana ngā rangatira e rua nō ētahi atu iwi, a Nopera Panakareao rāua ko Pororua Wharekauri, i te nui o tō rāua ake mana i te takiwā o Mangōnui-Ōruru i te tau 1840. Kua whai wāhi atu a Pororua Wharekauri ki ngā tauwhitinga whenua i mua i te tau 1840 ki ngā kaihekohoko me ngā kaikani Pākehā, ā, i kapi i tēnei tata ki te 17,000 eka i te taha rāwhiti o te Whanga o Mangōnui. I aru te Karauna kia whakatauria te wenewene nā te hoko i ngā pānga o ia rangatira i roto i te wāhi whānui i waenga i Mangōnui, Taemaro me Ōtangaroa nā ngā tauwhitinga motuhake i te tau 1841. I whai wāhi ki ngā tauwhitinga e rua a te Karauna ētahi whenua i kerēmetia e ētahi Pākehā nā ā rātou whakaritenga i mua i te Tiriti o Waitangi ki a Pororua Wharekauri. I kapi i aua tauwhitinga katoa ngā whenua tuku iho o Ngatikahu ki Whangaroa i Mangōnui ki te rāwhiti, engari horekau i kitea he taunakitanga i uru mai ai a Ngatikahu ki Whangaroa ki roto i aua tauwhitinga.

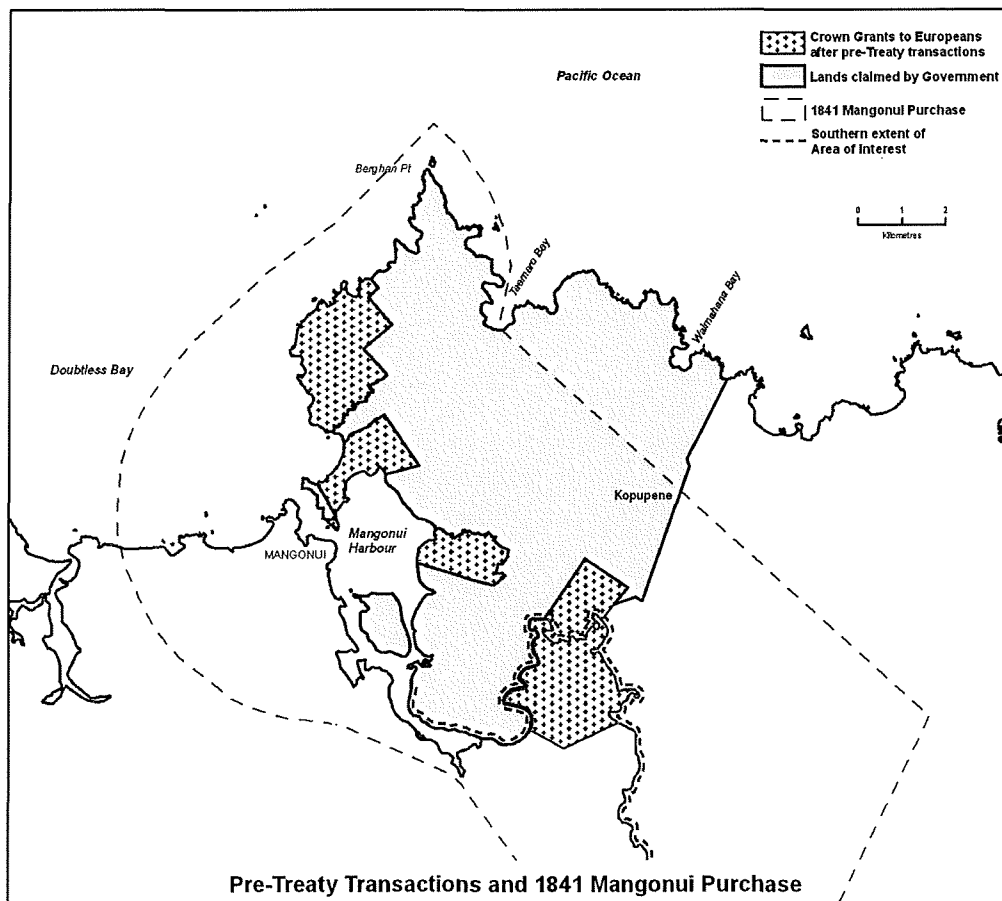
**TE ĀTA TIROTIRO I NGĀ TAUWHITINGA I MĀNGŌNUI KI TE RĀWHITI I MUA I TE TIRITI O WAITANGI**

- 2.51 I mua i te hainatanga o te Tiriti o Waitangi i kī taurangi a Kāwana Hopihana ka tiroirohia e te Karauna ngā tauwhitinga i mua i te Tiriti i waenga i te Māori me ngā kaiwhakanoho whenua Pākehā, me te whakahoki i ngā whenua e pupuri kinotia ana. Whai mai i tērā ka whakatūria he Komihana Kerēme Whenua ki te āta tiroiro i ngā tauwhitinga whenua katoa i mua i te tau 1840. Ko te tikanga, i ngā tūāhuatanga i tautokona ai te tauwhitinga e te Māori, ko tā te Komihana he tūtohu kia tuku te Karauna i tētahi karāti whenua ki te kaikerēme Pākehā. I runga anō i tētahi huinga o ngā paeuru tauwhāiti te rahi o te whenua ka tukuna.
- 2.52 I tae mai te Kaikōmihana Kerēme Whenua, a Kānara Edward Godfrey, ki Mangōnui ki te tiroiro i ngā kerēme whenua i te takiwā i Hanuere 1843. Ko te tikanga whakarongo ai ngā Kaikōmihana Kerēme Whenua ki ngā taunakitanga mai i ngā Māori e pā ana ki te pono, kore pono rānei o te tauwhitinga, ka taki rānei i ngā motika o ngā hunga whai wāhi ki te tauwhitinga me te kaikerēme whenua ki te uru atu ki roto i taua tauwhitinga whenua. Heoi anō, horekau i taea e Godfrey te whakaoti āna tiroirohanga ki ngā whenua o Mangōnui ki te rāwhiti nā te papā mō ngā motika whenua i tēnei takiwā i waenga i a Nopera Panakareao rāua ko Pororua Wharekauri. I tukuna e te Karauna ki

2: HISTORICAL ACCOUNT

ngā Pākehā i kerēme i ngā whenua i Mangōnui ki te rāwhiti he 'scrip' (he tiwhikete ka taea te whakawhiti mō ngā whenua Karauna i wāhi kē) kia neke ai rātou i waho i te wāhi e tautohetohetia ana. Hei utu mō tēnei, ka whakahaeretia tā rātou kerēme e te Karauna. I te nuinga o te wā horekau i rāngona ngā taunakitanga mō te pono o ngā tauwhitinga i mua i te Tiriti i ngā uiuitanga tuwhera, wātea hoki ki te iwi whānui. I muri ka whakahira te Karauna, me te kore āta tirotiro anō ki te tauwhitinga i mua i te Tiriti, nōna ētahi o aua whenua. I te tau 1851 ka tuku te Karauna i te 852 eka o te whenua i te takiwā o Mangōnui ki te rāwhiti ki ētahi kaiwhakanoho whenua Pākehā e rua hei utu i ā rāua kerēme whenua i wāhi kē.

- 2.53 Horekau tonu i mārama nō wai ngā whenua i tauwhitia i mua i te tau 1840, ina koa i te takiwā o Mangōnui ki te rāwhiti, ā, nā te Karauna tētahi anō kaupapa uiui i whakatū ko tōna whāinga te whakatau i ngā kerēme e toe tonu ana. I te tau 1857 i uiui haere te Kaikōmihana Whenua, a Francis Dillon Bell, i ngā kerēme e toe tonu ana i te takiwā o Mangōnui ki te rāwhiti. He mea tirotiro e Bell ētahi kerēme engari horekau i āta uiui haeretia ngā pānga whenua a te Māori mō ētahi atu kerēme. Hei mutunga mai o ngā tūtohutanga nā Bell, i tukuna e te Karauna tata ki te 1900 eka i Mangōnui ki te rāwhiti ki ētahi kaiwhakanoho whenua Pākehā.



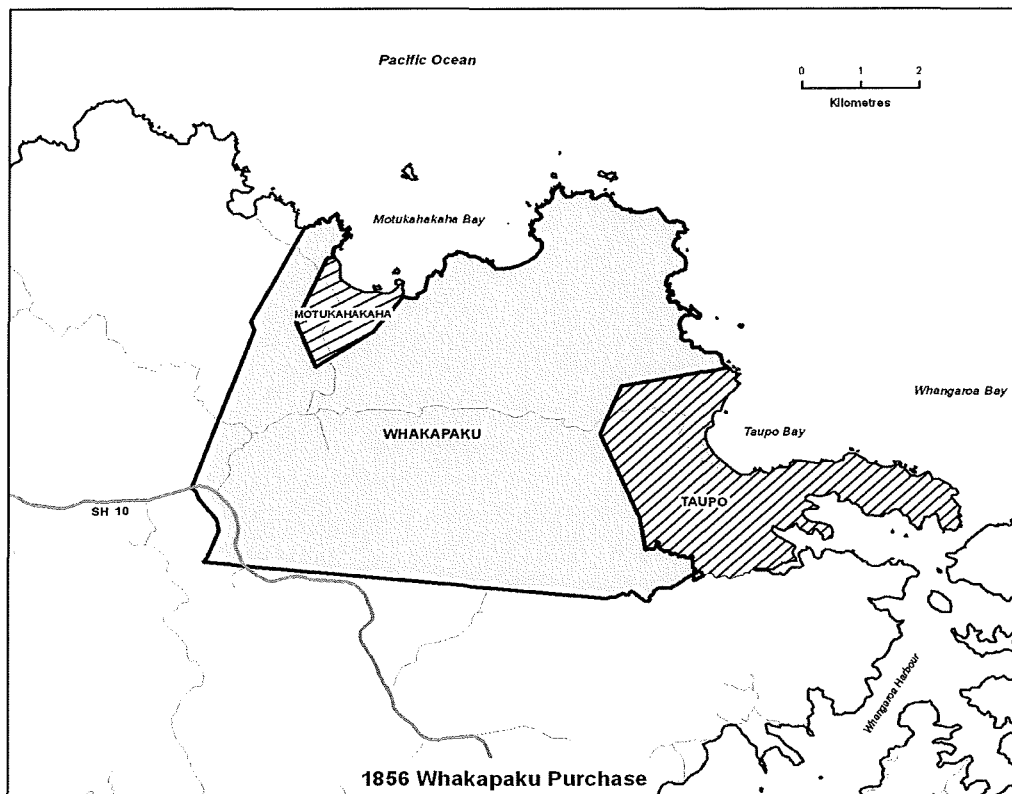
- 2.54 I puritia e te Karauna te toenga o ngā whenua i Mangōnui ki te rāwhiti i whai wāhi ai ki ngā tauwhitinga i mua i 1840 i raro i tōna kaupapahere mō ngā whenua 'tuwhene'. Ki tō te Karauna whakaaro, mehemea i hokona te whenua e te Māori ki tētahi kaiwhakanoho whenua ka whakanoatia te kokoraho tuku iho ka mutu ka āhei te Karauna te tuku i tētahi karāti whenua ki te kaiwhakanoho whenua. Ko te tikanga

2: HISTORICAL ACCOUNT

whakawhāitihia ai ngā karāti ki ngā kaiwhakanoho whenua ki te mōrahi o te 2,560 eka hei whakarite kia kua ngā kaiwhakanoho whenua e pupuri ana i ngā wāhi rarahi o te whenua. I mau tonu te Karauna ki te toenga o te whenua mai i te tauwhitinga tuatahi, he mea whakatau tata i te wā kia 11,000 eka, hei 'whenua tuwhene'. Horekau i rūritia te nuinga o ngā wāhi tuwhene i taua wā, ā, e nohoia tonutia ana e Ngatikahu ki Whangaroa me ētahi atu Māori ētahi o aua whenua, tae atu ki ērā huri rauna i te Kokoru o Taemaro.

**TE HOKONGA A TE KARAUNA I TE PORAKA WHAKAPAKU**

2.55 I Aperira 1856 ka tuku ētahi rangatira Māori i te poraka Whakapaku hei hokonga mā te Karauna. I kapi te nuinga o te whenua i waenga i te Kokoru o Motukahakaha me Whangaroa i taua poraka. I hoko te Karauna i te poraka Whakapaku i Thema 1856. I mahue atu i taua hokonga ētahi wāhi e rua, i Taupō me Motukahakaha. I taua wā, e ai ki tā ngā āpiha o te Karauna whakatau tata, e 3,000 ngā eka i roto i te poraka, ā, i roto i ngā poraka rāhui, e 400 ngā eka i Taupō me te 180 eka i Motukahakaha. I muri i te rūritanga i te tau 1857 i kitea kētia 12,050 ngā eka i roto i te poraka Whakapaku. 2,510 ngā eka i te poraka Taupō, me te 480 eka i te poraka Motukahakaha.



**TE HOKONGA O MANGŌNUI 1863**

2.56 I te tau 1862 i kerēme ngā Māori o te takiwā i whai pānga tonu rātou ki te wāhi o Mangōnui ki te rawhiti. I whakaaro te Kaiwhakawā Tūturu, a William Bertram White, nō te kāwanatanga kē te nuinga o te whenua e kerēme ana rātou nā tōna kaupapahere whenua tuwhene, ā, ka tuku i te £100 mō tā rātou kerēme tērā i whakahoea i te tīmatanga.

2: HISTORICAL ACCOUNT

- 2.57 I te marama o Mei 1863 i haina te Karauna i tētahi whakaaetanga (te pukapuka mō te hokonga o Mangōnui) me Pororua Wharekauri me ētahi atu rangatira, tae atu ki te rangatira o Ngatikahu ki Whangaroa, ki a Te Paeara, ki te whakanoa i ngā kerēme katoa e toe ana i te wāhi i waenganui i te Whanga o Mangōnui me te poraka Whakapaku mō te £100. I whai wāhi ki taua tauwhitinga ko Kopupene, he wāhi i āhukahuka ai a Kaiwhakawā Tūturu White hei wahi kāore anō kia whakanoatia te kokoraho Māori.
- 2.58 I oti ētahi wāhi e rua i roto i ngā paenga o te pukapuka hokonga o Mangōnui, ko Taemaro (e 77 eka) me Waiaua (144 eka) te rūri. Ko te koronga ka hoatu ēnei ki ngā Māori hei rāhuitanga. Horekau i kapi i te wāhi i rūritia mō te rāhuitanga Taemaro ngā wāhi katoa e nohoia ana, e tāmatangia ana e Ngatikahu ki Whangaroa ki te Kokoru o Taemaro. Horekau te pukapuka i kī mā wai aua rāhuitanga e whiwhi, ā, horekau i tukuna he karāti Karauna i taua wā. I noho tonu a Ngatikahu ki Whangaroa i ō rātou kāinga i Taemaro me Waimahana.
- 2.59 Kāore e mōhiotia ana mehemea i wātea i te wā o te hainatanga o te pukapuka tētahi mahere whakaahua i kōrerotia ai i roto i te pukapuka o te Hokonga Mangōnui. I kerēme tētahi o ngā kaihaina o te pukapuka nō Ngatikahu ki Whangaroa i roto i ngā petihana ki te Karauna i ngā tau o 1890 ko Kopupene anake te whenua me whakauru ki taua tauwhitinga.

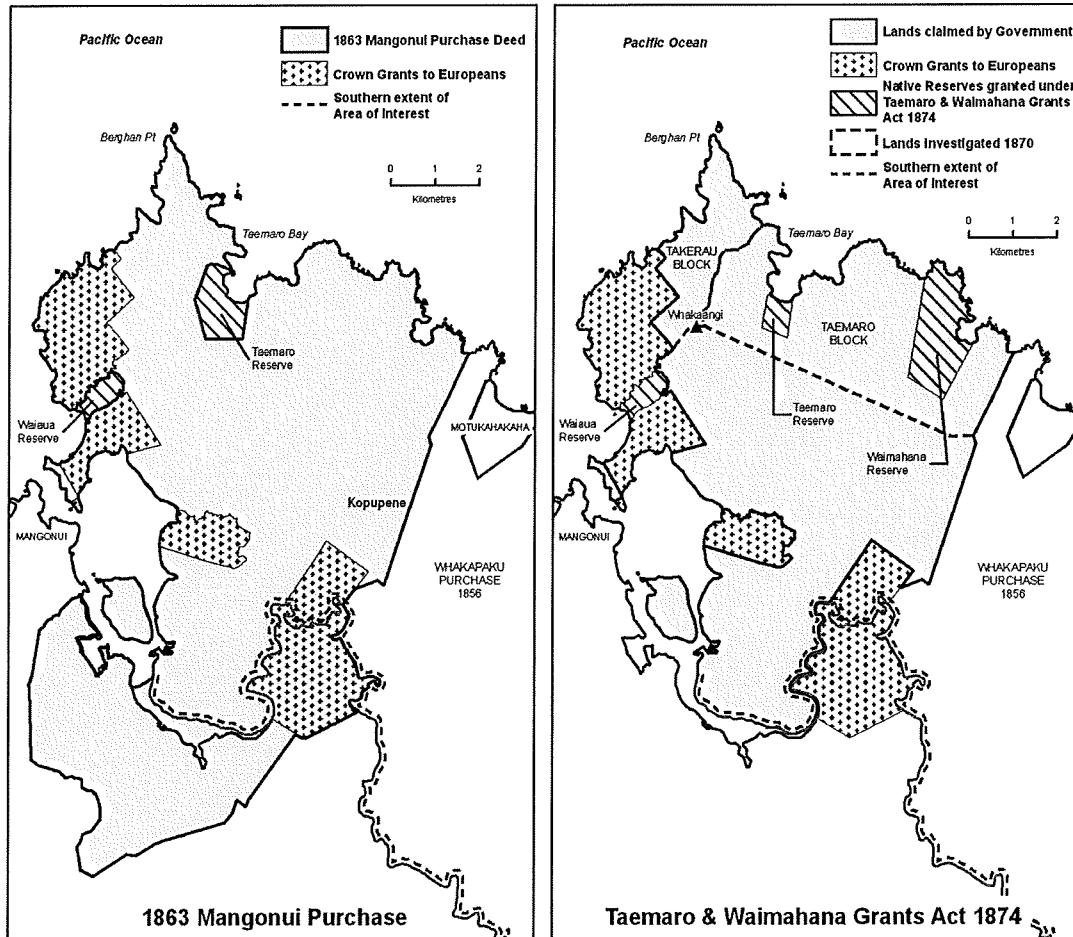
**TE TURE KARĀTI O TAIMARO<sup>2</sup> ME WAIMAHANA 1874**

- 2.60 I ngā tau mutunga o te tekau tau 1860 i tonoa te Kōti Whakawā Whenua Māori e Tamati Werohu mā kia āta tiroirohia te kokoraho mō te poraka Taemaro, ā, i roto tēnei i te wāhi i kapi i te Pukapuka Hokonga Mangōnui. I kī anō hoki te Karauna nō rātou tēnei whenua hei whenua 'tuwhene' o te Karauna, engari horekau ngā āpiha Karauna i tae atu ki te whakawā a te koti i 1870 ki te tautoko o te kerēme a te Karauna. I tuhi a Kaiwhakawā Manning "i kī te kaikerēme i roto i roanga o te tiroirohanga ka rongo ia ka kerēmetia tētahi wāhanga, te katoa rānei, o tēnei whenua e te kāwanatanga, engari kāore he take mō taua kerēme. Horekau tētahi tangata i puta mai ki te ātete i te kerēme mō te kāwanatanga, ā, horekau e tohua ana te whenua i tētahi o aku mahere hei whenua nō te Kāwanatanga". I tuku te Kōti i te poraka Taemaro 3,990 eka ki ngā rangatira Māori.
- 2.61 I rongo tonu anō te Kōti i te tau 1869 mō te kokoraho ki ngā poraka Whakaangi me Takerau, ā, i roto ēnei hoki i te takiwā i kapi i te Pukapuka Hokonga Mangōnui o te tau 1863. I whakakore i te kerēme Whakaangi, ka tuku i te poraka Takerau 977 eka ki ngā rangatira Māori. I muri ka tonoa e te Kāwanatanga he whakawā anō mō te poraka Takerau, ā, ka whakaaehia. Hei mutunga iho o te whakawā anō, i whakatau te Kōti horekau ōna mana whakahaere ki taua whenua, nā te mea nō te Karauna kē, ka mutu ka whakakoretia te tiwhikete kokoraho a ngā kaikerēme.
- 2.62 I kitea anake e te Kaiwhakawā Tūturu White kua tukuna e te Kōti he tiwhikete kokoraho mō te poraka Taemaro i Hepetema 1870. I whakamōhio ia i te Kōti me te Minita mō ngā Take Māori he whenua nō te Karauna te poraka Taemaro. Horekau he mana tō te Kōti ki te tiroiro i tōna kerēme, nā te mea i waho i te wā i whakaaetia mō te tonu i tētahi whakawā anō.

<sup>2</sup> I hē te tātaki i te ingoa Taemaro i roto i te Ture.

2: HISTORICAL ACCOUNT

2.63 I Hūrae 1871 i tonu ētahi kaihaina e toru o te pukapuka Mangōnui o 1863 i te Kōti kia tukuna ki a rātou te rāhuitanga Taemaro 77 eka i kī taurangitia i taua pukapuka. I roto taua whenua i te poraka Taemaro 3990 eka i tukuna ki ētahi Māori e 26 i te tau tōmua ake. I whakakoretia tā rātou tonu nā tā rātou kore whakarato i tētahi mahere rūri.



2.64 I te tau 1873 i tae atu a White ki tētahi whakawā o te Kōti Whakawā Whenua Māori tērā e whakamātau ana ki te whakahoki i te tiwhikete kokoraho Taemaro. I muri ka whakawhere a White i ngā rangatira o te poraka Taemaro ki te tuku i tā rātou kokoraho ki te 3,990 eka mō ngā rāhuitanga o te 99 eka i Taemaro me te 649 eka i Waimahana. I te pupūtanga ake o tētahi take i ngā tau tekau mā waru i muri atu mō ngā āhuatanga e pā ana ki te tukunga o te kokoraho ki te poraka Taemaro, i kī a White kua tūtohu te Kaiwhakawā ki ngā kaipupuri o taua kokoraho kia tukuna atu te tiwhikete, ka tonu i te Kāwanatanga kia hoatu he kārati whenua ki a rātou. I kī hoki a White kua ākina ngā kaipupuri kokoraho e te hāpori ki te tuku i tā rātou tiwhikete kokoraho. I tāpaetia e Ngatikahu ki Whangaroa ētahi petihana ka tīmata i te tau 1881 tērā i kī ka whakawetiwetia ngā kaihiwhi karāti ki ngā wā herehere ki te kore rātou e tuku i tā rātou tiwhikete kokoraho. I whakahēngia aua whakapae e ngā āpiha Karauna.

2.65 I whakakapi te rāhuitanga Taemaro 99 eka i te rāhuitanga 77 eka i kī taurangitia ki te Māori i muri i te hokonga o Mangōnui i 1863. He mea whakamana tēnei whakaaetanga e te Ture Karāti o Taimaro me Waimahana 1874. I whakamanahia te Kāwana e te Ture ki te tuku i ngā karāti Karauna ki ētahi kaihiwhi karāti e ono ka whakaingoatia mō

2: HISTORICAL ACCOUNT

te rāhuitanga Taemaro, mahue atu te 26 i whiwhi rangatiratanga o te poraka Taemaro whānui ake nā te Kōti i 1870. Me tuku te rāhuitanga Waimahana ki ngā tāngata 10.

- 2.66 I noho hei take tautohetohe ki a Ngatikahu ki Whangaroa te tiwhikete kokoraho nā te Kōti Whakawā Whenua Māori ki te poraka Taemaro. Horekau i tukuna ngā kāratī mō ngā rāhuitanga kia tīmata rā anō te rautau whai ake, ahakoa te maha tonu o ngā petihana nā Ngatikahu ki Whangaroa.
- 2.67 I haere tonu tā Ngatikahu ki Whangaroa tāpae petihana ki te Karauna i waenga i te tau 1876 tae mai ki ngā tau o 1940 e tautohetohe ana i te pupuringa a te Karauna i ngā whenua 'tuwhene' i te takiwā, me te tonu i te arotake o ngā tauwhitinga i runga i ngā whenua o Taemaro, Takerau me wāhi kē (tirohia te wāhanga 2.94 mō tētahi rārangi o ngā petihana me ngā kaipetihana). He maha tonu ngā tirotirohanga nā te Karauna ki ngā petihana a Ngatikahu ki Whangaroa, engari kāore ngā take i whakatauria.
- 2.68 He mea tuku ngā petihana mō te poraka Taemaro me te poraka Takerau ki te kāwanatanga kia uiuitia, ā, taro rawa i whai whakaarohia e tētahi Kōmihana Roiara i tū i te tau 1946 te tirotiro i ngā kerēme Māori e pā ana ki te whenua tuwhene. Horekau te Kōmihana i hanga i ētahi tūtohutanga e pā ana ki ngā whakamau a Ngatikahu ki Whangaroa. I kī tētahi Kaikōmihana "He take katoa tēnei e pā ana ki ngā whenua tuwhene, ā, ahakoa i reira pea he whenua tuwhene i whakanoatia rā ngā motika o ngā Māori ahakoa te momo e ngā hokonga whenua a te Karauna mai i ngā Māori". I tūtohu te Kōmihana me utu paremata ā-rohe, kua e tika atu ki ngā iwi i pāngia e ngā hokonga whenua tuwhene. Hei mutunga iho, ka whakatūria te Poari Kaitiaki Māori o Te Tai Tokerau, ka utua ki te £47,150 4 herengi e te Karauna mō te katoa o ngā kerēme whenua tuwhene i Te Tai Tokerau.

**TE PORAKA MOTUKAHAKAHA**

- 2.69 I tirotiro te Kōti Whakawā Whenua Māori i te tau 1873 nō wai te poraka Motukahakaha, ka tukuna atu ki ētahi kaipupuri e rua i runga anō i te herenga kāore e taea te tuku kia hokona atu, kia rīhitia rānei mō neke atu i te 21 ngā tau. I muri atu ka hokona tūmataititia te poraka Motukahakaha.

**TE PORAKA O TAUPŌ**

- 2.70 I te tau 1899 i pikiniki te Kāwana, Rore Ranfurly rāua ko te Pirimia, a Richard Seddon, i te poraka Taupō, tata ki te wahapū o Whangaroa. I mīharo rāua ki ngā paenga me te whakaingoa anō i te wāhi hei Ranfurly Bay, i muri i te Kāwana (e mōhiotia ana hei Kohatupapa e ngā Māori o reira). I tuhi a Seddon i muri atu ka rata ngā Māori o taua wāhi ki tētahi tonu a te Kāwanatanga ki te takoha atu i te Kokoru hei rāhuitanga hākinakina.
- 2.71 I mua i te rāhuitanga o taua wāhi mō tēnei pūtake, me whakatau tuatahi e te Kōti Whakawā Whenua Māori nō wai te poraka Taupō whānui atu, kātahi ka wāwāhia te wāhi i whakaaetia i te poraka whānui atu. I tonu ngā kaipupuri whenua i te Kōti Whakawā Whenua Māori kia tirotirohia te kokoraho o te poraka Taupō, engari horekau te Kairūri Matua, a S. Percy Smith, e whakamana i te tuatahi i te rūritanga ka hiahiatia mō te poraka nā tōna āwangawanga ki te iti o ngā whenua o reira e toe tonu ana ki te Māori. Ko tōna whakaaro, mutu mai te rūri i te whenua me te whakatau i te kokoraho, ka nui ake te tūpono ka hokona atu te whenua.
- 2.72 I te tau 1900 i tonoa te Kaiwhakarite Whenua o te rohe e te Pirima Seddon ki te tuku pātai anō ki ngā Māori mō te tuku pea i Ranfurly Bay ki te Karauna. I tonu a Seddon kia whakamōhiotia ngā rangatira Māori o taua wāhi "ka whiwhi rātou ki te whakaaro nui



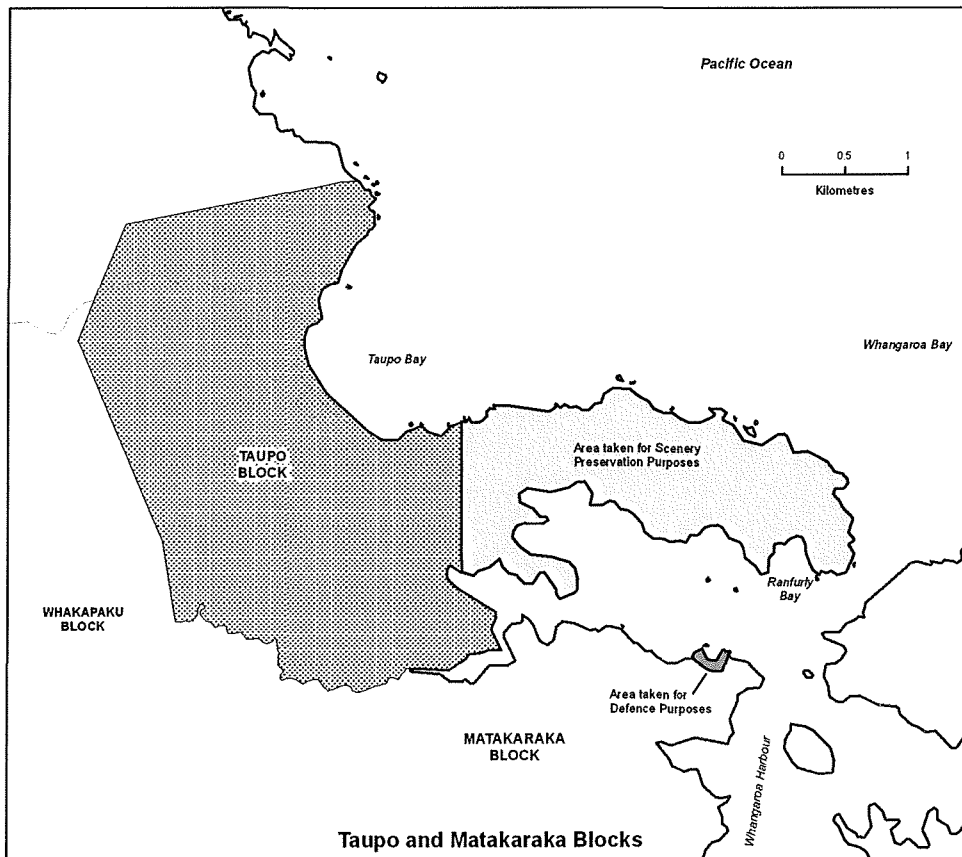
2: HISTORICAL ACCOUNT

me te whakaute o te whakatupuranga nei me ngā whakatupuranga o āpōpō" mehemea i whakaae rātou ki ngā hiahia o te Kāwanatanga kia rāhuitia te whenua mō ake tonu atu hei rāhuitanga hākinakina.

- 2.73 I muri atu ka whakaae a Motukiwi Hone Tua me ētahi atu nō Ngatikahu ki Whangaroa ki te whakarato i tētahi wāhi tekau eka pea te rahi i Ranfurly Bay ki te Karauna. I te kōrerotanga a tētahi āpiha ki a Seddon mō te whakaaetanga, ka tāpiri ia i tētahi mapi nāna i tuhi o te whenua kia tukuna me te whakataunaki kia whakamanahia he rūritanga o te poraka katoa. Nāna anō hoki i whakataunaki kia whai whakaaro te Karauna ki te hoko i tētahi wāhanga whenua anō tata ki te Kokoru kia riro ai ētahi ana whakamere. Ko aua ana he ana whai rua kōiwi o neherā atu nō Ngatikahu ki Whangaroa.
- 2.74 Tae mai ki Aperira 1901 e whakapuaki ana ngā kaiwhakanoho whenua o te takiwā me ngā rangatira Māori i tō rātou hiahia kia kōkiritia te rāhuitanga o te whenua. I Hepetema 1901, i tono a Motukiwi Hone Tua rāua ko Wirihana Hone Tua i te Tari Māori ki te whakarite i tētahi mapi o te whenua i Ranfurly Bay e hiahiatia ana e te Karauna, kia taea ai te Kōti Whakawā Whenua Māori te whakatewhatewha i te kokoraho mō te whenua. Nā rāua te Kōti i tono kia tiroirohia te kokoraho, engari kua whakahaua te Kaiwhakawā o te takiwā e te Kaiwhakawā Matua o te Kōti kia whakatārewatia ngā tiroirohanga o te kokoraho. I Noema 1901, i tono mōhiohio ētahi atu Māori nō Whangaroa me Taupō mō te āhua o te whakaaetanga i whakaurua ki te Kāwanatanga nā te mea kāhore anō rātou kia whakamōhiohia ki taua whakaaetanga.
- 2.75 I tiroiro te Kaunihera Whenua Māori o Tokerau i te kokoraho ki te poraka Taupō 2,510 eka i te tau 1902 me te tau 1905. Nā te Kaunihera tētahi ōta, me te whakaaetanga o ngā kaupupuri, e tuku ana tata ki te 17 eka o te poraka i Ranfurly Bay ki te Karauna. Horekau taua tukunga i whakamanahia, horekau taua whenua i tauria ki te Karauna i taua wā.
- 2.76 Nā te Karauna tētahi Kōmihana Tohu Tirohanga i whakatū i te tau 1904 i raro i te Ture Tohu Tirohanga 1903 (ko te whāinga ko te tiaki i ngā pae hira ā-tirohanga, ā-hītori anō hoki). Ko tētahi o ngā mahi a te Kōmihana ko te kimi me te tūtohu i ngā pae whakakitekite me ngā pae hītori e pai ana kia rāhui pūmautia e te Karauna. I te tau 1905 i tohutohu te Heamana o te Kōmihana, a S. Percy Smith, i te Tari o ngā Whakataunga Tūruhi me te Hauora i roto a Ranfurly Bay i ōna tuhinga mō te rāhui, engari kīhai ia i mōhio mārīka ki te rahi o te whenua ka hiahia te Kōmihana. Horekau te Kōmihana i tūtohu kia rāhui te Karauna i te whenua.
- 2.77 I tīmata te Karauna ki te tiroiro i te tau 1912 mehemea ka riro i a ia he whenua i te takiwā o Whangaroa, i te wāhi kūrae o te poraka Taupō (kua wāwāhia kētia tēnei, ā, i mōhiohia hei poraka Taupō 24) mō tētahi rāhuitanga tirohanga i muri i ngā whakaputanga whakaaro o ētahi o te iwi whānui me te Heamana o te Kaunihera ā-Rohe o Whangaroa kia whai uara tirohanga te whenua i te Kokoru o Okahumoko. Toroa ai ngā Kokoru i te takiwā e ngā iwi o te rohe me ngā tūruhi mō te hopuni me te hākinakina i te raumati. I tohutohu te Kaitiaki Whenua Karauna kāore he uara tirohanga tō te nuinga o te takiwā, engari i tūtohu kia hokona, kia rahuitia anō hoki tētahi wāhi ngāherehere i te tuawhenua. I whakatau kē te Karauna kia riro e 706 eka, koirā te nuinga o te kūrae, mō te pūtake tohu tirohanga.
- 2.78 I roto taua wāhi 706 eka i te 910 eka o te poraka Taupō 24, e 58 ōna rangatira me te maha tonu o ngā urupā me ētahi pā e toru. I whakatau te Karauna i te tau 1915 ki te tango i te whenua i raro i ngā ture tohu tirohanga, mahi nunui hoki, engari i tārewatia te whakatutuki nā te āhua o ngā pūtea o te whenua, ko te pakanga tuatahi o te ao te pūtake.

2: HISTORICAL ACCOUNT

- 2.79 I te tau 1917 i wāwāhi te Kōti Whakawā Whenua Māori i te poraka Taupō 24. I tukuna ki a Motukiwi Hone Tua me ētahi atu tāngata e ono te kokoraho ki tētahi pae urupā, kotahi eka te rahi, ko Taupō 24A. I te wā o te rongonga i te kōti i kī a Motukiwi Hone Tua kei roto i te urupā ngā kōiwi o ōna mātua. I hiahia ia kia aukatia te urupā i te whenua i Taupō 24 e rīhitia ana ki tētahi kaupāmu Pākehā i te £40 i te tau mō te 30 tau.
- 2.80 I whakaputaina i te *Kāhiti o Aotearoa* me tētahi nūpepa o te takiwā i Aperira 1919 he pānui e whakapuaki ana i te koronga a te Karauna kia riro te whenua mō te pūtake tirohanga, engari horekau i te mārāma mehemea i tohutohu tikatia ngā kaupupuri o taua whenua.



- 2.81 He mea tango ōkawa te whenua e te Karauna i Hune 1919, i raro i te mana o te Ture Mahi Nunui 1908, te Ture Tohu Tirohanga 1908, me te Ture Whakatikatika Tohu Tirohanga 1910, ā, i muri i tīmataria ngā whakahaerenga i te Kōti Whakawā Whenua Māori hei whakatau paremata mō ngā hunga whai pānga. I kī te pānuitanga mō te tangohanga ōkawatanga o te rāhuitanga tirohanga 706 eka he wāhanga taua wāhi o Taupō 24, engari horekau i kōrerotia i roto te wāwāhinga o te tau 1917.
- 2.82 Āhua nui ake te paremata i kerēmetia mō te rāhuitanga tirohanga i te uara i whakatau tatahia e ngā āpiha o te Karauna. Hei mutunga iho, i tono whakatārewatanga te Karauna o te whakatau a te Kōti Whakawā Whenua Māori e pā ana ki te paremata i te Karauna e whakaaro ana mehemea me whakaiti ake i rahinga o te whenua ka tango, kāhore rānei. I tohutohu ngā āpiha o te Tari Whenua "he mahi mōhio kore, he mahi moumou te here pūmau i ngā eka 706 katoa hei Rāhuitanga Tirohanga", ā, ka tutuki ngā hiahia tohu tirohanga a te Karauna mā te rāhui i tētahi tāhei takutai e rima tīni te

2: HISTORICAL ACCOUNT

whānui huri rauna i Ranfurly Bay me te Kokoru tūtata. Kīhai te kaiutu rēti i whakaae ki taua whakaaro, ā, ka haere tonu tā te Kōti whakatau i te paremata. I tuku i te £999 hei paremata ki te kaiutu rēti hei utu mō te ngaromanga o te 706 eka e rīhitia ana e ia. I tukuna £1,060 ki ngā rangatira Māori e 58 mō te ngaromanga o tō rātou rangatiratanga i runga i taua whenua. I komo te Karauna i te nuinga o te paremata hei utunga ki ngā rangatira Māori ki te Poari Whenua Māori o Tokerau hei tohatoha atu. Nā te tango i te whenua i ngaro i ngā rangatira Māori te roma whiwhi moni kua whakaritea ki te kaiutu rēti mō ngā tau 27 e toe tonu ana ki te rīhi.

- 2.83 Kāore e kitea he pūkete e whakaatu ana i te whakapā i waenga ngā rangatira o tēnei whenua me te Karauna mō te tangohanga i tēnei whenua. I roto i te wāhi i riro ko te maha o ngā pā, ngā urupā me ētahi atu pae hira ki Ngatikahu ki Whangaroa.
- 2.84 I te tau 1935 e āwangawanga ana tētahi kainoho nō Ngatikahu ki Whangaroa, a Mrs Riwhi, e tomokia ana ngā ana kōiwi e ētahi o te iwi whānui i runga i te poraka Taupō 24 me te tango ohaoha. I tonoa, i tukuna hoki he aukati i te Kōti Whakawā Whenua Māori ki te ārai i te hāparutanga o aua wāhi tapu.

**TE PORAKA O MATAKARAKA**

- 2.85 I te wā o te Pakanga Tuarua o te Ao i nohoia ētahi eka e 6 o te whenua Māori i te poraka Matakarakā e te Taua Moana hāngai atu ki Ranfurly Bay me te hanga i tētahi wāpu, he puni, he wāhi tūnga pū me ngā keringa mātakitaki. Mutu mai te pakanga kua kore te Taua Moana i hiahia ki te pae engari i whakatau te Karauna ki te tango i te whenua i raro i te ture mahi nunui kia taea ai te tohu i te haumitanga a te Karauna ki te wāpu me ngā whare.
- 2.86 Te āhua nei kāore Te Karauna i whakawhiwhiti kōrero ki ngā rangatira o te whenua i mua i te tangohanga me tētahi pānuitanga ōkawa i te marama o Akuhata 1946. I tuku paremata te Kōti i te tau i whai ake o te £55 me te whakahau kia utua ki te Poari ā-Rohe Māori o Te Tai Tokerau hei tohatoha ki ngā rangatira. I tangohia e te Karauna ngā whare katoa i taea te neke, tae atu ki te papa o te wāpu. I te tau 1983, i kī te Karauna kua kore e hiahitia te wāhi 6 eka mō ngā mahi nunui. I whai whakaaro te Karauna ki te tuku anō i te whenua ki ona rangatira o mua e ai ki ngā whakaritenga o te wāhanga 40 o te Ture Mahi Tūmatanui 1981. I tuhi ngā āpiha he mahi āwhiwhi te takitaki haere i ngā uri o ngā rangatira tōmua e 89 o te whenua. I whakatauria kētia e te Karauna ki te whakawhiwhi i taua whenua ki te Tari Rūri Whenua nā te mea horekau i taua poraka he āhei ā-ture ki tētahi rori, ā, kua hokona kētia ngā whenua huri rauna ki taua Tari. I te tau 1990, i muri i ētahi pīra nā ngā uri o ngā rangatira tōmua, i tauria te whenua e te Karauna ki ngā māngai o aua rangatira o mua.
- 2.87 I tuhi te Kaunihera ā-Rohe o Whangaroa ki te Kaikōmihana Whenua Karauna i te tau 1949 me te marohi kia riro i te Karauna ngā poraka Matakarakā B e 324 eka (e toru ngā poraka i roto: Matakarakā B1, B2 me B3) mai i ngā rangatira Māori me te whakataka ki te Kaunihera hei rāhuitanga tirohanga. He mea whakatau e te Karauna ki te tonu i te Kōti Whenua Māori ki te whakarite i tētahi hui o ngā rangatira o te poraka kia mōhio ai mēhemea e pai ana rātou ki te hoko i te whenua ki te Karauna. I taua whakawā ka kī ngā rangatira e pīrangi ana rātou kia rāhuitia aua whenua mō ngā Māori o te takiwā. Hei tā rātou, e whakamahia ana mō te kohikohi tio i ngā wāhi i rāhuitia mā rātou e ngā rekureihana hī ika o te tau 1946. Hei tā rātou anō, ka hanga whare pea rātou i runga i te whenua. I tonu te Kōti kia whai whakaarotia anō te take e ngā rangatira me te tuku whakaaro kia torona te whenua ā tērā nohoanga o te Kōti.
- 2.88 Mā roto i ngā matapakinga ōpaki i tohu ētahi rangatira i muri ake e pai ana ki a rātou te kōrerorero i te hokonga atu o te whenua ki te Karauna. Ka whakaritea e te tukangā

2: HISTORICAL ACCOUNT

tuku whenua Māori whai rangatira neke atu i te 10 kia whakahuihuitia e te Poari Whenua Māori ngā rangatira (e kīia ana he 'hui o ngā rangatira tōpū') ki te whai whakaaro ki te marohi hoko me te whakatau mehemea me haere tonu, horekau rānei. Ka whai kōrama he hui o ngā rangatira tōpū mehemea ka tae ā-tinana, ā-māngai rānei e 5 ngā rangatira o te whenua, ahakoa te nui o te tapeke o ā rātou hea i roto i te whenua. I meinga ka whai mana tētahi mōtini mehemea he rahi ake te tapeke o ngā hea o ngā rangatira i pōti mō te mōtini i tō te tapeke o ngā hea o ērā i whakahē.

- 2.89 I Pēpuere 1952 nā te Poari Whenua Māori i whakarite he hui o 'ngā rangatira tōpū' mō tēnā me tēnā o ngā poraka Mataraka B ki te whai whakaaro ki te marohi o te Karauna kia riro aua whenua mō te pūtake tirohanga. Horekau te hui mō te poraka Mataraka B1 i haere nā te tokoiti o te hunga i tae. I muri ake ka whakatau te Karauna ki te kōrerorero tika atu ki ngā rangatira takitahi, nō te mea horekau he herenga ā-ture kia whakaritea he hui o ngā rangatira mō tēnei poraka nā te mea e 6 anake ngā rangatira o taua whenua. I hui e ono o ngā rangatira rima tekau o te poraka Mataraka B2 ka whakatau ki te hoko atu i taua poraka ki te Karauna. I taea te hui mō te poraka Mataraka B3 e te 8 o ngā rangatira 122. E ai ki ngā pūkete o te hui i mōtini te katoa ki te hoko atu i te whenua.
- 2.90 I tētahi hui o te Poari Whenua Māori o Tokerau i whakaritea i muri atu mō te kōrerorero i te hokonga o ngā poraka Mataraka B2 me Mataraka B3 i whakahē tētahi o ngā rangatira, nāna i tautoko i mua te mōtini ki te hoko i te poraka Mataraka B3, i te whakawhitinga me tana kī he iti rawa te utu. I kī ētahi atu ko te tūmanako me whiwhi i te £1 i te eka mō te whenua, ka whakahokia te take ki ngā āpiha o te Karauna kia mōhio ai mehemea ka whakapiki te Karauna i tana utu mō ia eka. I muri iho ka whakaae te Karauna ki te utu i te £1 i te eka, ka oti ngā tauwhitinga mō aua poraka i te tau 1953. I pupuri ngā rangatira Māori i te rua me te hāwhe eka i Mataraka B2 mō ngā hopuni hī ika i te raumati me te āhei atu ki ngā tumu tio i te moana.
- 2.91 I kōrerotia takitahitia ngā rangatira o Mataraka B1 e ngā āpiha mō te hoko i tō rātou whenua. Tae mai ki te marama o Pēpurere 1954 kua haina kē te 5 o ngā rangatira e 6 i tētahi Pukapuka Whakawhiti, engari horekau i taea e ngā āpiha o te Kōti Whenua Māori te kite i te rangatira e toe ana. I muri iho ka tuku te Kōti Whenua Māori i tētahi Ōta e whakahau ana kia mahi te Kaitiaki Māori hei kaiwhakahaere mō taua rangatira me te whakatutuki i te tauwhitinga mō te Karauna. I whiwhi te Kaitiaki Māori i te moni mō te hoko hei tohatoha ki te rangatira.
- 2.92 I kīia ngā poraka Mataraka B he whenua Karauna i te tau 1958. I tāpiringia ki te Rāhuitanga Tirohanga o Ranfurly Bay, i raro i te mana whakahaere o te Kaunihera ā-Rohe o Whangaroa, i te tau 1959.

**NGĀ WHENUA E TOE ANA KI TE MĀORI**

- 2.93 I tēnei rā kei a Ngatikāhu ki Whangaroa tata ki te 3% anake o ō rātou whenua tuku iho, ā, e noho ana te nuinga o Ngatikāhu i waho i tō rātou rohe ā-iwi.

**NGATIKAHU KI WHANGAROA LETTERS OF PROTEST AND PETITIONS TO THE CROWN, 1876-1950**

- 2.94 Some signatories who signed the following petitions and letters may have affiliated to iwi other than Ngatikahu ki Whangaroa.

LETTER TO THE CROWN, 12 JULY 1876

Appears to protest against Crown actions in relation to Taemaro and Waimahana lands

*Hemi Paeara*

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LETTER TO THE CROWN, 28 SEPTEMBER 1881

Asking for an inquiry into Taemaro and Waimahana lands

*Te Huirama Tukariri*

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PETITION TO PARLIAMENT, 13 AUGUST 1886

Asking that a court be held to decide who are the owners of Te Kapera

*Hemi Paeara and 5 others*

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PETITION TO PARLIAMENT, 16 JUNE 1891

Asking for an investigation into Whakaangi block

*Rewiri Kaiwaka and the whole of his hapu*

---

PETITION TO PARLIAMENT, 17 JUNE 1891

Asking for an investigation into Taemaro block

*Hemi Paeara and the whole of his hapu*

---

PETITION TO THE CROWN, 7 SEPTEMBER 1892

Asking for a reconsideration of the Taemaro petition

*Hemi Paeara*

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NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT

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2: HISTORICAL ACCOUNT

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PETITION TO PARLIAMENT, 27 JUNE 1893

Requesting an inquiry into Taemaro-Whakaangi lands

*Hemi Paeara and 38 others*

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PETITION TO PARLIAMENT, 4 OCTOBER 1901

Asking for an inquiry into Pakorau, part of Whakapaku block

*Hemi Paeara*

*Hukaatia Taka*

*and others*

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PETITION TO THE CROWN, 21 JUNE 1905

Seeking inclusion of Hemi Paeara's name in the Waimahana grant

<i>Hemi Paeara</i>	<i>Kei Roha</i>	<i>Makarini Werahi</i>
<i>Aperahama Hemi</i>	<i>Aperahama Wi</i>	<i>Kahu Werahiko</i>
<i>Hamuera Aperahama</i>	<i>Maraea Wi</i>	<i>Wire Werahiko</i>
<i>Haki Pera</i>	<i>Raniera Wi</i>	<i>Rina Werahiko</i>
<i>Puke Aperahama</i>	<i>Rangitahi Wi</i>	<i>Mita Manu</i>
<i>Makarita Aperahama</i>	<i>Hona Taniere</i>	<i>Mate Haere Wiremu</i>
<i>Tamati Pera</i>	<i>Tekuku Ngapine</i>	<i>Poata Wiremu</i>
<i>Mere Panoko</i>	<i>Hukatere Ngapine</i>	<i>Kete Teahere</i>
<i>Tumu Tamati</i>	<i>Rangitahi Kaiapa</i>	<i>Rihi Patu</i>
<i>Tawio Wiripo</i>	<i>Heeni Rangitahi</i>	<i>Merepaea Patu</i>
<i>Noema Tawio</i>	<i>Ngahemo Rangitahi</i>	<i>Raiha Patu</i>
<i>Erihe Tawio</i>	<i>Tarei Paeara</i>	<i>Kere Ngawati</i>
<i>Mate Tawio</i>	<i>Maraea Tarei</i>	<i>Hakopa Meu</i>
<i>Maria Tawio</i>	<i>Makarena Hone</i>	<i>Taniera Meu</i>
<i>Roka Ngaringi</i>	<i>Rina Hare</i>	<i>Te Ini Hami</i>
<i>Hemi Roha</i>	<i>Pirihira Terima</i>	<i>Mereana Pateriki</i>
<i>Pirihita Taniere</i>	<i>Eru Werahiko</i>	<i>Keremete Patu</i>
<i>Hauri Roha</i>	<i>Petera Werahiko</i>	<i>Ruka Kemete</i>
<i>Te Kawau Roha</i>	<i>Pio Werahiko</i>	

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PETITION TO PARLIAMENT, 30 AUGUST 1906

Asking that burial places on Whakaangi block be prevented from passing into the hands of Europeans

*Ngamoni Rewiri and 26 others*

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NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT

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2: HISTORICAL ACCOUNT

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PETITION TO PARLIAMENT, 17 JULY 1907

Asking that Europeans be prevented from taking timber from Whakaangi block

*Ngamoni Rewiri  
Perenara Hoani*

*Mita Wahanui  
Rewiri Hoani*

*Ngaringi Brown  
and others*

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PETITION TO PARLIAMENT, 31 JULY 1908

Seeking inclusion of their names in the Crown grant of Waimahana block

*Hemi Paeara  
Oneroa Meu  
Hakopa Meu*

*Hami Taua  
Rangitahi Kaiapa  
Aperahama Hemi  
Rina Hare*

*Tawio Tumu  
Makarena Hone  
Tarei Paeara*

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PETITION TO PARLIAMENT, 16 NOVEMBER 1909

Asking for their people to be granted land, as they are landless following the loss of Whakaangi block

*Kete Te Ahere  
Mereana Pateriki  
Henare Keremete  
Maraea Tarei  
Ruka Keremete  
Erina Wiremu  
Raiha Keremete  
Hera Henare Paraone  
Ngapera Hoani*

*Rihi Keremete  
Wiremu Henare Paraone  
Erana Henare Paraone  
Hokio Henare Paraone  
Hokio Henare Paraone  
Toma Henare Paraone  
Keremete Henare Paraone  
Repeka Wiremu  
Peata Wiremu*

*Hariata Kereti  
Mere Manuka  
Rirena Pateriki  
Ngahuka Mita  
Peata Honepetera  
Heni Hare Atama  
Merepaea Keremete  
Manu Pateriki*

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PETITION TO PARLIAMENT, 5 JULY 1910

Asking for the restoration of Taemaro block to its original owners

*Hemi Paeara  
Hoi Reihana Hapa  
Hare Reihana Hapa  
Tawio Tumu  
Tamati Tawio  
Repeka Tawio  
Maria Tawio  
Petera Werahiko  
Hone Tawio  
Huria Tawio  
Kawau Roha  
Mate Te Kawau*

*Rangitahi Kaiapa  
Ngahemo Rangitahi  
Heemi Rangitahi  
Hone Hopa  
Wi Hopa  
Haki Rangitahi  
Hona Hopa  
Wiremu Kaewa  
Hemi Roha  
Makarita Roha  
Iriaka Te Turi Hemi  
Hare Atama  
Rina H Atama*

*Taarei Paeara  
Maraea Taarei  
Taniere Meu  
Pirihita Taniere  
Aperahama Hemi  
Hamuera Aperahama  
Pera Aperahama  
Puke Aperahama  
Makarita Aperahama  
Tamati Aperahama  
Ana Aperahama  
Erana Aperahama*

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2: HISTORICAL ACCOUNT

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PETITION TO PARLIAMENT, 4 OCTOBER 1910

Asking that some Crown lands be granted to them as they are landless following the loss of Whakaangi block

<i>Kete Te Ahere</i>	<i>Kaa Henare</i>	<i>Nete Aperahama</i>
<i>Merepaea Keremete</i>	<i>Perene Henare</i>	<i>Miriama Etitana</i>
<i>Hone Kuruini</i>	<i>Renata Henare</i>	<i>Ihaka Manuka</i>
<i>Ngapera Hoani</i>	<i>Arena Henare</i>	<i>Pateriki H. Kuriruni</i>
<i>Ruka Matiu</i>	<i>Peata Wiremu</i>	<i>Mereana Pateriki</i>
<i>Toma Paraone</i>	<i>Miraka Wiremu</i>	<i>Manu Pateriki</i>
<i>Wi Paraone</i>	<i>Keremete Paraone</i>	<i>Riana Pateriki</i>
<i>Kere Erihe</i>	<i>Wiremu Pauro</i>	<i>Hariata Kereti</i>
<i>Maraea Tarei</i>	<i>Hone Erihe</i>	<i>Mere Manuka</i>
<i>Peata Hone</i>	<i>Rawhiri Erihe</i>	<i>Rihi Matiu</i>
<i>Kawau Hone</i>	<i>Hera Paraone</i>	<i>Ngaringi Paraone</i>
<i>Ihimaera Hone</i>	<i>Mata Hokio</i>	<i>Pare Manuka</i>
<i>Te Paea Hone</i>	<i>Erana Paraone</i>	<i>Ongaoraia Henare</i>
<i>Henare Hone</i>	<i>Hemoata Hokio</i>	<i>Perio Henare</i>
<i>Anarina Erihe</i>	<i>Petera Pauro</i>	<i>Rina Tarei</i>
<i>Rata Erihe</i>	<i>Matehaere Whiroa</i>	<i>Heni Hare</i>
<i>Mereana Rata</i>	<i>Maria Manuka</i>	<i>Hana Hare</i>
<i>Kura Hami</i>	<i>Wii Manuka</i>	<i>Henare Hare</i>
<i>Henare Keremete</i>	<i>Tehina Manuka</i>	<i>Hokio Paraone</i>
	<i>Wiremu Kaewa</i>	

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PETITION TO PARLIAMENT, 26 AUGUST 1912

Asking for a Royal Commission to inquire into ownership of Taemaro block

<i>Hemi Paeara</i>	<i>Makarena Hoone</i>	<i>Pateriki Hoone</i>
<i>Taarei Paeara</i>	<i>Peata Hoone</i>	<i>Te Tahanga Roha</i>
<i>Rina Tarei</i>	<i>Tini Haami</i>	<i>Hone Hopa</i>
<i>Hemi Roha</i>	<i>Maunga Rangitahi</i>	<i>Wiremu Hopa</i>
<i>Hare Atama</i>	<i>Ngahemo Rangitahi</i>	<i>Hami Taniere</i>
<i>Aperahama Witanga</i>	<i>Hona Taniere</i>	<i>Hauri Taniere</i>
<i>Kei Roha</i>	<i>Petera Werahiko</i>	<i>Maraea Witanga</i>
<i>Kawau Roha</i>	<i>Rina Werahiko</i>	<i>Raniera Witanga</i>
<i>Take Hemi</i>	<i>Tamati Tawio</i>	<i>Makarita Roha</i>
<i>Tawio Tumu</i>	<i>Makarena Werahiko</i>	<i>Iriaka Te Turi Hemi</i>
<i>Erihe Tawio</i>	<i>Eruera Werahiko</i>	<i>Hinga Te Kawau</i>
<i>Repeka Tawio</i>	<i>Pio Werahiko</i>	<i>Mate Te Kawau</i>
	<i>Raiha Roha</i>	

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2: HISTORICAL ACCOUNT

PETITION TO PARLIAMENT, 6 OCTOBER 1921

Asking that Whakaangi block be returned to them

<i>Kete Te Ahere</i>	<i>Kirihau Henare</i>	<i>Tamati Maaka</i>
<i>Maraea Tarei</i>	<i>Rii Henare</i>	<i>Repeka Maaka</i>
<i>Makarena Hone</i>	<i>Wiri Henare</i>	<i>Pera Maaka</i>
<i>Bertha Hone</i>	<i>Ruka Matiu</i>	<i>Hakimaitai Maaka</i>
<i>Ihimaera Hone</i>	<i>Aperahama Henare</i>	<i>Rawiri Maaka</i>
<i>Te Paea Hone</i>	<i>Hona Taniere</i>	<i>Maaka Maaka</i>
<i>Te Rori Erihe</i>	<i>Hauri Taniere</i>	<i>Kere Hoone</i>
<i>Taniere Erihe</i>	<i>Hami Taniere</i>	<i>Rahera Hoone</i>
<i>Ropeka Erihe</i>	<i>Kei Aperahama</i>	<i>Mikaera Hoone</i>
<i>Rewiri Erihe</i>	<i>Heemi Roha</i>	<i>Te Kawau Hone</i>
<i>Hariata Ihimaera</i>	<i>Toma Heemi</i>	<i>Henare Hone</i>
<i>Maria Manuka</i>	<i>Mihi H. Roha</i>	<i>Pio Hone</i>
<i>Tepua Manuka</i>	<i>Rahiri H. Roha</i>	<i>Hoto Hone</i>
<i>Mere Manuka</i>	<i>Anarina H. Roha</i>	<i>Kereama Hone</i>
<i>Pare Manuka</i>	<i>Wiremu Hoani</i>	<i>Henare Hare</i>
<i>Ihaka Manuka</i>	<i>Wiremu T. Roha</i>	<i>Mata Hare</i>
<i>Ruahine Manuka</i>	<i>Peata Hepa</i>	<i>Ira Hare</i>
<i>Tewi Manuka</i>	<i>Riana Hepa</i>	<i>Kere Hare</i>
<i>Manuka Mihipo</i>	<i>Rapine Hepa</i>	<i>Hone Petera</i>
<i>Kere Erihe</i>	<i>Matehaere Henare</i>	<i>Maaka Tepania</i>
<i>Rirena Ngawiki</i>	<i>Henare Pene</i>	<i>Miraka Mita</i>
<i>Ngawiki Tamiti</i>	<i>Hori Henare</i>	<i>Hoani Manuera</i>
<i>Keeti Ngawiki</i>	<i>Riki Henare</i>	<i>Wi Manuera</i>
<i>Mereana Ngawiki</i>	<i>Pateriki Henare</i>	<i>Raiha Perio</i>
<i>Erana Ringi</i>	<i>Ema Pateriki</i>	<i>Hone Kani</i>
<i>Hakopa Meu</i>	<i>Mei Tawio</i>	<i>Waitoto Terori</i>
<i>Keretiana Hemi</i>	<i>Tamati Tawio</i>	<i>Mereana Erihe</i>
<i>Wiremu Kaewa</i>	<i>Erihe Tawio</i>	<i>Erina Erihe</i>
<i>Tetai Puatau</i>	<i>Hona Tawio</i>	<i>Puke Erihe</i>
<i>Harata Tatai</i>	<i>Roka Tawio</i>	<i>Toma Paraone</i>
<i>Manuera Wiripo</i>	<i>Pirihata Tawio</i>	<i>Keremete Paraone</i>
<i>Eruera Komene</i>	<i>Maata Tawio</i>	<i>Kararaina Paraone</i>
<i>Hakopa Komene</i>	<i>Ripeka Tawio</i>	<i>Wii Paraone</i>
<i>Mereana Wiripo</i>	<i>Pauro Manuka</i>	<i>Hone Erihe</i>
<i>Henare Matiu</i>	<i>Heremia Henare</i>	<i>Rawiri Erihe</i>
<i>Maa Henare</i>	<i>Raureti Manuka</i>	<i>Aperahama Witanga</i>
<i>Pereme Henare</i>	<i>Henare Manuka</i>	<i>Nete Aperahama</i>
<i>Mae Henare</i>	<i>Ihimaera Mihipo</i>	<i>Hira Aperahama</i>
<i>Arena Puru</i>	<i>Maraea Hoto</i>	<i>Raiha Aperahama</i>
<i>Rina Henare</i>	<i>Kare Hoto</i>	<i>Terahe Aperahama</i>
<i>Nganaia Henare</i>	<i>Tarei Hoto</i>	<i>Hariata Aperahama</i>
<i>Tame Henare</i>	<i>Rapata Hoto</i>	<i>Raniera Aperahama</i>
<i>Perio Henare</i>	<i>Ritihia Maaka</i>	<i>Ngaringi Paraone</i>
<i>Huhana Henare</i>	<i>Werahiko Maaka</i>	

PETITION TO PARLIAMENT, 26 OCTOBER 1921

Asking that Taemaro block be returned to them

<i>Kere Erihe</i>	<i>Tewi Manuka</i>	<i>Heemi Roha</i>
<i>Ngawiki Tamati</i>	<i>Maraea Hoto</i>	<i>Toma H. Roha</i>
<i>Riana Ngawiki</i>	<i>Rapata Hoto</i>	<i>Rahiri H. Roha</i>
<i>Mei Tawio</i>	<i>Tarei Hoto</i>	<i>Akinihi H. Rona</i>
<i>Hoana Tawio</i>	<i>Kare Hoto</i>	<i>Anarina H. Roha</i>
<i>Mereana Ngawiki</i>	<i>Hone Petera</i>	<i>Ngaringi Paraone</i>
<i>Keti Ngawiki</i>	<i>Makarena Hoone</i>	<i>Ngapera Hoani</i>
<i>Hare Atama</i>	<i>Kereti Hoone</i>	<i>Hoko te Mou</i>
<i>Henare C Atama</i>	<i>Mihaera Hoone</i>	<i>Kei Aperahama</i>
<i>Matu C Atama</i>	<i>Hare Hoone</i>	<i>Aperahama Henare</i>
<i>Iraa C Atama</i>	<i>Kawau Hoone</i>	<i>Hona Taniere</i>
<i>Kere C Atama</i>	<i>Tepaea Hoone</i>	<i>Hauri Taniere</i>
<i>Taka C Atama</i>	<i>Rahera Hoone</i>	<i>Hami Taniere</i>
<i>Peata Hepa</i>	<i>Ngahiraka Hoone</i>	<i>Aperahama Witanga</i>
<i>Riana Hepa</i>	<i>Rori Erihe</i>	<i>Hira Aperahama</i>
<i>Rapine Hepa</i>	<i>Taniere Terori</i>	<i>Raiha Aperahama</i>
<i>Matehaere Henare</i>	<i>Mereana Terori</i>	<i>Terehia Aperahama</i>
<i>Hori Henare</i>	<i>Erina Terori</i>	<i>Hariata Aperahama</i>
<i>Pateriki Henare</i>	<i>Puke Terori</i>	<i>Taniera Aperahama</i>
<i>Riki Henare</i>	<i>Repeka Teriori</i>	<i>Nete Aperahama</i>
<i>Henare Pene</i>	<i>Waitoto Terori</i>	<i>Ringi Puru</i>
<i>Emma Pateriki</i>	<i>Rawiri Terori</i>	<i>Erana Ringi</i>
<i>Wiremu Kawau</i>	<i>Manuka Mihipo</i>	<i>Toma Paraone</i>
<i>Kawau Roha</i>	<i>Mere Manuka</i>	<i>Keremete Paraone</i>
<i>Mate Tekawau</i>	<i>Ihaka Manuka</i>	<i>Wi Paraone</i>
<i>Pikake Pauro</i>	<i>Tepua Manuka</i>	<i>Kararaina Paraone</i>
<i>Hariata Ihimaera</i>	<i>Ruahine Manuka</i>	<i>Hone Erihe</i>
<i>Pauro Manuka</i>	<i>Heremia Manuka</i>	<i>Rawiri Erihe</i>
<i>Ihimaera Mihipo</i>	<i>Raureti Manuka</i>	<i>Hana Paraone</i>
<i>Maria Manuka</i>	<i>Mihipo Manuka</i>	<i>Hemi Roha</i>

PETITION TO PARLIAMENT, 13 AUGUST 1924

Asking for an inquiry into the taking of Whakaangi block by the Crown

*Kete Te Ahere*

PETITION TO PARLIAMENT, 12 JULY 1939

Asking that Maori Land Court investigation into Whakaangi, Taemaro, and other lands be resumed

*Perene H. Tukariri and 105 others*

PETITION TO PARLIAMENT, 15 NOVEMBER 1950

Praying for investigation into Takerau, Taemaro, Waimahana lands

<i>Hone P.H. Tukariri</i>	<i>Hone Erihe</i>	<i>Eru Wairama</i>
<i>Perene H. Tukariri</i>	<i>Kare Riwahi Hapa</i>	<i>Hori Wairuma Maihi</i>
<i>Ani H. Tukariri</i>	<i>Alex Shepherd</i>	<i>Raiha Snowden</i>
<i>Timoti Hapa</i>	<i>Maudie Shepherd</i>	<i>Heeni B. Snowden</i>
<i>Makareta Hapa</i>	<i>Sam Shepherd</i>	<i>Wiremu Hare Ropata</i>
<i>Mere Lloyd</i>	<i>Mary Shepherd</i>	<i>Rarawa Kerehoma</i>
<i>William Wikitera Lloyd</i>	<i>Dave Roparo</i>	<i>Mereana Kerehoma</i>
<i>Rita Maria Witanga</i>	<i>Tauhinu Kingi</i>	<i>Tamati Kerehoma</i>
<i>Keeti Taipari</i>	<i>Dan Walters</i>	<i>Waimarirangi Tukariri</i>
<i>Raiha Erihe</i>	<i>Wiremu Keripui</i>	<i>Hikuwai Karanga Puhi</i>
<i>Rahera Teohu</i>	<i>Paki Netana</i>	<i>Mere HooneTukariri</i>
<i>Ritete Teohu</i>	<i>Tai Hike</i>	<i>Hoone Petera</i>
<i>Lou Broughton</i>	<i>Tipene Rapa</i>	<i>Rahera Martin</i>
<i>Aperahama Witanga</i>	<i>Tamati Himiona</i>	<i>Paki Netana</i>
<i>Henare Patu</i>	<i>Celia Williams</i>	<i>Ramari Tukariri</i>
<i>Bill Matthews</i>	<i>Kawiti Thomas</i>	<i>Mihi Karanga</i>
	<i>Joseph Thomas</i>	

**NGĀTI KAITANGATA: RANFURLY BAY SCENIC RESERVE AND ENVIRONS**

**The following account is based on the oral evidence of Ngāti Kaitangata**

- 2.95 The north-western side of Whangaroa Harbour is of enormous cultural and spiritual value to Ngāti Kaitangata. It contains many wāhi tapu and sites of significance as well as being the habitat of many species of indigenous trees, plants, birds, reptiles (skinks and lizards), bats and rongoā. This area is viewed holistically in the physical and spiritual realm as extending over the whole of the Ngatikahu ki Whangaroa rohe, which was once covered in indigenous forest.
- 2.96 The Ngāti Kaitangata rohe potae begins at Okura climbing to Papakura, descending to Waihi, to the Wairakau River valley, proceeding in a south-westerly direction along the Tahuna Stream to Puiaawhimoki Pā, then on to Karangi Pā, descending to Hororoa Rocks, out to Awhiowhio toka, to Ruahine Reef, then following a south-easterly line to Whangaehe Bay to Ngā Tai Rongorua Pā, then in a direct line to Whititata Pā, before returning to the start at Okura Bay. The Ngāti Kaitangata rohe potae has been the pātaka kai for the Ngāti Kaitangata haupu and has provided sustenance and shelter for this haupu. It still exists today, though only in terms of the meagre remnants of the kai moana resources that once overflowed Ngāti Kaitangata kete.
- 2.97 The north-western side of Whangaroa Harbour contains one of New Zealand's most significant scenic areas with its many sheltered bays, safe anchorages, deep waters and twenty-million-year-old volcanic plugs of the Miocene era not experienced anywhere else in the country.
- 2.98 Whilst all the large indigenous forests are long gone, the regenerating bush continues to suffer high levels of damage from introduced pests such as possums, rats, feral pigs, feral cats, and mustelids. Current environmental science strongly suggests that these

2: HISTORICAL ACCOUNT

pests have a disastrous effect on native birdlife, trees, reptiles, snails and insects endemic to New Zealand.

**Sites of significance**

- 2.99 There are many sites of great significance to Ngāti Kaitangata within Ranfurly Bay Scenic Reserve including wāhi tapu, pā, kāinga noho, and mahinga kai.

**Wāhi tapu (urupā and ana kōiwi)**

- 2.100 Okahumoko, Te Komanga, Kōwhairoa, Ohineroa, Tokatea, Waipouritaka, Otara, and Oparae, as well as many that are long lost to time and memory.

**Pā**

- 2.101 Okahumoko, Pukekohukohu, Kohatupapaa, Whititata, Ohauroro Hopekako, Oparae, Whitinui and Karangī.

**Kāinga**

- 2.102 Te Komanga, Waitepipi, Omaanu, Ngaone, Hungarere, Kohatupapaa, Ohauroro, Te Arero, Waihi, Matarakara, Puketamoi, Okura, Moturahurahu, Onenui, Te Pua, Rotopataka, Kaingahoa, Pekapeka, Te Rere, Wairakau, Taupo and Matanehunehu amongst many others whose names are lost to time.

- 2.103 The eponymous ancestor of Ngāti Kaitangata, Hone Tua, was one of three survivors of the sacking of Okahumoko Pā in 1826. With the help of his many relations of the Te Touwai valley on the south-eastern shores of Whangaroa Harbour, Hone Tua evaded certain death had he been discovered. He became an ardent lieutenant of Hone Heke in the northern wars, serving at the felling of the flagstaff at Kororareka and the battles of the Taiamai plateau. From that time five generations ago to the present day the haupu of Ngāti Kaitangata has grown to number in the thousands. Ngāti Kaitangata have maintained their association with these lands as their tupuna, Hone Tua, is interred in Te Komanga urupā. They have thus maintained their ahi kā status.

**Pātaka kai**

- 2.104 Ngāti Kaitangata oral traditions record te takina neke neke - the migratory movements of the haupu to certain parts of the harbour, coastline and forest in order to fish, hunt and gather seasonal food resources. Through the use of their haupu maramataka they would systematically follow the various fish species around their preferred fishing grounds, and at the same time harvest and manage their cultigens of kumara, rīwai and taro as well as the seabirds, and the birds, fruits and berries of the forest.
- 2.105 Ngāti Kaitangata observed the elements of their natural surroundings, such as the arrival and departure of migratory birds like the shining cuckoo, the godwit and the swift, and the flowering of trees like the kowhai and pōhutukawa, which indicated the condition of birds, fish and shellfish. The seasonal calendars (maramataka) of Ngāti Kaitangata are much aligned to the many iwi of Aotearoa in a five to seven year cycle.
- 2.106 Ngāti Kaitangata have always acknowledged that with their use of these resources of the north-western side of Whangaroa Harbour and those of their rohe lands comes the responsibility to ensure the protection and maintenance of these resources for the future use of the many generations yet to come.

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### CROWN ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that it failed to deal with the long-standing grievances of Ngatikahu ki Whangaroa in an appropriate way, and that recognition of these grievances is long overdue.
- 3.2 The Crown acknowledges that, in approving pre-Treaty land transactions, issuing grants to settlers for some of these lands, and retaining 11,000 acres of 'surplus land' from transactions in the Ngatikahu ki Whangaroa rohe, it –
- 3.2.1 failed to consider the customary rights and interests of Ngatikahu ki Whangaroa in these lands; and
  - 3.2.2 failed to assess the impact of the alienation of these lands on Ngatikahu ki Whangaroa; and
  - 3.2.3 failed to survey most of these lands.
- The Crown acknowledges that these failures breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that –
- 3.3.1 Ngatikahu ki Whangaroa have long disputed the extent of the Crown's 1863 Mangonui purchase; and
  - 3.3.2 the Crown did not challenge the Native Land Court's 1870 award to Māori of nearly 4,000 acres at Taemaro within the period provided in the native land laws for appealing court decisions; and
  - 3.3.3 the Māori owners of Taemaro subsequently protested that the Crown coerced them into surrendering the title for the block in return for reserves of approximately 750 acres at Taemaro and Waimahana; and
  - 3.3.4 the Taemaro Reserve did not include all areas occupied and cultivated by Ngatikahu ki Whangaroa; and
  - 3.3.5 the Crown's failure to ensure Ngatikahu ki Whangaroa retained adequate reserves within the boundaries of the Mangonui purchase breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.4 The Crown acknowledges that –
- 3.4.1 the operation and impact of the native land laws, in particular the awarding of the important Ngatikahu ki Whangaroa blocks of Taemaro, Taupo, Mataraka B and Motukahakaha to individuals rather than iwi or hapū, made Ngatikahu ki Whangaroa lands more susceptible to partition, fragmentation and alienation; and
  - 3.4.2 this contributed to the erosion of Ngatikahu ki Whangaroa tribal structures, which were based on collective tribal custodianship of land. The Crown's

3. ACKNOWLEDGEMENTS AND APOLOGY

failure to protect the tribal structures of Ngatikahu ki Whangaroa was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

- 3.5 The Crown acknowledges that the compulsory taking of more than 700 acres for a scenic reserve at Ranfurly Bay in 1919 –
- 3.5.1 caused Ngāti Kaitangata to lose many sites of significance and important urupā and wāhi tapu sites, including an urupā which was partitioned from the surrounding land by the Native Land Court in 1917; and
  - 3.5.2 deprived the owners of the significant income they had expected to receive from a 30-year lease of this land; and
  - 3.5.3 was excessive and therefore a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that it took six acres at Mataraka in 1946 for public works which it retained long after the land was no longer used for the purpose for which it was acquired, and only returned the land in 1990 following appeals from descendants of the block's former owners.
- 3.7 The Crown acknowledges that it continued negotiations to purchase Mataraka B despite a meeting of assembled owners informing the Crown in 1949 that they wished to retain this land. In 1958, the majority of Mataraka B was declared Crown land after a small number of owners had approved a Crown offer at an assembled owners' meeting in 1952.
- 3.8 The Crown acknowledges that the cumulative effect of its acts and omissions, including Crown purchases, public works takings and the operation and impact of the native land laws, left Ngatikahu ki Whangaroa virtually landless. The Crown's failure to ensure that Ngatikahu ki Whangaroa retained sufficient land for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

**NGĀ WHAKAAETANGA A TE KARUNA**

- 3.9 E whakaae ana te Karauna i rahua tāna whakatutuki i ngā whakamauroa o Ngatikahu ki Whangaroa i runga i te tika, ā, he tino tōmuri rawa tāna āhukahuka i aua whakamauroa.
- 3.10 E whakaae ana te Karauna nā āna mahi whakaae ki ngā tauwhitinga whenua i mua i te Tiriti o Waitangi, te tuku karāti ki ngā kaiwhakanoho whenua mō ētahi o aua whenua, me te pupuri i te 11 000 eka o ngā 'whenua tuwhene' mai i ngā tauwhitinga i roto i te rohe o Ngatikahu ki Whangaroa –
- 3.10.1 horekau i whai whakaaro ki ngā motika tuku iho me pānga o Ngatikahu ki Whangaroa ki aua whenua; ā,
  - 3.10.2 horekau i aromatawai i te pānga o te makeretanga o aua whenua ki a Ngatikahu ki Whangaroa; ā,
  - 3.10.3 horekau i rūri i te nuinga o aua whenua.

E whakaae ana te Karauna i takahi aua rahunga i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

3. ACKNOWLEDGEMENTS AND APOLOGY

3.11 E whakaae ana te Karauna –

- 3.11.1 he roa tonu te whakahē a Ngatikahu ki Whangaroa i te rahinga o tā te Karauna hokonga o Mangōnui i te tau 1863; ā,
- 3.11.2 horekau te Karauna i tautohe i te tukunga a te Kōti Whakawā Whenua Māori i te tau 1870 tata ki te 4 000 eka i Taemaro i roto i te wā e whakaaetia ana i ngā ture whenua Māori mō te pīra i ngā whakatau a te kōti; ā,
- 3.11.3 i tautohe ngā rangatira Māori o Taemaro i muri atu ka uruhina rātou e te Karauna kia tuku atu i te kokoraho o te poraka hei utu mō te 750 eka pea te rahi i Taemaro me Waimahana: ā,
- 3.11.4 horekau i kapi i te Rāhuitanga Taemaro ngā wāhi katoa e nohoia ana, e tāmatangia ana e Ngatikahu ki Whangaroa; ā,
- 3.11.5 i takahia te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono e te kore whakarite a te Karauna kia puritia e Ngatikahu ki Whangaroa ngā rāhuitanga rawaka i roto i ngā rohenga o te hokonga o Mangōnui.

3.12 E whakaae ana te Karauna –

- 3.12.1 he mea whakarite e te mahinga me te pānga o ngā ture whenua Māori, ina koa te tuku i ngā poraka hira o Taemaro, Taupō, Mataraka B me Motukahakaha ki ngā tāngata takitahi, kua ki te iwi, ngā hapū rānei, kia kaha ake te pā o te roherohe, te whakawehewehe me te makeretanga ki ngā whenua o Ngatikahu ki Whangaroa; ā,
- 3.12.2 i whai wāhi tēnei ki te memeha haere o ngā hanganga ā-iwi o Ngatikahu ki Whangaroa, tērā e ahu mai ana i tō te iwi kaitiakitanga tōpū o te whenua. Ko tā te Karauna rahunga ki te tiaki i ngā hanganga ā-iwi o Ngatikahu ki Whangaroa he takahitanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

3.13 E whakaae ana te Karauna ko te tangohanga whakature o neke atu i te 700 eka mō tētahi rāhuitanga tirohanga i Ranfurly Bay i te tau 1919 –

- 3.13.1 te pūtake i ngaro ai i a Ngāti Kaitangata te maha o ngā pae hira, ngā urupā me ngā wāhi tapu whakahirahira, tae atu ki tētahi urupā i wāwāhia i te whenua huri rauna nā te Kōti Whakawā Whenua Māori i te tau 1917; ā,
- 3.13.2 i whakakore i te whiwhinga a ngā rangatira o ngā whenua i ngā moni whiwhi nunui e ai ki te tūmanako kua whiwhi rātou mai i tētahi rīhi 30 tau te roa i runga i taua whenua; ā,
- 3.13.3 he inati, nā reira he takahitanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

3.14 E whakaae ana te Karauna nāna i tango e ono ngā eka i Mataraka i te tau 1946 mō ngā mahi nunui me te pupuri tonu i taua whenua mō te wā tino roa ake i muri i te whakamahinga mō te pūtake i riro ai, ā, i whakahoki i te whenua i te tau 1990 i muri anake i ngā pīra nā ngā uri o ngā rangatira tōmua o te poraka.

3.15 E whakaae ana te Karauna nāna i whakarite kia haere tonu ngā whakaritenga ki te hoko i te Mataraka B ahakoa te hui o ngā rangatira tōpū tērā i kī atu ki te Karauna i te

3. ACKNOWLEDGEMENTS AND APOLOGY

tau 1949 i hiahia rātou ki te pupuri tonu i taua whenua. I te tau 1958, he mea kī ko te nuinga o Mataraka B he whenua nō te Karauna e tētahi rōpū tokoiti o ngā rangatira o te whenua i muri i te whakaae ki tētahi hui o ngā rangatira tōpū i te tau 1952.

- 3.16 E whakaae ana te Karauna nā te pānga tāpiripiri o āna mahi me āna whakarereanga, tae atu ki ngā hokonga a te Karauna, o te tango whenua mō ngā mahi nunui, me te papātanga o ngā ture whakawā whenua Māori i kore tata nei ai ngā whenua o Ngatikahu ki Whangaroa. Ko tā te Karauna rahunga ki te whakarite kia puritia e Ngatikahu ki Whangaroa te rahi o te whenua e rawaka ana mō ō ratou hiahia o nāianeī me āpōpō he takahitanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

**APOLOGY**

- 3.17 The Crown makes the following apology to the whānau, hapū and iwi of Ngatikahu ki Whangaroa, to your tūpuna and to your mokopuna.
- 3.18 The Crown apologises for its failure to honour its obligations to Ngatikahu ki Whangaroa under te Tiriti o Waitangi/the Treaty of Waitangi. The Crown has taken too long to address appropriately your long-standing and acutely felt grievances, and recognises that this failure has adversely affected generations of Ngatikahu ki Whangaroa.
- 3.19 The Crown profoundly apologises for the hurt and ongoing grievance it caused Ngatikahu ki Whangaroa by taking surplus lands and its prolonged investigation of pre-Treaty land transactions, the adverse impact of native land laws on Ngatikahu ki Whangaroa lands and the Crown's taking of lands from Ngatikahu ki Whangaroa for public works and scenery preservation. The Crown is deeply sorry that the cumulative effects of its actions have deprived Ngatikahu ki Whangaroa of important sites, wāhi tapu and urupā of your tūpuna and left you virtually landless.
- 3.20 The Crown has promoted injurious laws and policies that undermined Ngatikahu ki Whangaroa wellbeing, and disrespected Ngatikahu ki Whangaroa rangatiratanga. For its acts which contributed to the loss of Ngatikahu ki Whangaroa autonomy and damaged Ngatikahu ki Whangaroa's tribal structures the Crown is deeply sorry.
- 3.21 The Crown seeks to atone for past injustices it has inflicted upon you. Through this settlement, the Crown hopes to restore its honour and relieve Ngatikahu ki Whangaroa's justified sense of grievance. The Crown looks forward to forging a new and enduring relationship with Ngatikahu ki Whangaroa based on good faith, mutual respect, partnership and the principles of te Tiriti o Waitangi/the Treaty of Waitangi.

**TE WHAKAPĀHA**

- 3.22 Tēnei te whakapāha atu a te Karauna ki ngā whānau, ngā hapū me te iwi o Ngatikahu ki Whangaroa, ki ō koutou tūpuna me ā koutou mokopuna.
- 3.23 E tuku whakapāha ana te Karauna mō tāna kore whakatutuki i ōna herenga ki a Ngatikahu ki Whangaroa i raro i te Tiriti o Waitangi/the Treaty of Waitangi. He tino roa rawa te wā i pau i te Karauna hei whakatutuki i runga i te tika i ō koutou whakamau mauroa, tino ngau kino hoki. E āhukahuka ana te Karauna he kino te pānga o taua hapa ki ngā whakatupuranga maha o Ngatikahu ki Whangaroa.
- 3.24 E kaha whakapāha ana te Karauna mō te mamae me te whakamau haere tonu ki a Ngatikahu ki Whangaroa e pupū mai ana i tā te Karauna tango i ngā whenua tuwhene



3. ACKNOWLEDGEMENTS AND APOLOGY

me tāna whakatewhatewha auroa i ngā tauwhitinga whenua i mua i te Tiriti o Waitangi. E whakapāha hoki ana mō te pānga kino o ngā ture whenua Māori ki ngā whenua o Ngatikahu ki Whangaroa, me tā te Karauna tango whenua mai i a Ngatikahu ki Whangaroa mō ngā mahi nunui me te tohu i te tirohanga whenua. E kaha pōuri ana te Karauna mō ngā pānga tāpiripiri o āna mahi tērā i tango i a Ngatikahu ki Whangaroa ōna pae hira, wāhitapu me ngā urupā o ō koutou tūpuna, ā, ko te mutunga iho tata kore nei ō koutou whenua.

- 3.25 I whakaturea e te Karauna ngā ture me ngā kaupapahere takakino i tukituki i te oranga o Ngatikahu ki Whangaroa, i tīkai hoki i te rangatiratanga o Ngatikahu ki Whangaroa. E kaha pōuri ana anō hoki te Karauna mō āna mahi tērā i whai takoha atu ki te ngaromanga o te tino rangatiratanga o Ngatikahu ki Whangaroa, i tūkinu rā hoki i ngā hanganga ā-iwi o Ngatikahu ki Whangaroa.
- 3.26 E rīpenetā ana te Karauna mō āna tūkinu o mua i whakawhiua ki runga i a koutou. Mā tēnei whakataunga e tūmanako ana te Karauna ki te whakaora i tōna hōnora me te hiki i te wairua whakamau tika o Ngatikahu ki Whangaroa. E tāria ana e te Karauna te hanga i tētahi whanaungatanga hou, mauroa tonu ki a Ngatikahu ki Whangaroa, ko te ngākau pono, te wairua whakaute tētahi i tētahi, te kōtuinga me ngā mātāpono o te Tiriti o Waitangi/the Treaty of Waitangi ngā pūtake.

## 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 Ngatikahu ki Whangaroa is not possible; and
  - 4.1.3 Ngatikahu ki Whangaroa 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 Ngatikahu ki Whangaroa and the Crown (in terms of te Tiriti o Waitangi/the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngatikahu ki Whangaroa 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 Ngatikahu ki Whangaroa collectively; but
  - 4.5.2 may benefit particular members, or particular groups of members, of Ngatikahu ki Whangaroa if the governance entity so determines in accordance with the governance entity's procedures.

### 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. SETTLEMENT

- 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 cultural redress property; or
  - (b) for the benefit of Ngatikahu ki Whangaroa or a representative entity; and
- 4.6.4 require any resumptive memorial to be removed from a computer register for a cultural redress property; 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 Kahukuraariki Trust, being the governance entity, may hold or deal with property; and
    - (ii) the Trust may exist; and
- 4.6.6 require the Secretary for Justice to make copies of this deed publicly available.
- 4.7 Despite clause 4.6.2 and the provisions of the Treaty of Waitangi Act 1975, the Waitangi Tribunal may complete and release reports on those historical claims of Ngatikahu ki Whangaroa which are currently being heard in the Wai 1040 Te Paparahi o Te Taki inquiry.
- 4.8 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 41 to 55 of the draft settlement bill, –
- 5.1.1 declare Whakaangi (being Whakaangi Scenic Reserve) (as shown on deed plan OTS-116-15) is subject to an overlay classification; and
  - 5.1.2 provide the Crown's acknowledgement of the statement of Ngatikahu ki Whangaroa values in relation to the site; and
  - 5.1.3 require the New Zealand Conservation Authority, or a relevant conservation board, –
    - (a) when considering a conservation management strategy, conservation management plan or national park management plan, in relation to the site, to have particular regard to the statement of Ngatikahu ki Whangaroa values, and the protection principles, for the site; and
    - (b) before approving a conservation management strategy, conservation management plan or national park management plan in relation to the site, to –
      - (i) consult with the governance entity; and
      - (ii) have particular regard to its views as to the effect of the conservation management strategy, conservation management plan or national park management plan on Ngatikahu ki Whangaroa values, and the protection principles, for the site; and
  - 5.1.4 require the Director-General of Conservation to take actions in relation to the protection principles; and
  - 5.1.5 enable the making of regulations and bylaws in relation to the site.
- 5.2 The statement of Ngatikahu ki Whangaroa's values, the protection principles and the Director-General's actions, are in part 1 of the documents schedule.
- 5.3 The parties agree the provision of the overlay classification over Whakaangi (being Whakaangi Scenic Reserve) to the governance entity in accordance with clause 5.1 will not prevent the Crown from entering into and giving effect to another settlement for the same or similar cultural redress.

5. CULTURAL REDRESS

**STATUTORY ACKNOWLEDGEMENT**

- 5.4 The settlement legislation will, on the terms provided by sections 27 to 35 of the draft settlement bill, –
- 5.4.1 provide the Crown's acknowledgement of the statements by Ngatikahu ki Whangaroa of their particular cultural, spiritual, historical and traditional association with the following areas:
- (a) Paekauri Conservation Area (as shown on deed plan OTS-116-17);
  - (b) Coastal Marine Area (as shown on deed plan OTS-116-18);
  - (c) Oruaiti River and its tributaries within the Ngatikahu ki Whangaroa area of interest (as shown on deed plan OTS-116-19);
  - (d) Akatārere Historic Reserve (as shown on deed plan OTS-116-16); and
- 5.4.2 require relevant consent authorities, the Environment Court and the Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 5.4.3 require relevant consent authorities to forward to the governance entity –
- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and
  - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- 5.4.4 enable the governance entity, and any member of Ngatikahu ki Whangaroa, to cite the statutory acknowledgement as evidence of Ngatikahu ki Whangaroa's association with an area.
- 5.5 The statements of association are in part 2 of the documents schedule.

**DEED OF RECOGNITION**

- 5.6 The Crown must, by or on the settlement date, provide the governance entity with a copy of a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to Akatārere Historic Reserve (as shown on deed plan OTS-116-16).
- 5.7 The area that the deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.8 The deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within the area that the deed relates to, –
- 5.8.1 consult the governance entity; and
  - 5.8.2 have regard to its views concerning Ngatikahu ki Whangaroa association with the area as described in a statement of association.

5. CULTURAL REDRESS

**PROTOCOLS**

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

**FORM AND EFFECT OF DEED OF RECOGNITION AND PROTOCOLS**

- 5.11 The deed of recognition and protocols will be –
- 5.11.1 in the form in parts 3 and 4 of the documents schedule; and
- 5.11.2 issued under, and subject to, the terms provided by Subparts 1 and 2 of Part 2 of the draft settlement bill.
- 5.12 A failure by the Crown to comply with the deed of recognition or a protocol is not a breach of this deed.

**CULTURAL REDRESS PROPERTIES**

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

***In fee simple***

- 5.13.1 the fee simple estate in each of the following sites:
- (a) Clarke Block:
- (b) Kōwhairoa ana koiwi:
- (c) Opakau Urupā:
- (d) Otara ana koiwi:
- (e) Pear Tree Bay property:
- (f) Pukeānginga/Kiwitahi Urupā:
- (g) Te Komanga Urupā:
- (h) Temahani Urupā:
- (i) Waipouritaka ana koiwi; and

***In fee simple subject to an easement***

- 5.13.2 the fee simple estate in the Thomson Block, subject to the governance entity providing a registrable right of way easement in gross in favour of the Minister of Conservation, in relation to that site in the form set out in part 6.3 of the documents schedule; and

5. CULTURAL REDRESS

***In fee simple together with an easement***

- 5.13.3 the fee simple estate in Stony Creek Station, together with the Minister of Conservation providing the governance entity with a registrable easement for a right to convey water, in relation to that site in the form set out in part 6.4 of the documents schedule; and

***In fee simple subject to a conservation covenant***

- 5.13.4 the fee simple estate in Taemaro to Tokamatā, subject to the governance entity providing a registrable conservation covenant in relation to that site in the form in part 6.2 of the documents schedule; and

***In fee simple subject to a conservation covenant and easements***

- 5.13.5 the fee simple estate in Paekauri, subject to the governance entity providing –
- (a) a registrable conservation covenant in relation to that site in the form in part 6.1 of the documents schedule; and
  - (b) a registrable easement in gross for a right of way and a right to convey telecommunications and computer media in favour of the Minister of Conservation in relation to that site in the form in part 6.3 of the documents schedule; and

***As a historic reserve***

- 5.13.6 the fee simple estate in Kōwhairoa Peninsula property, as a historic reserve, with the governance entity as the administering body; and

***As a scenic reserve***

- 5.13.7 the fee simple estate in Waihi Bay property, as a scenic reserve, with the governance entity as the administering body.

- 5.14 Each cultural redress property is to be –

- 5.14.1 as described in schedule 3 of the draft settlement bill; and

- 5.14.2 vested on the terms provided by –

- (a) sections 61 to 90 of the draft settlement bill; and
- (b) part 2 of the property redress schedule; and

- 5.14.3 subject to any encumbrances, or other documentation, in relation to that property –

- (a) required by clause 5.13 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.

5. CULTURAL REDRESS

**OFFICIAL GEOGRAPHIC NAMES**

- 5.15 The settlement legislation will, from the settlement date provide for each of the names listed in the second column to be the official geographic name for the features set out in columns 3 and 4.

Existing Name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Berghan Point	Te Whatu / Berghan Point	AU27 510365	Point
Paikauri	Paekauri	AU27 565303	Hill
Akatere	Akatārere	AU28 606262	Hill
Rere Bay	Te Rere Bay	AV28 663256 - AV28 668257	Bay
Waitepipi Bay	Waitepipī Bay	AU28 670265 - AU28 667264	Bay
Unnamed feature	Te Komanga Bay	AU28 667264 - AU28 667261	Bay
Unnamed feature	Hopekako	AV28 673227	Historic Pā site
Stony Stream	Waikōhatu Stream	AU27 579278 - AV27 559232	Stream
Unnamed feature	Kōwhairoa Peninsula	AU28 658267 - AV28 690259	Peninsula
Ranfurly Bay	Kōhatupapā / Ranfurly Bay	AV28 684259 - AV28 688259	Bay
Pa Island	Matanehunehu Island	AU28 646301	Island

- 5.16 The settlement legislation will provide for the official geographic names on the terms provided by sections 56 to 59 of the draft settlement bill.

**CHANGE OF NAMES OF SITES WITHIN CONSERVATION LAND**

- 5.17 The parties agree that –

5.17.1 the settlement legislation will, on the terms provided by section 60 of the draft settlement bill, change the name of Akatere Historic Reserve to Akatārere Historic Reserve; and

5.17.2 the Crown will take the steps necessary to change on the settlement date the name of Paikauri Conservation Area to Paekauri Conservation Area.

**PROMOTION OF RELATIONSHIP WITH LOCAL AUTHORITIES**

- 5.18 Prior to the settlement date, the Director of the Office of Treaty Settlements will write to the Northland Regional Council and the Far North District Council encouraging each council to enter into a memorandum of understanding (or a similar document) with the



5. CULTURAL REDRESS

governance entity in relation to enhancing an ongoing relationship between each council and Ngatikahu ki Whangaroa.

**LETTER OF RECOGNITION**

- 5.19 The Minister for Primary Industries (the **Ministry**) recognises that –
- 5.19.1 Ngatikahu ki Whangaroa as tangata whenua are entitled to have input and participation in fisheries management processes that relate to fish stocks in their area of interest and that are subject to the Fisheries Act 1996; and
  - 5.19.2 Ngatikahu ki Whangaroa as tangata whenua have a special relationship with all species of fish, aquatic life and seaweed within their area of interest and an interest in the sustainable utilisation of all species of fish, aquatic life and seaweed.
- 5.20 The Director-General of the Ministry will write a letter of recognition to the governance entity outlining –
- 5.20.1 that the Ministry recognises Ngatikahu ki Whangaroa as tangata whenua within their area of interest and has a special relationship with all species of fish, aquatic life and seaweed within their area of interest; and
  - 5.20.2 how Ngatikahu ki Whangaroa can have input and participation into the Ministry's fisheries planning processes; and
  - 5.20.3 how Ngatikahu ki Whangaroa can implement the Fisheries (Kaimoana Customary Fishing) Regulations 1998 within their area of interest.
- 5.21 The Crown must, by or on the settlement date, procure that the Director-General of the Ministry will write such letter of recognition to the governance entity.

**CULTURAL FUND**

- 5.22 On the settlement date the Crown will pay to the governance entity \$300,000, which the governance entity will use for the development and implementation of a historic reserve management plan for the Kōwhairoa Peninsula.

**CONSULTATION OVER RANFURLY BAY SCENIC RESERVE**

- 5.23 For the purposes of clauses 5.24 to 5.27, **Ranfurlly Bay Scenic Reserve** means the area shown in yellow on deed plan OTS-116-22.
- 5.24 For the purpose of obtaining input into the management of Ranfurlly Bay Scenic Reserve, the Director-General of Conservation will consult with Ngatikahu ki Whangaroa, and have regard to their views, in relation to –
- 5.24.1 any application under the Reserves Act 1977 in relation to all or any part of Ranfurlly Bay Scenic Reserve for –
    - (a) a concession (section 59A of the Reserves Act 1977); or
    - (b) any other authorisation under the Reserves Act 1977; or

5. CULTURAL REDRESS

- 5.24.2 a proposal in relation to all or any part of Ranfurly Bay Scenic Reserve –
- (a) to exchange the reserve (section 15 of the Reserves Act 1977); or
  - (b) to revoke the reservation or change the classification of the reserve (section 24 of the Reserves Act 1977); or
  - (c) in relation to the management or control of the reserve (sections 26 to 39 of the Reserves Act 1977); or
  - (d) in relation to the preparation of a management plan for the reserve (section 40B of the Reserves Act 1977); or
  - (e) in relation to a permit or authorisation under the Wildlife Act 1953; or
  - (f) in relation to an access arrangement under the Crown Minerals Act 1991.
- 5.25 In particular, the Director-General of Conservation will consult with, and have regard to, the views of Ngatikahu ki Whangaroa in relation to annual business planning for Ranfurly Bay Scenic Reserve.
- 5.26 The parties acknowledge that –
- 5.26.1 the Director-General of Conservation works within time limits to process statutory authorisations and statutory land management proposals; and
  - 5.26.2 the Director-General of Conservation will notify the governance entity as soon as practicable after receiving an application or proposal, including the time frame for providing views; and
  - 5.26.3 if views from Ngatikahu ki Whangaroa are not received within the specified timeframe, the Director-General of Conservation (or Minister of Conservation where applicable) may continue to exercise the relevant powers and functions in relation to any of the matters listed in clauses 5.24.1 and 5.24.2.
- 5.27 The Director-General of Conservation and the governance entity may agree that the obligations set out in clauses 5.24 to 5.26 do not apply to certain applications or proposals referred to in clause 5.24.1 or 5.24.2.

**CULTURAL REDRESS GENERALLY NON-EXCLUSIVE**

- 5.28 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.

## 6 FINANCIAL REDRESS

### FINANCIAL REDRESS

- 6.1 The Crown must pay the governance entity on the settlement date \$2,900,000, being the financial redress amount of \$6,200,000 less the on-account payments referred to in clauses 6.2 and 6.3.

### ON-ACCOUNT PAYMENTS

- 6.2 Within ten (10) business days of the date of this deed, the Crown will pay \$3,000,000 to the governance entity on account of the financial redress amount.
- 6.3 The Crown will pay \$300,000 to the governance entity on account of the settlement, on the payment date, subject always to clauses 6.4 and 6.5.

### ON-ACCOUNT PAYMENT CONDITIONAL

- 6.4 The on-account payment in clause 6.3 is conditional on –
- 6.4.1 the governance entity and the Crown agreeing the terms and conditions of the management agreement; and
- 6.4.2 the management agreement being executed by the governance entity within six months of the date of this deed.
- 6.5 In the event the conditions in clause 6.4.1 and 6.4.2 are not met, the on-account payment of \$300,000 will be added to the amount to be paid to the governance entity on the settlement date and clause 6.1 shall be amended to read as follows:

*"The Crown must pay the governance entity on the settlement date \$3,200,000, being the financial redress amount of \$6,200,000 less the on-account payment referred to in clause 6.2."*

## **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 Ngatikahu ki Whangaroa Claims Settlement Bill will provide for all matters for which legislation is required to give effect to this deed of settlement.
- 7.3 The Ngatikahu ki Whangaroa Claims 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 Governments 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 Ngatikahu ki Whangaroa and the Crown.
- 7.4 Ngatikahu ki Whangaroa and the governance entity must support the passage of the Ngatikahu ki Whangaroa Claims 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 6.2 to 6.5, and 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 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.8 Clause 7.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

### **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. SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

- 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"; but
  - 7.10.4 the parties intend that the on-account payments are taken into account in any future settlement of the historical claims.

## 8 GENERAL, DEFINITIONS AND INTERPRETATION

### GENERAL

- 8.1 The general matters schedule includes provisions in relation to –
- 8.1.1 the implementation of the settlement; and
  - 8.1.2 the Crown's –
    - (a) payment of interest in relation to the settlement; and
    - (b) tax indemnities in relation to redress; and
  - 8.1.3 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 (wherever the claim occurs, including any claims relating to matters outside the area of interest, whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngatikahu ki Whangaroa, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
    - (a) is, or is founded on, a right arising –
      - (i) from the Treaty of Waitangi or its principles; or
      - (ii) under legislation; or
      - (iii) at common law, including aboriginal title or customary law; or
      - (iv) from fiduciary duty; or
      - (v) otherwise; and
    - (b) arises from, or relates to, acts or omissions before 21 September 1992 –
      - (i) by, or on behalf of, the Crown; or
      - (ii) by or under legislation; and
  - 8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Ngatikahu ki Whangaroa or a representative entity, including the following claims:
    - (a) Wai 116 - Taemaro Land claim;
    - (b) Wai 912 - Ngatikahu ki Whangaroa Lands and Resources claim; and

8. GENERAL, DEFINITIONS AND INTERPRETATION

- 8.2.3 includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Ngatikahu ki Whangaroa or a representative entity, including the following claims:
- (a) Wai 45 - Muriwhenua Lands claim:
  - (b) Wai 58 - Whangaroa Lands and Fisheries claim:
  - (c) Wai 230 - Matauri and Putataua Bays claim:
  - (d) Wai 258 - Whangaroa Lands claim:
  - (e) Wai 262 - Indigenous Flora and Fauna claim:
  - (f) Wai 1144 - Constitution Act 1986 claim:
  - (g) Wai 1487 - Florence Bishop & Don Bishop (Ngāitupango, Ngāti Ruamahoe, Ngāti Kura, Ngati Kahu ki Whangaroa) claim:
  - (h) Wai 1661 - Ngāti Rua (Wood, Smith and Wood) claim:
  - (i) Wai 1666 - Ngāti Hine, Ngāti Kawau, Ngāti Kawhiti and Ngā Uri o Te Pona (Taniwha) claim:
  - (j) Wai 1684 - Puru, Torckler and Katene Whanau claim:
  - (k) Wai 1832 - Hapu o Te Rohe Potae o Whangaroa (Kingi) claim:
  - (l) Wai 1845 - Allen, Pawa, Travers and Undin Whanau claim:
  - (m) Wai 1846 - Ngāti Ruamahoe and Ngati Kahu ki Whangaroa (Sailor Morgan) claim:
  - (n) Wai 1848 - Ngāti Miro and Ngāti Kura (Paki Whanau) claim:
  - (o) Wai 1849 - Ngāti Kura and Ngati Kahu ki Whangaroa (Wiremu Samuels) claim:
  - (p) Wai 1850 - Ngati Kura and Ngati Kahu ki Whangaroa (Hera Epiha) claim:
  - (q) Wai 1851 - Ngāti Miro, Ngāti Kura and Ngati Kahu ki Whangaroa (John Terewi) claim:
  - (r) Wai 1852 - Ngāti Kura and Ngati Kahu ki Whangaroa (Epiha Whanau) claim:
  - (s) Wai 1853 - Ngāti Miro, Ngati Kura and Ngati Kahu ki Whangaroa (Wiremu Hone Paki) claim:
  - (t) Wai 1854 - Ngāti Miro, Ngāti Kura and Ngati Kahu ki Whangaroa (Tamaiparea) claim:
  - (u) Wai 1855 - Ngāti Miro, Ngāti Kura and Ngati Kahu ki Whangaroa (Dawn Davies) claim:

8. GENERAL, DEFINITIONS AND INTERPRETATION

- (v) Wai 2004 - Ngāti Kura, Ngati Kahu ki Whangaroa and Whakarara Tribal Committee (Tamaiparea) Lands claim:
- (w) Wai 2023 - Te Pahi Islands (Thorne) claim:
- (x) Wai 2115 - Ngati Kahu ki Whangaroa Natural Resources (Paki) claim:
- (y) Wai 2149 - Ngā Uri o Te Pona Waahi Tapu (Taniwha) claim:
- (z) Wai 2151 - Ngāti Kahu Lands and Other Issues (Stewart) claim:
- (aa) Wai 2170 - Ngati Kahu ki Whangaroa and Ngāpuhi Lands (Pine) claim.

8.3 However, **historical claims** does not include the following claims:

8.3.1 a claim that a member of Ngatikahu ki Whangaroa, 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 tupuna 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.

8.4 To avoid doubt, the settlement of the historical claims of Ngatikahu ki Whangaroa does not affect the right of iwi, hapū or whānau who are members of Ngatikahu ki Whangaroa to apply for the recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011.

8.5 To avoid doubt, clause 8.2.1 is not limited by clauses 8.2.2 or 8.2.3.

**NGATIKAHU KI WHANGAROA**

8.6 In this deed, **Ngatikahu ki Whangaroa** means –

8.6.1 the collective group composed of individuals who descend from one or more Ngatikahu ki Whangaroa tupuna; 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 Aukiwa:
- (b) Te Hoia:
- (c) Ngāti Kaitangata:
- (d) Te Pohotiare:
- (e) Ngāti Rangimatamomoe:
- (f) Ngāti Roha:
- (g) Ngāti Rua; and

8.6.3 every individual referred to in clause 8.6.1.



8. GENERAL, DEFINITIONS AND INTERPRETATION

8.7 For the purposes of clause 8.6.1 –

8.7.1 **descended** means that a person is descended from another person by –

- (a) birth; or
- (b) legal adoption; or
- (c) whāngai (Māori customary adoption) in accordance with Ngatikahu ki Whangaroa tikanga; and

8.7.2 **Ngatikahu ki Whangaroa tupuna** means an individual who –

- (a) exercised customary rights by virtue of being descended from –
  - (i) Kahukuraariki; or
  - (ii) a recognised tupuna of any of the groups referred to in clause 8.6.2; and
- (b) exercised customary rights predominantly in relation to Ngatikahu ki Whangaroa area of interest after 6 February 1840; and

8.7.3 **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 BODY AND SIGNATORIES**

8.8 In this deed –

8.8.1 **mandated body** means the Kahukuraariki Trust Board; and

8.8.2 **mandated signatories** means the following individuals:

- (a) David Manuel, Kaitaia, Project Management:
- (b) Pita Pangari, Dargaville, Kaumatua Māori Health:
- (c) Rawiri Henare, Waimahana Bay, Retired:
- (d) Roger Kingi, Kaeo, Education Consultant.

**ADDITIONAL DEFINITIONS**

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

**INTERPRETATION**

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

SIGNED as a deed on 18 December 2015

SIGNED for and on behalf of )  
NGATIKAHU KI WHANGAROA )  
by the mandated signatories and )  
Kahukuraariki Trust Board )  
in the presence of: )

RAM  
Signature of Witness

Rawiri Manuera  
Witness Name

UE  
Occupation

515 Maitai Bay Rd  
Address RD 3 Kaitiāiā

[Signature]  
David William Manuel

[Signature]  
Pita Michael Pangari

[Signature]  
Rawiri Henare

[Signature]  
Roger Kingi

SIGNED by the trustees of the )  
KAHUKURAARIKI TRUST )  
in the presence of: )

[Signature]  
Signature of Witness

John Henare  
Witness Name

Human Resources  
Occupation

68A CHATSWORTH ROAD  
Address WATER HUTT

[Signature]  
David William Manuel

[Signature]  
Rawiri Henare

[Signature]  
Roger Kingi

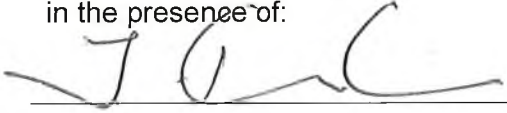
[Signature]  
Celia Robinson

[Signature]  
Manaaki Reremoana Tepania Poto

[Signature]  
Martha Selwyn

[Signature]  
Adrian Thomas Tua

SIGNED for and on behalf of )  
THE CROWN by the Minister for )  
Treaty of Waitangi Negotiations )  
in the presence of: )



Signature of Witness

Tutehoumuku Korako

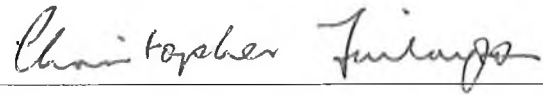
Witness Name

Member Parliament.

Occupation

Rapaki o Te Rauwhakaputa

Address



Hon Christopher Finlayson



Joanne Hayes  
member of Parliament  
Wellington

SIGNED for and on behalf of )  
THE CROWN by the Minister of Finance )  
(only in relation to the tax indemnities) )  
in the presence of: )



Signature of Witness

Amchaere Houkama

Witness Name

Senior Ministerial Advisor

Occupation

Wellington.

Address



Hon Simon William English

**Other witnesses/members of Ngatikahua ki Whangaroa who support the settlement**



Rawiri Manuera

Rawiri Timoti



Harry Rakena

Dorothy Wolgast



Margaret Ross

OTHER WITNESSES

Howe Leo Kabera  
Charlie Tura  
Chris Atang  
Raviuri Timoti  
Les Sepania  
Charles Oliver  
Amelia Poto - ~~Tangata~~  
B. Roberts  
Juliana Poto - ~~Tangata~~  
Albert Poto  
Thelma Rondon  
Lukatali  
J. V. N. Lipana  
J. Kingi - Hurst  
Isabel Kingi  
J W Easton  
Mana Tepeina  
M. Tepeina  
Lincoln Tapawa  
Mac Te Pahi Tapawa  
D. & A. Sepania (Sharp)  
Ngahere Tapawa.

OTHER WITNESSES

Diane Hepper  
Atarea Hepper  
Merahko Hepper  
Iris Hepper  
Martha Mautairi  
Janora Marfai  
Jahniqua King

Maria A. W. Matthews (Manawa)

Ngakapu Matiu Ihaka Cogg - Taumarua.  
Smena Jerry Maruara - Ohangeroi  
W M Yapani  
Lui Sepuni

~~Maria~~  
~~for Jett~~  
A. Yapani

~~Alan Robert L. Masterson~~  
~~Habea Sepuni~~

Marama Sepuni

Michael (Roberts) Dawson

~~Wayne~~ Cyril Bungoyne (Moko - Wayne Bungoyne)

OTHER WITNESSES

Alysa Tangari.

Natanahira Te Koro

Jaegre Weallman - Henore.

Angelina Teapania.

Sandra Hei Hei

Alders Hei Hei

Bob King

Haumia Angell

THOMAS JAMES TEPAHIA 

Jahraya Kingi-Day.

Anne Roberts Robena