

NGAI TĀMANUHIRI
and
TRUSTEES OF THE TĀMANUHIRI TUTU POROPORO TRUST
and
THE CROWN
in right of New Zealand

**DEED TO AMEND THE DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

25 November 2011

DEED TO AMEND THE DEED OF SETTLEMENT

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THIS DEED is made on 25 November 2011

BETWEEN

NGAI TĀMANUHIRI

AND

TRUSTEES OF THE TĀMANUHIRI TUTU POROPORO TRUST

AND

THE CROWN in right of New Zealand acting by the Minister for Treaty of Waitangi
Negotiations

DEED TO AMEND THE DEED OF SETTLEMENT

BACKGROUND

- A. Ngai Tāmanuhiri, the trustees and the Crown are parties to a deed of settlement dated 5 March 2011 (the “**deed of settlement**”).
- B. Ngai Tāmanuhiri, the trustees and the Crown wish to enter into this deed to formally record, in accordance with paragraph 5.1 of the general matters schedule of the deed of settlement, certain amendments to the deed of settlement.

IT IS AGREED as follows:

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1. EFFECTIVE DATE OF THIS DEED

1.1 This deed takes effect when it is signed by the parties.

2. AMENDMENTS TO THE DEED OF SETTLEMENT

2.1 The deed of settlement:

2.1.1 is amended by making the changes set out in schedule 1 and schedule 2 to this deed; and

2.1.2 is further amended by inserting the documents described in schedule 1 and attached in schedules 3 to 5 to this deed; but

2.1.3 remains unchanged except to the extent provided by this deed.

3. DEFINITIONS AND INTERPRETATION

3.1 Unless the context otherwise requires:

“**deed of settlement**” has the meaning it is given by paragraph A of the background;

“**parties**” means Ngai Tāmanuhiri, the trustees and the Crown; and

“**trustees**” means the trustees for the time being of the Tāmanuhiri Tutu Poroporo Trust, in their capacity as trustees of the trust.

3.2 Unless the context requires otherwise:

3.2.1 terms or expressions defined in the deed of settlement have the same meanings in this deed; and

3.2.2 the rules of interpretation in the deed of settlement apply (with all appropriate changes) to this deed.

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SIGNED as a deed

Thursday, 24th November 2011

SIGNED by the trustees of the TĀMANUHIRI
TUTU POROPORO TRUST as trustees of that
trust and for and on behalf of
NGAI TĀMANUHIRI in the presence of:



Reweti Ratu Ropiha



Lisa Janet ~~Maynard~~ Panapa
RH

WITNESS



Name:

^{ann.}
Shirley A. Keown

Occupation:

Clinical Advisor

Address:

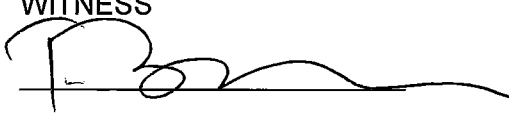
145 Derby St
Auckland

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



Honourable Christopher Finlayson

WITNESS



Name: Tessa Buchanan

Occupation: Policy Analyst

Address: 1/113 Barnard Street
Wellington

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Schedule 1

AMENDMENTS TO DEED OF SETTLEMENT

Clause or schedule or attachments of the deed of settlement	Amendment to the deed of settlement
Clauses 1.18.1, 5.31, 5.37 and 7.2.1	The words "Te Whakarau" are deleted where they appear in these clauses and are replaced with the words "Te Aitanga a Māhaki and Affiliates".
Part 2	The historical account in te reo Māori, attached in part A of schedule 2 of this deed, is inserted immediately before clause 2.1, and after the Waiata tangi composed by Wi Tamihana Pohatu.
Part 3	<p>The following new sentence is inserted immediately after the heading "3 ACKNOWLEDGEMENTS AND APOLOGY":</p> <p>"This part records in English and in te reo Māori the acknowledgements and apology offered by the Crown."</p> <p>The acknowledgements and apology in te reo Māori, attached in part B of schedule 2 of this deed, are inserted immediately after the new sentence set out above, and before the subheading "ACKNOWLEDGEMENTS".</p>
Clause 5.19	The words ", for the benefit of the trustees," are inserted after the word "Trust".
New clauses 5.22A to 5.22C	<p>These clauses are inserted as new clauses 5.22A to 5.22D immediately after clause 5.22 as follows:</p> <p>5.22A The parties intend that if this deed does not become unconditional under clause 7.4, the amount of the purchase price paid by the Crown under clause 5.22.1 will be taken into account in relation to any future settlement of the historical claims.</p> <p>"5.22B In order to further assist with the acquisition by the trustees of the fee simple estate in Te Wherowhero, the Crown has facilitated practical access for the trustees to Te Wherowhero under a binding arrangement by which:</p> <p style="padding-left: 40px;">5.22B.1 the owner of land close to Te Wherowhero (other land) agrees to grant a right of way easement in favour of Te Wherowhero to allow practical access to that site; and</p> <p style="padding-left: 40px;">5.22B.2 as a condition of securing this access, the trustees, the vendor under the purchase agreement and the owner of the</p>

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	<p>other land (three interested parties) have agreed to enter into other mutually beneficial access arrangements affecting:</p> <ul style="list-style-type: none"> (a) Te Wherowhero; and (b) land owned by the vendor under the purchase agreement; and (c) the other land. <p>5.22C The agreement described in clause 5.22B.1 is conditional on the agreement described in clause 5.22B.2 being entered into.</p> <p>5.22D The three interested parties will enter into the access arrangements described in clauses 5.22B.1 and 5.22B.2 (access arrangements) in one or more registrable instruments and the Crown will facilitate registration of the instruments at the cost of the Crown.”.</p>
<p>Clause 5.23</p>	<p>This clause is deleted and replaced with the following:</p> <p>“5.23 The settlement legislation will, on the terms provided by subpart 5 of part 2 of the draft settlement bill, facilitate –</p> <p style="padding-left: 40px;">5.23.1 the acquisition by the trustees of the fee simple estate in Te Wherowhero under the purchase agreement; and</p> <p style="padding-left: 40px;">5.23.2 the granting and registration of the access arrangements.”.</p>
<p>Clauses 5.26 to 5.28</p>	<p>Clauses 5.26 to 5.28 are deleted and replaced with clauses 5.26 to 5.28L as follows:</p> <p>“5.26 Ngai Tāmanuhiri, Rongowhakaata and Te Aitanga a Māhaki and Affiliates and the Gisborne District Council have agreed to establish a local leadership body.</p> <p>5.27 The purpose of the local leadership body is –</p> <p style="padding-left: 40px;">5.27.1 to contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tāmanuhiri, Rongowhakaata and Te Aitanga a Māhaki and Affiliates with their ancestral lands, water, sites, wāhi tapu, and other taonga; and</p> <p style="padding-left: 40px;">5.27.2 to enable individuals and communities within the LLB area, as resources allow, –</p> <ul style="list-style-type: none"> (a) to provide for their social, economic, and cultural well-being; and (b) to achieve improved outcomes in respect of the environment; and

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	<p>(c) to ensure that the Gisborne District Council is appropriately informed of its statutory obligations within the LLB area, including obligations in respect of Te Tiriti o Waitangi arising under the Local Government Act 2002 and the Resource Management Act 1991 and any other relevant enactment.</p>
5.28	The settlement legislation will, on the terms provided by section 46 of the draft settlement bill, set out the functions and powers of the local leadership body.
5.28A	Subject to clause 5.28D, the settlement legislation will, on the terms provided by subpart 3 of part 2 of the draft settlement bill, establish the local leadership body as a permanent statutory body that is a joint committee under the Local Government Act 2002.
5.28B	Ngai Tāmanuhiri, Rongowhakaata, Te Aitanga a Māhaki and Affiliates and the Gisborne District Council have agreed that the membership of the local leadership body will be 12 members, comprising –
	5.28B.1 two members to be appointed by the governance entity on behalf of Ngai Tāmanuhiri;
	5.28B.2 two members to be appointed by the trustees of the Te Aitanga a Māhaki Trust on behalf of Te Aitanga a Māhaki and Affiliates;
	5.28.B.3 two members to be appointed by the trustees of the Rongowhakaata Charitable Trust on behalf of Rongowhakaata; and
	5.28B.4 six members (comprising the mayor and five councillors holding office from time to time) to be appointed by the Gisborne District Council.
5.28C	Ngai Tāmanuhiri, Rongowhakaata, Te Aitanga a Māhaki and Affiliates and the Gisborne District Council have confirmed an intention that –
	5.28C.1 should a post settlement governance entity be established for Rongowhakaata, the post settlement governance entity would replace the trustees of the Rongowhakaata Charitable Trust as a specified appointer; and
	5.28C.2 should a post settlement governance entity be established for Te Aitanga a Māhaki and Affiliates, the post settlement governance entity would replace the trustees of Te Aitanga a Māhaki Trust as a specified appointer.
5.28D	In order for the local leadership body to be established –
	5.28D.1 on or after the settlement date, the governance entity must notify the Crown, that each specified appointer has appointed two initial members of the local leadership body

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	<p>in accordance with the requirements of –</p> <ul style="list-style-type: none">(a) section 44(1)(a) to (c) and (2) of the draft settlement bill; and(b) clauses 5.28E to 5.28H; and <p>5.28D.2 not later than two business days after receiving the notice of the appointments under clause 5.28D.1, the Crown must notify the Gisborne District Council of those appointments; and</p> <p>5.28D.3 not later than 20 business days after receiving the notice from the Crown under clause 5.28D.2, the Gisborne District Council must –</p> <ul style="list-style-type: none">(a) appoint six initial members of the local leadership body in accordance with the requirements of –<ul style="list-style-type: none">(i) section 44(1)(d) of the draft settlement bill; and(ii) clause 31 of schedule 7 of the Local Government Act 2002; and(b) notify the governance entity and the Crown of those appointments. <p>5.28E The governance entity's notice in clause 5.28D.1 must –</p> <p>5.28E.1 be in writing and signed by the governance entity;</p> <p>5.28E.2 specify the names of the two persons appointed by each of the specified appointers to be initial members of the local leadership body;</p> <p>5.28E.3 specify the date of each appointment;</p> <p>5.28E.4 confirm that the appointments were made in accordance with section 44(1)(a) to (c) and (2) of the draft settlement bill;</p> <p>5.28E.5 be addressed to the Crown at the address or facsimile number as provided –</p> <ul style="list-style-type: none">(a) in clause 5.28H; or(b) if the Crown has given notice to the governance entity of a new address or facsimile number, in the most recent notice of a change of address or facsimile number; and <p>5.28E.6 be given by –</p> <ul style="list-style-type: none">(a) personal delivery (including by courier) to the Crown's street address; or(b) by faxing it to the Crown's facsimile number.
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- 5.28F The notice in clause 5.28D.1 is to be treated as having been received –
- 5.28F.1 at the time of delivery, if personally delivered; or
- 5.28F.2 on the day of transmission, if faxed.
- 5.28G However, if the notice is treated under clause 5.28F as having been received after 5pm on a business day, or on a non-business day, it is to be treated as having been received on the next business day.
- 5.28H The address of the Crown is –
- c/- The Solicitor-General
Crown Law Office
Level 10
Unisys House
56 The Terrace
WELLINGTON
- Facsimile No. 04 473 3482
- 5.28I The settlement legislation will, on the terms provided by section 51(1)(b) and (c) of the draft settlement bill, provide that the specified appointers and the Gisborne District Council must enter into an agreement in the nature of a terms of reference, that may relate to matters such as the operational arrangements for the local leadership body, but must be consistent with the settlement legislation.
- 5.28J The draft agreement in part 9 of the documents schedule was produced by Ngai Tāmanuhiri, Rongowhakaata, Te Aitanga a Māhaki and Affiliates and the Gisborne District Council in 2009, and represents the intention of those parties at that time in terms of the foundation and operation of the local leadership body, but it is not a legally binding document.
- 5.28K The Crown acknowledges the area of interest extends south of the LLB area. The Crown acknowledges that neither the participation by Ngai Tāmanuhiri in the local leadership body, nor any other provision in this deed is, or implies, an acknowledgement by Ngai Tāmanuhiri that Ngai Tāmanuhiri do not wish to participate in the management of natural and physical resources in the Hawke's Bay Regional Council's region.
- 5.28L In clauses 5.26 to 5.28K, unless the context requires otherwise, –
- governance document** means the trust deed or other document by which a specified appointer is constituted and governed; and
- LLB area** means the area shown on deed plan OTS-005-044; and
- natural and physical resources** has the meaning given in section 2(1) of the Resource Management Act 1991; and
- Rongowhakaata Charitable Trust** means the charitable trust of that name constituted by a deed of trust dated 22 April 2006; and

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	<p style="text-align: center;">specified appointer –</p> <p>(a) means each of:</p> <p style="padding-left: 40px;">(i) the governance entity;</p> <p style="padding-left: 40px;">(ii) the trustees of the Te Aitanga a Māhaki Trust;</p> <p style="padding-left: 40px;">(iii) the trustees of the Rongowhakaata Charitable Trust; and</p> <p>(b) includes a delegate of, or a successor to, a specified appointer, provided any such delegation or succession complies with the requirements of the governance document of the specified appointer; and</p> <p style="text-align: center;">Te Aitanga a Māhaki Trust means the trust of that name constituted by a deed of trust dated 17 September 2005.”.</p>
Clause 7.2.2	The semi-colon and the word “and” at the end of this subclause are deleted and replaced with a full stop.
Clause 7.2.3	This subclause is deleted.
Clause 7.3A	This clause is deleted.
Clause 7.5	Subclauses 7.5.1 and 7.5.2 are deleted and replaced with: “7.5.1 clauses 5.5, 5.21, 5.22, 5.22A, 5.30 to 5.35, 6.2, 6.3, and 7.1 to 7.12; and 7.5.2 paragraphs 2.1A.1 to 2.1A.3 and parts 4 to 7 of the general matters schedule.”.
New clause 7.10A	This clause is inserted as new clause 7.10A immediately after clause 7.10 as follows: “7.10A For the avoidance of doubt, clause 7.9.2 does not preclude the parties’ reliance on this deed as evidence in any proceeding or claims not settled by this deed.”.
Paragraph 2.1, general matters schedule	The words “on the settlement date” at the end of this paragraph are deleted.
New paragraph 2.1A, general matters schedule	This paragraph is inserted as new paragraph 2.1A immediately after paragraph 2.1 as follows: “The Crown will pay – 2.1A.1 \$500,000 of the interest, payable in accordance with paragraph 2.2, to the governance entity within five business days after 25 November

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	<p>2011; and</p> <p>2.1A.2 \$250,000 of the interest, payable in accordance with paragraph 2.2, to the governance entity on 25 May 2012; and</p> <p>2.1A.3 \$250,000 of the interest, payable in accordance with paragraph 2.2, to the governance entity on the earlier of 24 August 2012 and the settlement date; and</p> <p>2.1A.4 the balance of the interest, payable in accordance with paragraph 2.2, to the governance entity on the settlement date.</p>
Paragraph 6.1, general matters schedule	The definition of " Crown redress " is amended by deleting the word "and" at the end of paragraph (a)(i) and replacing it with the word "or".
Paragraph 6.1, general matters schedule	<p>The following new definition "local leadership body" is inserted immediately after 'LINZ property # 11306' as follows:</p> <p>"local leadership body means the body to be established in accordance with clauses 5.26 to 5.28L; and".</p>
Paragraph 6.1, general matters schedule	<p>The definition of "Muriwai School RFR site" is deleted and replaced with:</p> <p>"Muriwai School RFR site means –</p> <p>(a) the Muriwai School DSP site if the site does not become a purchased deferred selection property; and</p> <p>(b) the Muriwai School House site if it does not become part of the Muriwai School DSP site under clauses 6.20 and 6.21; and".</p>
Paragraph 6.1, general matters schedule	The definition of " Ngai Tāmanuhiri Whānui Trust " is amended by inserting the figure "30" immediately after the word "dated".
Paragraph 6.1, general matters schedule	<p>The definition of "other Wharerata claimants" is deleted and replaced with:</p> <p>"other Wharerata claimants means Ngāti Rakaipaaka, Ngāi Te Rakato, and any other claimants with well founded historical Treaty claims to the Wharerata Forest, as may be determined by the Waitangi Tribunal under the Treaty of Waitangi Act 1975; and".</p>
Paragraph 6.1, general matters schedule	<p>The following new definition "Te Aitanga a Māhaki and Affiliates" is inserted immediately after "tax indemnity" as follows:</p> <p>Te Aitanga a Māhaki and Affiliates –</p> <p>(a) means Te Pou a Haokai (that then became Te Whakarau); but</p> <p>(b) if a deed of settlement of historical Treaty claims is entered into between the group of this name and the Crown, then Te Aitanga a</p>

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	Māhaki and Affiliates has the meaning given to it in that deed; and".
Paragraph 6.1, general matters schedule	The definition of "Te Whakarau" is deleted.
Paragraph 6.1, general matters schedule	The definition of "Tūranganui a Kiwa" is amended by deleting the words "Te Whakarau" and replacing them with the words "Te Aitanga a Māhaki and Affiliates".
Part 3, documents schedule	The lease for the Muriwai School DSP site is amended by deleting the percentage "6%" in clause 3.1 and replacing it with the percentage "6.25%". The lease for the Muriwai School DSP site is also amended by deleting the square brackets around the percentage "3.5%" in clause 3.1(b).
Clause 1.9, part 4, documents schedule	The words "Te Whakarau" are deleted and replaced with the words "Te Aitanga a Māhaki and Affiliates".
Clause 20.10(c), part 6, documents schedule	This subclause is deleted and replaced with the following: "(c) In this clause 20.10, <i>other Wharerata claimants</i> means Ngāti Rakaipaaka, Ngāi Te Rakato, and any other claimants with well founded historical Treaty claims to the Wharerata Forest, as may be determined by the Waitangi Tribunal under the Treaty of Waitangi Act 1975."
Clause 1.1, part 7, documents schedule	The definition of " <i>other Wharerata claimants</i> " is deleted and replaced with: " <i>other Wharerata claimants</i> means Ngāti Rakaipaaka, Ngāi Te Rakato, and any other claimants with well founded historical Treaty claims to the Wharerata Forest, as may be determined by the Waitangi Tribunal under the Treaty of Waitangi Act 1975."
New part 9, documents schedule	A new part 9 is inserted and is named " Draft local leadership body agreement " and a copy of the draft agreement, attached as schedule 3 of this deed, is inserted in new part 9 of the documents schedule.

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New deed plan OTS-005-044, part 2, attachments	New deed plan OTS-005-044, attached as schedule 4 of this deed, is inserted in part 2 of the attachments.
Part 3, attachments	The heading " Muriwai School RFR site " and all of the table immediately following this heading are deleted.
Part 5, attachments	The draft settlement bill in this part is deleted and a new draft settlement bill, attached as schedule 5 of this deed, is inserted in part 5 of the attachments. All of the cross references in the deed or the schedules to a section, subsection, part, subpart, or schedule of the draft settlement bill are amended accordingly.

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Schedule 2

Part A

2 TAHU KÖRERO

- 2.1. Ka noho te tahu kōrero nei hei pūtake mō te whakamihī me te whakapāhā a te Karauna i Wāhanga 3, ki a Ngai Tāmanuhiri.

Kupu whakataki

- 2.2. Ko Ngai Tāmanuhiri tētahi o ngā iwi matua e toru o te rohe o Tūranganui-a-Kiwa (kīia ai ko Tūranga). Tīmata ai te hītori o Ngai Tāmanuhiri e 20 whakatipuranga ki mua i te taenga ake o Tahu Pōtiki. Ko te tātai matua mō Ngai Tāmanuhiri (me Ngai Tahupō) ka tīmata i te whānautanga o Tāmanuhiri e rima whakatipuranga whai muri i a Tahu Pōtiki.
- 2.3 He whanaunga tata a Ngai Tāmanuhiri ki a Rongowhakaata (tae atu ki Ngā Uri o Te Kooti Rikirangi) me Te Whakarau, arā, a Te Aitanga-a-Māhaki, Te Whānau-a-Kai, Ngā Ariki Kaiputahi, Te Whānau a Wi Pere me te Whānau a Rangiwahakataetaea.
- 2.4 Whāia ai e Ngai Tāmanuhiri me ō rātau whanaunga o Tūranga te tikanga o te taunaha hei tohu ki ngā wāhi nui i tō rātau rohe whenua. Waihoki, tērā te kōrero e mea ai, mā te take tipuna me te take tuku iho, ka whai hononga te iwi ki ngā takiwā mai i Te Ngākau o Paritū ki te tonga ki Pouawa i te raki, toro whakauta ki Tutāmoe kia tae ki te hikuwai o ngā awa o Mōtu, o Waipaoa, o Waioeka; mai i konei ka ahu ki Waikaremoana. Ko ngā takiwā ka whai pānga ai a Ngai Tāmanuhiri, mai Te Ngākau-o-Paritū ki te tonga ki Kopututea i te raki, ki Te Ruanui i te uru, haere tonu ki Taumatapoupou, heke iho ki Whakaongaonga me Pukorenui, hoki rawa ai ki Te Ngākau-o-Paritū.
- 2.5 Whakapapa ai a Ngai Tāmanuhiri me ō rātau whanaunga o Tūranga i ētahi tipuna pērā i a Kiwa nāna ko Tūranganui-a-Kiwa, a Paoa (a Pawa rānei) i hīkoi i te tuawhenua, a Ruapani te tipuna taketake o ngā tini tangata.
- 2.6 Nā te nui o te kai i ngā raorao haumako me te nui o te kaimoana, ka hau te rongo mō te nui kai ki Tūranga. Ina rā ko te whakatauki mō te āhua o ngā tangata me te ora o te whenua e mea ai:

Ko Tūranga-a-Mua

Ko Tūranga Ararau

Ko Tūranga Makaurau

Ko Tūranga Tangata-rite

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Ko Tūranganui a Kiwa

2.7 I amokura atu ai e Tāmanuhiri tōna whakapapa mai i ngā arikitunga o Tūranga tangatarite. I whai tonu a Ngai Tāmanuhiri i te kaitiekitunga o tōna mana whenua, i tōna taura kāwai, Tangata i Tūranga Makaurau. I te mutunga iho ko wai ka tohu, ko wai ka hua, he maringa kore tō Ngai Tāmanuhiri i tōna kaitiekitunga o tōna mata, o tōna whenua. Ko te Muriwai te Pā i hua ake nā Tūranga-a Mua. He rauora mō ngā uri a Tāmanuhiri ake tonu atu.

Ka pupuri a Ngai Tāmanuhiri me ngā iwi o Tūranga i te whenua me ngā rawa i raro i ngā tikanga tuku iho o te iwi, o te hapū. Hāunga anō te whanaungatanga i waenganui i ngā iwi me ngā hapū o Tūranganui-a-Kiwa, me te wātea noa o ngā rawa me ngā mahi tauhokohoko ki te katoa, kei tēnā iwi, kei tēnā rōpū tōna ake mana motuhake, tōna ake rangatiratanga, ōna ake hekenga whakapapa me ōna ake tikanga ki te nanao noa ki ngā rawa o te rohe.

2.8 Nō te marama o Oketopa i te tau. 1769 ka tae a Kāpene Kuki ki te rohe i runga i te waka Endeavour; koinei te tūtakitanga tuatahi rawa i waenganui i te Pākehā me ngā whānau, hapū, iwi o Tūranga. Ahakoa te tūmanako kia mārire te tūtakitanga nei, hauwarea ake. Kāore i tūtuki te hiahia o Kāpene Kuki kia whakaki i tōna waka ki te kai me te ūtanga, koia nei te take i tapa ai e ia te rohe nei ko Poverty Bay, ahakoa te nui o ngā rawa o tēnei rohe. Ka noho a ia ki te rohe mō te rua me te hāwhe rā, i roto i tēnei wā tokoiwa ngā Māori i mate, i taotū rānei.

2.9 Nō te tekau tau atu i 1830 ka nui haere ngā tūtakitanga ki te Pākehā. I tēnei wā ka tahuri ngā whānau, hapū, iwi o Tūranganui-a-Kiwa ki te whakahoahoa ki ngā Pākehā ko te tauhokohoko te take. Whāia, ka whakanohongia ngā kaipatu tohorā me ngā tāngata tauhokohoko ruarua noa ki ngā whenua o ngā tāngata whenua. I te tīmatanga ka whirinaki ēnei Pākehā ki ētahi o ngā rangatira ki te tautoko, ki te tieki hoki i a rātau, me te aha, ka hoatu he whenua hei nohonga mō rātau, ka whakamoea hoki ki ngā wāhine tapairu; ko te whakaaro ia ka taka he hua mai i a 'rātau' Pākehā mō ēnei āwhina.

2.10 Whai muri i ngā kaipatu tohorā me ngā tāngata tauhokohoko, ko ngā mihinare. I te tau 1838 ka whakatūria he whare mīhana ki Tūranganui (i ēnei rā ko te tāone o Tūranga), ka whakatūria hoki he kura ki ētahi o ngā kāinga. He wāhi nui tō ngā Māori tōmua i huri hei Karaitiana, ki te hāpai i te rongopai. Nō te tau 1840 ka tae a Te Wiremu (William Williams) o Te Rōpū Hāhi Mihinare (Church Missionary Society) ki Tūranga; hāunga tērā, he tini ngā Māori o te rohe kua mōhio kē ki te whakapono hou nei me ngā painga, pērā i te pānui me te tuhi kōrero.

2.11 Nō te marama o Mei i te tau 1840 ka tāpaea e Te Wiremu he tārua o te Tiriti o Waitangi ki ētahi o ngā tāngata whenua o Tūranga. I mua tata rā, i whakatūpatu atu a Te Wiremu ki ngā Māori o Tūranga kei tae ētahi atu tāngata ki te hoko i te katoa o te takiwā. E rua tekau mā rua ngā rangatira i haina te Tiriti i meatia te Karauna ka ōati ki ngā Māori kia manaakitia ngā Māori me ō rātau whenua, ō rātau kāinga me ngā taonga i hiahia rātau te pupuri. Kāore rawa atu he tuhinga mō ngā whakawhitinga kōrero i mua i te hainatanga nei.

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- 2.12 Taea rawa ki te tōmuritanga o ngā tau whā tekau o te rau tau atu i 1800, āwhiwhi e 2400 te iwi Māori i te rohe o Tūranga me ngā kaihoko Pākehā e 40 me ā rātau wāhine, ā rātau tamariki Pākehā mai, hāwhe kaihe mai. Kāore i ārikarika te whai a Ngai Tāmanuhiri me ngā hapū iwi o Tūranga i ngā tuwheratanga i te noho mai o te Pākehā ki Aotearoa. Tae rā anō ngā rawa me ngā taputapu hoko o Tūranga ki Tāmaki-makau-rau, ki Ahitereiria hoki. E ai ki tētahi mihingare o Tūranga, ko te tekau tau atu i 1850 he wā “ka hua te pai me te taonga ki ngā tāngata Māori.”
- 2.13 I tahuri te Karauna ki te hoko whenua ki te rohe o Tūranga i ngā tau atu i 1840 ki te tau 1860. E 57 eka anake i riro mai ki te Karauna, kīia ai ko te “pātiki a te Kāwanataga’. Ko tā ngā iwi o Tūranga, he hononga kei waenganui i ngā mahi hoko whenua a te Kāwanatanga me te tika o te mana a te Karauna i runga i a rātau.
- 2.14 Mai anō i te tōmuatanga o te tekau tau atu i 1850 ka tahuri ētahi o ngā Māori o Tūranga ki te tango anō i ngā whenua he mea kerēme e ngā tāngata whai nā rātau i hoko i mua i te hainatanga o te Tiriti o Waitangi. Nō te tau 1859 ka tonu te Karauna i tētahi Kaikōmihana ki te rangahau i ēnei hokonga whenua. E 2,200 eka anake te nui o ēnei whenua hoko, heoi i whakahētia katoatia e ngā rangatira o Tūranga me tā rātau ki kei te hiahia rātau kia whakahokia ki a rātau aua whenua. Whai muri, ka unuhia e te nuinga o ngā tāngata whai ā rātau kerēme. Ko te kōrero a te Kaikōmihana ki te Kāwana e mea ai ko te nuinga o ēnei hokonga whenua nō muri kē i te rāhui a te Karauna i ngā hoko whenua tūmataiti i waenganui i ngā tāngata whai me ngā iwi Māori. Ka kōrero a ia mō te ‘heahea’ o ngā tāngata whai ki te rapu i ngā manaakitanga a te Kāwana mō tā rātau takahitanga o te ture. Kāore he tūtohutanga a te Kaikōmihana. Ahakoa te tohetohe a ngā Māori o Tūranga kia hoki mai aua whenua, ka puritia tonutia ngā whenua tohe nei e ētahi atu o ngā tāngata whai.
- 2.15 I te tau 1865, ka noho tonu ko ngā iwi, ngā hapū, ngā whānau o Tūranga te mana whakahaere. Nō ngā tau tōmua o te tekau tau atu i 1850 ka whakatūria e rātau he rūnanga ki te whakahiato kaupapa here mō te whakahaere i ā rātau take, ā, tae rawa ki te paunga o taua tekau tau he wāhi nui tōna i ngā whakahaere o te rohe. Kotahi anake te āpiha a te Karauna i te rohe i mua i te tau 1865, arā he Kaiwhakawā Manaiti i ngā tau 1855 ki te 1860. Ka whakamutua tana mahi whai muri i tētahi haerenga a te Kāwana Tianara a Thomas Gore Brown ki roto i te rohe i te tau 1860. Hei tā te Kāwana i pōuri ngā Māori ki te hikinga o te haki a Peretānia i tōna haerenga, kīhai hoki rātau i aro atu ki te mana o te Kuini. I tua atu, ka kōrero a ia ki te Tari Taiwhenua mō ngā kupu a ngā Māori o Tūranga e mea ai, mēnā kīhai te take o tana haerenga ki te whakahoki i aua whenua tohe ki ngā Māori, kāore he take o tana haere mai’. Nō muri i tana unuhanga ka puta te kōrero a te Kaiwhakawā e mea ai ‘kīhai ngā Māori i whakaae ki te tika o te Karauna ki te tonu Kaiwhakawā ki a rātau nō te mea kīhai rātau i hoko whenua ki te Kuini, nō reira kāore he mana o te Kāwanatanga ki runga i a rātau’. Hāunga tērā, he wā anō ka tonu ngā whānau, ngā hapū me ngā iwi o Tūranga ki ngā āpiha a te Kāwanatanga mō ētahi āwhina me ētahi pūtea taurewa ki te whakatū kaupapa ūmanga.

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Waerenga-a-Hika, 1865

- 2.16 Nō te tīmatanga o ngā pakanga mō te whenua i te tekau tau atu i 1860, ka noho a Ngai Tāmanuhiri me ngā iwi o Tūranga ki te taha. Kīhai rātau i kuhu ki ngā whawhai ki Taranaki nā te mea 'me noho rātau ki te kāinga ki te tieki i ō rātau ake whenua'.
- 2.17 Nō te Hūrae i te tau 1861 ka tuhi a Raharuhi Rukupo mō ngā rangatira o te Rūnanga o Tūranga, ki te Hupiriteneti o te Porowini o Te Matau-a-Māui me tana āwangawanga i te rongo kei te tonoa he hōia ki Ahuriri. Ka matāpae rātau ka tuki te Karauna ki a rātau kia whiwhi ai ō rātau whenua me te kōrero, 'he mōmona ō mātou whenua, nā te mōmona ka taka iho ngā moni. Koia nei pū te take ka whawhai te Karauna ki a mātou.' Whāia, ka whakahē te Rūnanga o Tūranga i ngā whawhai ki ētahi atu rohe o te motu, ka tono hoki mō ngā whenua i tangohia mō te kore noa iho kia hoki atu, kia pai ai ngā Māori ki ngā mahi a te kāwanatanga. Ka pēnei anō tā rātau titiro ki ngā raruraru i rohe kē, me kī i te ekenga o te riu ki Waikato e ngā hōia i te tau 1863.
- 2.18 Waihoki, ka noho ko te Rūnanga o Tūranga te mana nui i te rohe i tēnei wā, hāunga te whakakeke o ētahi o ngā tāngata whai ki te 'noho i raro i te maru o te rūnanga', me tā rātau pēhi i ēnei āhuatanga ki te tuwhera mai he huakitanga.
- 2.19 Nō te tau 1862 ka waihangaia e Te Ua Haumene, poropiti o Taranaki, tana hāhi Pai Mārire, he mea takea mai i te Paipera Tapu. Ko te ōati a te Pai Mārire ka tū motuhake te iwi Māori. Tae rawa ki te paunga o te tau 1864, kua tahuri ētahi Māori o Te Ika-a-Māui ki te whakapono hou nei. Koinei te tau i tonoa a Te Ua Haumene i ētahi o āna tāngata Pai Mārire ki Tūranga. Ko ētahi o ēnei tāngata i te kōhurutanga o te mihingare a Te Wākana (Carl Volkner) i Opōtiki i te marama o Maehe i te tau 1865. Ka rere ngā kōrero e mea ai kei te haere atu ngā Pai Mārire ki roto o Tūranga ki te patu i ngā tāngata whai katoa ki reira. Hāunga tērā, nō te hipanga o ētahi wiki e noho ana ngā tāngata a Te Ua ki Tūranga, ka whiwhi a Te Wiremu i tētahi tārua o ngā tuhinga tohutohu a Te Ua ki āna apataki, 'kīhai he whakahau....ki te kōhuru" i roto i aua tohutohu.
- 2.20 Nō te taenga atu o ngā kōrero mō te kōhuru i Opōtiki, tokomaha ngā Māori o Tūranga i karanga ki a Te Wiremu ka tiekina rātau. Kīhai ngā Māori i whakaae ki te kōrero e mea ai kia hopukina ngā apataki Pai Mārire me tā rātau kōrero ki a Te Wiremu e mea ai, 'kīhai he toto i maringi mai ki konei, me ki tērā.'
- 2.21 I te noho tūpato ngā rangatira o Tūranga i te whakapono hou nei. Heoi, nō te taenga o ngā apataki a Pai Mārire i te marama o Maehe i te tau 1865, tokomaha tonu ngā Māori nō ngā iwi me ngā hapū o Tūranga ko ētahi hoki o te iwi o Ngai Tāmanuhiri i huri hei Pai Mārire. I puta te kupu whakaweti a tētahi o ngā kaiārahi e rua o te tira Pai Mārire ki te patu i ngā tāngata whai katoa, heoi i whakakāhoretia e tēra o ngā kaiārahi. Ka rite te kōrero a ngā rangatira o Tūranga, ka tieki rātau i ngā tāngata whai me te mea ka pīrangi tonu rātau kia whai i te ara mārire. Hauwarea ake, ka wehi tonu ētahi o ngā tāngata whai, ko ētahi ka wehe atu i te rohe o Tūranga.
- 2.22 Ka tipu te māharahara a te Kāwanatanga i te hōrapa o te whakapono Pai Mārire me te patunga o Te Wākana. Waihoki ka tohungia te Hupiritene o te Porowini o Te Matau-a-Māui, a Te Mākarini (Donald McLean), kia whiriwhiri i te whakautu a te Kāwanatanga. Nō te marama o Aperira i te tau 1865 ka puta te kupu a Kāwana Kerei e whiu ana i te "rōpū

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- pōrangi kīia ai ko Pai Mārire”, me te pānui e mea ai ka huri te Kāwanatanga ki te ātete me te pēhi i ngā rōpū pēnei i a Pai Mārire, mā te mau pū.’ Mōhio tonu te Kāwanatanga kīhai i tareka tana whakamana i tēnei kōrero, whāia ka karanga a ia ki ngā ‘tāngata kaha’ ki te whakapau kaha ki te tautoko i tēnei kōrero. Ko te whakahau ki a Te Mākarini kia hopu i ngā kaiārahi o te Pai Mārire mēnā ka taea.
- 2.23 Nō te marama o Aperira i te tau 1865 ka tae ētahi o ngā rangatira o ngā iwi me ngā hapū o Tūranga ki te kite i a Te Mākarini i Ahuriri ki te ki atu ka tiekina e rātau ngā tāngata whai o Tūranga, me te kī atu kua te Kāwanatanga e kuhu ki ngā riri i Opōtiki. Ka tono rātau kia kua e tukua he hōia ki roto o Tūranga. I mahara a Te Mākarini ki te wairua whakahoahoa i waenganui i te tokomaha o ngā Māori o Tūranga me ngā apataki Pai Mārire, koinei te take kīhai a ia i whakapono ki te kupu e mea ai ka manaakitia ngā tāngata whai i Tūranga. I tua atu ka tuhi a ia mō te māharahara o ngā rangatira kei tae ake ngā hōia ki te rohe nā te wairua pai i waenganui i ngā Pai Mārire me ētahi o ngā Māori o Tūranga.
- 2.24 Nō te marama o Mei i te tau 1865 ka kawea ake e Kapene Luce te āpiha a Kāwana Kerei, tētahi rangatira nō tētahi iwi noho tata; nāwai, ka titia e te rangatira rā te haki o Peretānia ki runga i ētahi whenua tohe i te puaha o te awa o Tūranganui. Nā tēnei ka nui haere te āwangawanga o ngā iwi me ngā hapū. Heoi i te noho matakū ngā apataki Pai Mārire ki te whakararuraru i te noho o ngā tāngata o te rohe ‘kei whai wāhi te kāwanatanga te kuhu mai ki te ātete i a rātau’; nā tēnei kīhai i rawekētia te pouhaki rā.
- 2.25 Nō te marama o Hune i te tau 1865 kawea ai e ngā apataki te whakapono Pai Mārire ki ngā takiwā ki te raki o Tūranga. Atu i te Hune ki te Oketopa ka tū ngā riri i waenganui i ngā Pai Mārire me ētahi atu Māori o Te Tai Rāwhiti. Nāwai, ka tukua atu e te Karauna he hōia, he kariri hoki ki te tautoko i te hunga e whawhai ana ki ngā Pai Mārire. I kuhu ētahi o ngā Māori o Tūranga ki aua riri i te raki. Nā tētahi āpiha Karauna nā Te Piiki (Major Reginald Biggs) tētahi o ngā rangatira o Tūranga a Pita Tamaturi i whakamate.
- 2.26 Ka hinga ngā Pai Mārire, ka rere ētahi ki ō rātau whanaunga i roto o Tūranga, i whai āwhina nei rātau i te wā o ngā whawhai. Nā konei ka tahuri ētahi rangatira o Te Tai Rāwhiti ki te whawhai ki ēnei Pai Mārire ki roto o Tūranga. Kāore ngā whānau, hapū, iwi o Tūranga tae atu ki te hunga whai i te Pai Mārire i pīrangi kia tū he whawhai ki roto o Tūranga.
- 2.27 Nō te marama o Hepetema i te tau 1865 ka tono a Hirini Te Kani rangatira o Tūranga ki te Kāwanatanga kia tukua mai he hōia me ētahi pū. Ka mea atu a ia ki ngā Pai Mārire e kore ngā hōia e tahuri ki te whawhai. Nō te marama o Oketopa ka tae ake ētahi atu hōia ki te whakakaha i te puni Karauna. Ka tae ki te paunga o taua marama, ka piki te riri i te taenga atu o ētahi Māori o Te Tai Rāwhiti e aru ana i ngā Pai Mārire i rere i ngā whawhai i Te Tai Rāwhiti. I mea atu ngā whānau, hapū, iwi o Tūranga ki a rātau kia hoki, ‘kia kua e hāpaingia te riri me te maringi toto ki tēnei takiwā’.
- 2.28 Nō te rā 1 o Nōema i te tau 1865 ka tae te whakahau a te Karauna ki āna hōia e whawhai ana i Te Tai Rāwhiti kia neke ki Tūranga. Nō te 3 o Nōema i te tau 1865 ka ki te Pirimia a Edward Stafford ‘koinei pea te wā pai rawa ki te patu i ngā Hauhau (Pai Mārire) ki Tūranga i te mea kei te kaha ā tātau hōia, kei te ngoikore hoki rātau te hunga whakakeke’.

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- 2.29 Ka pāhotia te kōrero a te Karauna ki roto o Tūranga kia mutu ngā whakawhitinga kōrero i waenganui i ngā Māori 'pai' me te hunga whai i te Pai Mārire. Ka whakarere ētahi o ngā tāngata whai i noho tawhiti atu i Tūranga i ō rātau kāinga, ā, ka murua ngā taonga i ētahi o ēnei kāinga mahue. Ka takoto te kupu ōati a Raharuhi Rukupo, tētahi o ngā rangatira whai mana o ngā Pai Mārire e mea ai ka whakaemia ngā taonga rā; kīhai i roa ka tīmata te kohikohi a ngā Pai Mārire i aua taonga, i aua taputapu hei whakahoki. Heoi, kāore ngā āpiha a te Karauna i whakaae kia tūtaki ki a Rukupo kia tae mai rā anō a Te Mākarini ki te rohe.
- 2.30 E ai ki ture o Peretānia, kotahi anake te kaupapa e tareka ai te Karauna te whakawhiu i ētahi o āna tāngata, ara, mēnā ka tū mai rātau he tangata whakakeke. I te marama o Nōema i te tau 1865 ka whakapae te Karauna he tāngata whakakeke kei waenganui i ngā Māori o Tūranga whai muri i ngā tautoko i whiwhi ngā Pai Mārire i ngā whawhai i Te Tai Rāwhiti. Heoi kāore ngā Māori o Tūranga i hiahia kia whawhai ki roto o Tūranga; kāore he hua o te tono nei kia kōrero ki te Karauna.
- 2.31 Nō te rā 9 o Nōema i te tau 1865 ka tae ake a Te Mākarini me te taua nui ki roto o Tūranga ki te aha, ki te āki i ngā Pai Mārire o Tūranga kia hauraro ki te Karauna. Nō te rā o muri mai ka pāho te kupu a te Karauna kia tuku mai ngā Pai Mārire o Tūranga i ngā tāngata kōhuru me ētahi atu, tae atu ki te hunga i whawhai ki te Karauna i ētahi atu rohe ki roto i ngā ringaringa o te Karauna. I tua atu ka whakahau te Karauna kia tuku ngā Pai Mārire o Tūranga i ā rātau pū, kia ōati hoki ki te Karauna, kia hauraro ki ngā ture o Peretānia, kia tuku paremata ki ngā tāngata whai mō ā rātau taonga i kahakina, kia pana hoki i ngā apataki o te Pai Mārire ki waho atu o te rohe. Mēnā kāore e tutuki ēnei, ka raupatutia te whenua, ka whakatūria he pā hōia ki roto o Tūranga.
- 2.32 Kīhai a Te Mākarini i aro atu ki ngā tono a ngā Pai Mārire o Tūranga kia whakawhiti kōrero. Ka rere wawe ngā Pai Mārire nō ētahi atu rohe ki waho atu o Tūranga whai muri i ngā whawhai i Te Tai Rāwhiti. Ka tono a Raharuhi Rukupo me ētahi atu o ngā kaiārahi o te Pai Mārire ki a Te Mākarini kia whiriwhiri rātau i tētahi whakaaetanga mārie o tēnei tohenga. Kāore a Te Mākarini i paku aro atu.
- 2.33 Ko te rā eke ai te whakahau nei ko te 16 o Nōema i te tau 1865. Nā runga i te rongo o Te Mākarini tērā pea ka whakaae ētahi o ngā Pai Mārire ki āna whakahau, ka whakaroangia atu te wā kati.
- 2.34 Nō te rā 17 o Nōema i te tau 1865 ka whakaeke te ope taua a te Karauna ki te pā o Waerenga-a-Hika, hāunga te mea i te pā o Pukeamionga kē ngā apataki kawē i te Pai Mārire e noho ana; i tua atu, nō te marama o Mei rawa rātau hoki ai ki Taranaki. E 200 ngā wāhine me ngā tamariki i roto i te pā. Kāore i roa ka tae atu ngā tāngata e 200 mai i Rongowhakaata me Te Whānau-a-Kai ki te āwhina i te iwi i roto i te pā. Ka kōkiri rātau te rārangi hōia o te Karauna, heoi, e 34 rātau i hinga i te riri tungutu, kātahi ka hoki whakamuri ki roto i te pā. Nō te rā 22 o Nōema ka puta ētahi tāngata e 400 i te pā o Waerenga-a-Hika, ka tuohu ki mua i ngā hōia, kia kaua rātau e patua, e mauherea rānei. Ko te kōrero ki a rātau pēnei, kāore rātau e mau ki te herehere, engari ka pana ngā mea nanakia rawa atu o rātau ki waho o te rohe. Ko ētahi hia rau atu tāngata o te pā ka puta, ka rere ki Waikaremoana. Kāore i raro iho i te e 71 ngā tāngata o roto te pā ka mate i ngā rā e 5 i te wā i awhitia ai te pā.

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Te Mauheretanga ki Wharekauri, 1865 ki te 1868

- 2.35 Whai muri iho i ngā ririri, ka tahuri ētahi o ngā kūpapa nō tētahi iwi noho tata ki te wāwāhi me te muru i ngā kāinga me ngā taonga a ngā tāngata whai me ngā Māori i roto i te rohe. Kāore te Karauna i paku aha ki te aukati i tēnei mahi. E ai ki ngā tuhituhinga a tētahi o ngā tāngata whai o te wā, kino ake te mahi a ngā kūpapa i ngā mahi takatakahi, hūkarikari a ngā Pai Mārire. Nā ēnei mahi tūkinō i ngā kāinga me ngā taonga o te rohe, me te mahue o ngā māra kai, ka pā mai te kore kai me te mate kino ki ngā whānau, hapū, iwi o Tūranga. E ai ki ētahi kōrero ka mate ētahi tāngata i ēnei mahi mōrikarika.
- 2.36 I ngā marama e ono o te tau 1866, āwhiwhi e 116 ngā tāne o Tūranga - tae rawa ki ētahi mai Ngai Tāmanuhiri – ka mutu i mauherea i Waerenga-a-Hika, i tautoko rānei i a te Pai Mārire, i kawea ki Wharekauri (Chatham Islands/Rekohu), ki reira mauherea ai, he mau pū ki te Karauna te take. Nō te marama o Tihema i te tau 1867 ka kīia ai ēnei mauhere e te pirimia a Edward Stafford he 'kaiwhana mautohe Māori'. Ā muri ake, kāhore rawa ēnei tāne i whiua e te ture mō te kore paku aha.
- 2.37 Āwhiwhi e 49 ngā wāhine e 38 ngā tamariki i whai i ngā tāne ki Wharekauri (Chatham Islands/Rekohu). Nā te unuhanga o te kō atu i te 200 tāngata mai i Tūranganui-a-Kiwa tae atu ki ētahi o ngā rangatira, ka pūare mai he whāwhārua nui ki te whakararuraru i ngā whānau, hapū, iwi ka mahue iho ki Tūranga. Nō te paunga o te tau 1866 ka tonoa ētahi atu mauhere Māori mai Te Matau-a-Māui ki Wharekauri (Chatham Islands/Rekohu).
- 2.38 Ki a Ngai Tāmanuhiri, he takahitanga i te ture te roanga rawa atu o te mauheretanga o ēnei tāngata me te kore whakawākanga i raro i te ture. Nō te tau 1866 ka whakamana i te kāwanatanga tētahi hanganga ture hei unu i ngā whiu i ētahi o ngā mahi a te Karauna ki te pēhi i tērā i whakapaea ai he hunga whana. Ka whakakorengia tēnei ture e te Paremata o Peretānia, heoi nō ngā tau 1867 me 1868 ka whakamana e te pāremata o Niu Tireni ētahi hangana ture unu whiu rite ai.
- 2.39 Ka whakamōhiotia atu ngā āpiha a te Karauna ki ngā rangatira o Tūranga, ko te roa o te noho o ngā mauhere ki Wharekauri (Chatham Islands/Rekohu), kei runga i te āhua o tā rātau noho mārire ki Wharekauri (Chatham Islands/Rekohu). Nō muri, i te tono a te Whakarau kia hoki rātau ki te kāinga, ka kīia atu ka puritia tonutia rātau kia tau rawa te rangimārie ki roto o Tūranga. Heoi, tērā tētahi atu take hei whakaarotanga ake mā te Kāwanatanga i te mauheretanga o te Whakarau. Hei tā te Manatū Arai Hoariri 'kia noho rātau ki te mauheretanga kia tutuki rā anō te raupatu o ō rātau whenua". Nō te marama o Hune i te tau 1867 ka kōrerotia atu ētahi ka tukua rātau kia haere inā tutuki te mahi raupatu whenua ki roto o Tūranga. He pai te noho a te Whakarau i Wharekauri (Chatham Islands/Rekohu), hāunga, ruarua noa ngā mauhere i tukua i mua i te rerenga mai o te Whakarau i te marama o Hūrae i te tau 1868.
- 2.40 Ko tētahi o ngā tāngata o Tūranga i kawea ki Wharekauri (Chatham Islands/Rekohu) ko Te Kooti Arikirangi. Ahakoa te mea i whawhai a Te Kooti ki te taha o te Karauna, ka whiua te whakapae he pūrahōrua a ia, he kaiwhāngai i ngā Pai Mārire ki te kariri me te pū. I mau a ia ki te herehere, ka pātaingia, ā, nā te kore taunakitanga ka tukua kia haere. I te marama o Maehe o Aperira rānei o te tau 1866 ka mauherea anōtia a Te Kooti i mua i te kawenga ki Wharekauri (Chatham Islands/Rekohu). Arā noa atu ngā kōrero mō te

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mauheretanga i a Te Kooti. Whakapono ai te tokomaha o ngā Māori o Tūranga he wāhi nui tō ngā kaihekohoko o Tūranga ki te whakawhere i te Karauna ki te mauhere i a ia nā te mea koia kei te whakararu i ngā mahi tauhekohoko a te hunga nei. Nō te rā 4 o Hune i te tau 1866 ka tuhi a Te Kooti ki a Te Mākarini e mea ai kia whakawāngia a ia, me te pātai he aha te take i mauherengia a ia kāore he whiunga ki runga i a ia. Ka hia nei āna tono kia whakawāhia a ia, hauwarea ake.

- 2.41 Ka whīwhiwhi te take o ngā mauhere, ki te hiahia o te Kāwanatanga ki te raupatu i ngā whenua o Tūranga whai muri iho i te whakaekenga o te pā o Waerenga-a-Hika. Nā te uaua o te huarahi whāia ai e te Kāwanatanga ki te whakatūtuki i te raupatu i ngā whenua o Tūranga, ka puritia tonutia ngā mauhere, ā, tae rawa iho ki te tau 1868. Ka whiua e te Kāwanatanga ngā Whakarau kia pēhia tā rātau noho. He makariri ake a Wharekauri (Chatham Islands/Rekohu) i a Tūranga; kāore ō rātau kākahu mahana. Ka mate ngā Whakarau i te waihanga i ō rātau ake whare me te rapu i tētahi wāhanga o ā rātau kai. Neke atu i te e 28 ngā tāngata i mate, ko ētahi he wāhine he tamariki i whai atu i ngā tane. Tērā tonu pea, nui kē atu ngā tāngata i mate engari kāore i rēhitatia ō rātau ingoa. I tūkinotia rātau e ētahi o ngā tutei, he ngākau kino i puta, ka rongo hoki rātau i te ngākau mōrearea. Riria hoki e te Karauna tāna ake tākuta mō te kino o āna mahi.

Te whai i a Te Kooti me te Whakarau, 1868-1869

- 2.42 Nō te marama o Hune i te tau 1867 ka whakamōhio atu te Karauna ki te Whakarau i mauheretia i Wharekauri (Chatham Islands/Rekohu), kāore rātau e hoki ki te kāinga kia tutuki rā anō ngā ritenga raupatu i ō rātau whenua. He hahau kino tēnei i te manawa o ngā mauhere; whāia, ka kaha te tipu haere o te whakapono Ringatū he mea waihanga nā Te Kooti. Nō konei ka tīmata ngā whirwhiringa me pehea te puta i Wharekauri (Chatham Islands/Rekohu). Nō te marama o Hūrae i te tau 1868 i ārahi a Te Kooti i te Whakarau e 298 te nui kia whakarere i Wharekauri (Chatham Islands/Rekohu). Ka kāhakina e rātau he kaupuke ka hoki ki Aotearoa ka tau ki Whareongaonga i te tonga o Tūranga. Ko te whāinga o Te Kooti kia mārire tā rātau haerenga ko te Whakarau ki Taupō.
- 2.43 Heoi, kāore i roa ka tū mai he ope taua a te Karauna ki te tūtaki i a rātau. Ka tuku te Karauna i āna karere ki te Whakarau e mea ai kia turaki ā rātau pū me te hoki mārire ki Tūranga. Neke atu i te rua tau o te mauheretanga me te kore whakawā, i te mōhio te Whakarau ki te whāinga o te Karauna ki te raupatu i ō rātau whenua, kāore tonu i whakapono ki ngā mahi a te Karauna. Taro ake, ka hiki te ope taua me ngā kūpapa Māori a te Karauna ki te hopu i a rātau. I te mōhio tanga ko te whāinga o te Whakarau kia rere ki uta, ka arahina e Te Piiki (Captain Reginald Biggs) te ope taua ki te aukati i te ara ki Waikaremoana. I konei ka mōhio, kāore he putanga, kāore he titiro ki te ao mārama, ko te pakanga kei te haere. E rua ngā whiringa kei mua i te aroaro o te Whakarau; ko te whawhai, ko te hauraro ki te Karauna me te mauheretia anōtia mō te kore noa iho; ka puta te kōrero whakatau; me whawhai. Nō te marama o Hūrae me te tōmuatanga o Akuhata i te tau 1868, ka hinga te ope taua a te Karauna me āna hoa Māori i ētahi pakanga. Waihoki, ka noho a Te Kooti ki te pā o Puketapu mō ētahi marama ki te whiriwhiri me aha. Ka haere mai ētahi o ngā Māori o Tūranga me iwi kē ki te tautoko i te Whakarau.
- 2.44 Nō te marama o Hepetema i te tau 1868 ka tāpaea atu ki te Whakarau ngā ritenga a te Karauna kia mutu te riri, ko te mea nui o ngā whakaritenga kia turaki te Whakarau i āna

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pū, kia hauraro ki te Karauna. Ka ōati hoki te Karauna ka kitea he whenua noho mō rātau. I tae atu he kōrero ki te Whakarau engari kāore i te mōhiotia mēnā i tae te katoa o ngā kōrero a te kāwanatanga ki a rātau.

Te riri ki Ngātapa, Tihema 1868 – Hānuere 1869 me ā muri:

- 2.45 Nō te atatū o rā 10 o Nōema i te tau 1868 ka whakaeke a Te Kooti me te Whakarau ki runga i a Matawhero. I taua marama ka huakina a Pātutahi me Oweta. Ka patua a Te Piiki me ngā tāne, wāhine, tamariki e 50 neke atu, Pākehā mai, Māori mai. Ko ētahi o te hunga i patua he momo hōia, he momo hōia tuao e noho ana i ngā whenua o te Whakarau, he Māori rānei i whai wāhi ki ngā tauhokohoko whenua, ki te panatanga rānei i a Te Kooti. He nui ngā kāinga i murua, i tahuna, engari anō ngā whare karakia me ngā whare kura. Whai muri i ēnei whakaekenga ka mauherea te hia rau tāngata o ngā whānau, hapū, iwi o Tūranga e te Whakarau.
- 2.46 Tere te whakautu a te Karauna, ka whakaemi i tētahi ope taua nō Tūranga me ngā iwi noho tata ki te hopu i te Whakarau. Ka whawhai i ngā marama o Nōema me Tihema i te tau 1868, tokomaha o te Whakarau i mate. Nui te Whakarau ka hinga i ngā pū a ngā kūpapa a te Karauna ki Makaretu, tāne mai, wāhine mai, tamariki mai. Tae rawa ki te tōmuatanga o Tihema, ka rere te Whakarau ki Ngātapa, he pā i te tihi o tētahi hiwi maunga tūpoupou.
- 2.47 Nō te marama o Tihema i te tau 1868 ka tae atu a Kānara Whitmore me tētahi taua pirihihana mau pū ki roto o Tūranga ki te tautoko i te puni hōia i reira. Nō te tōmuatanga o te marama o Hānuere ka awhitia a Ngātapa e ngā hōia me ngā kūpapa Māori. Nō te rā 5 o Hānuere i te tau 1869 i te paunga o te wai i te pā, ka rere a Te Kooti me ētahi o āna tāngata mā tētahi paripari tuwhera kia puta ki waho i a Ngātapa. Ka whāia rātau e ngā kūpapa a te Kāwanatanga mō hia ngā rā. Ka puta te pānui a te Kāwanatanga e mea ai, e kotahi mano pāuna ka utua mō te hopu i a Te Kooti ora mai, mate mai rānei; e rima pāuna ka utua mō ngā tāngata o te Whakarau engari kia ora tonu ēnei.
- 2.48 E ai ki te pūrongo a Whitmore e 136 ngā tāngata o Ngātapa i mate i mua i tana hokinga ki Tūranga. E ai ki ētahi atu kōrero nui noa atu ngā tāngata i mate. Tāpae atu ētahi kōrero e mea ai kāore i pērā te nui o te tangata i mate i Ngātapa i ngā ringaringa o te Karauna. Tokomaha ngā tāne i hopukina ka patua kāore he whakawākanga, me te tūngoungou atu o ngā āpiha matua o ngā hōia a te Karauna me ngā āpiha kāwanatanga i reira. Kāore i te mōhiotia tokohia ngā tāngata i patua noatia, ā, kei te tohe tonu ngā pū kōrero mō tēnei take. Hāunga te mea i pānuitia ēnei patunga i ngā nūpepa, kāore he rangahau ōkawa i ngā nekenekehanga i Ngātapa. Kāore i kore he mauhere kē nā Te Kooti ētahi o te hunga i mate ki Ngātapa, mal i te whakaekenga i a Tūranga, ā, ko rātau pea ētahi o ngā mauhere i patua ki Ngātapa.
- 2.49 Nō te marama o Hepetema i te tau 1869 ka whiua ētahi tāne tokorima o Tūranga i hopukina ki Ngātapa mō ā rātau tūkinotanga i te wā o te whakaekenga o Tūranga e Te Kooti me te Whakarau i te tau 1868. E toru rātau i whiua kia whakamatea engari nō muri mai, ka mauheretia. Ka mate whakamomori te mea tuawhā. Ko te mea tuarima i whakamatea.

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- 2.50 Nō muri i te hinganga o Ngātapa ka rere ngā mōrehu o te Whakarau ki Te Urewera. Tatū rawa iho ki te tau 1872, whāia haeretia ai rātau e ngā ope taua puta noa i ngā rohe ki te puku o Te Ika-a-Māui. I taua tau ka rere a Te Kooti ki te whakamarumarutanga o Te Rohe Pōtae, ki reira kauhautia ai e ia te rangimārie me te ūnga ki te ture. Nō te tau 1883 ka whai wāhi a Te Kooti ki te rārangi murunga hara a te Karauna mō ngā hoariri i te wā o Ngā Pakanga o Niu Tīreni.
- 2.51 Nō te tau 1888 ka pōhiritia a Te Kooti kia hoki ki Tūranga, heoi, ka hiki tētahi ope mau pū nō Tūranga me Te Tai Rāwhiti ki te aukati i tana ara ki Waiotaha. Ka mauherea a Te Kooti e te Karauna ka waihotia ki roto whare herehere i tana kore utunga i te kotahi mano e rima rau pāuna kia puta atu. Whai muri i tana whakawākanga ka whiua a Te Kooti mō te huinga i waho o te ture, hāunga te mea kāore i whakaritea he rōia hei waha mōna, kāore hoki a ia i whiwhi whakamāoritanga o ngā taunakitanga kia mutu rā anō te whakawākanga. Ka toa te pira a Te Kooti ki te Te Kōti Teitei heoi, ka huripokina tēnei e te Kōti Pira.
- 2.52 E rua ngā tāpaetanga a te Karauna i ētahi pihi whenua mō Te Kooti. Ka unuhia tētahi o ēnei pihi whenua i te mea kāore e ora te tangata ka noho ki reira. Ka noho a Te Kooti i runga i te poraka whenua tuarua i Ohiwa. Nō te marama o Aperira i te tau 1893 ka mate a Te Kooti i tētahi aituā i a ia e hoki ana ki Ohiwa. Whāia ka tukuna te whenua i Ohiwa ki te Hāhi Ringatū.

Te raupatu me te wehenga i Tūranganui-a-Kiwa, 1866-1868

- 2.53 Ka tau te whakaaro o te Karauna ki te raupatu i ngā whenua. Ko tāna i hiahia ai ko ētahi whenua hei whakanoho i ngā tāngata whai, hei utu hoki i ngā whakapaunga mō ngā pakanga.
- 2.54 Nō te marama o Tīhema i te tau 1865 ka tau te Ture Whakanoho ki Niu Tīreni o te tau 1863 a te Karauna ki runga i a Tūranga, he ture i uhia ki runga i ētahi atu rohe i Te Ika-a-Māui. Mā tēnei ture ka taea te raupatu i ngā whenua katoa i tētahi wāhi kua tohungia. Ka taea e te tangata Māori ahakoa ko wai, ka mutu, he whenua ōna i roto i aua whenua raupatu, te whiwhi paremata mēnā ka taea e ia te whakatau ehara ia i te tangata whakakeke.
- 2.55 Heoi, nā ngā whakataetae i waenganui i ngā porowini ka āta haere noa te raupatu i ngā whenua o Tūranga. I hiahia ngā tangata matua o te porowini o Te Mata-a-Māui mā rātau kē e whakatau i te whakanoho tāngata whai ki Tūranga, hauwarea atu mā ngā kaiārahi o te porowini o Akarana. I te tōmuatanga o te tau 1866 ka tūhuratia ngā puna hinu ki te riu ki Waipaoa; kātahi ka kaha rawa atu te hiahia o Te Matau-a-Māui me Akarana ki te whakahaere i ngā nekenekehanga ki Tūranga. Ka tareka ētahi Māori o Tūranga te karo i tēnei mā te rīhi me te hoko whenua i mua i te raupatutanga. Nō te marama o Mei i te tau 1866 ka whakatūpato te Karauna i ngā tāngata whai kei whitiwhiti rātau mō ngā whenua i raupatutia.
- 2.56 Nō te tau 1866 ka rapu te Karauna i ētahi atu tikanga ki te raupatu i ngā whenua o te Māori, whai muri i ngā arohaenga a te Kāwanatanga o Peretānia mō te raupatu noa i ngā whenua o ngā Māori kīia ai he kūpapa, i raro i te Ture nei. Ko te hiahia o te

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Kāwanatanga o Peretānia kia whakawhiti kōrero te Kāwanatanga o Niu Tīreni mō ngā "tangōhanga" i mua i te ūtaina o te ture raupatu.

- 2.57 Ka kōrero te kāwanatanga o te porowini o Akarana mō tētahi hanganga ture hou e tareka wawetia ai te rironga mai o ngā puna hinu; ka tautoko te Karauna i tēnei hiahia. Ka whakamanatia te Ture Whai Taitara Whenua mō Te Tai Rāwhiti i te tau 1866 kia taea ai e te Kōti Whenua Māori te whakatau ko wai ngā rangatira Māori o ngā whenua i mua i te raupatutanga. Mēnā ka taea e te Karauna te whakaatu ki te Kōti, ae, i "whakakeke" ētahi Māori, ka riro ō rātau pānga tuku iho (tae atu ki ngā whenua rere ai te hinu) ki te Karauna. Ka tohungia e te Karauna ko Te Piiki (Captain Reginal Biggs) he tangata whai, hōia hoki, hei kanohi mōna i ngā kēhi i raro i te Ture o te tau 1866.
- 2.58 Nāwai, ka ngana a Te Piiki ki te whiriwhiri i te unuhanga o tētahi poraka whenua i mua i te kawenga ki te aroaro o te Kōti Whenua Māori. Ka mea te Kāwanatanga ka utu paremata a ia ki ngā Māori ka kūpapa ki raro i tōna mana he whenua nō rātau kei roto i te poraka nei. Heoi, ka tō haere ngā whiriwhiringa, nā te hiahia o te māngai a te Karauna a Te Piiki kia nui atu ai ngā whenua he mea homai e te Māori tērā i ngā whenua i riro mai. I roto i ēnei whiriwhiringa, hei ētahi wā ka whakawehi te Karauna i ngā whānau, hapū, iwi o Tūranga, ka kīia atu ki te kore rātau e whakaae noa ki tāna e hiahia ai, ka tahuri a ia ki te Ture Whakatau ki Niu Tīreni, ki te Kōti Whenua Māori rānei e mahi ana i raro i te East Coast Native Land Titles Investigation Act (kīia ai e ētahi ko te 'Kōti tango whenua').
- 2.59 I whakararua ngā hiahia o te Karauna ki te raupatu i ngā whenua o Tūranga nā te hē o te takoto o ngā tuinga i te te Ture Whai Taitara Whenua mō Te Tai Rāwhiti, nā tēnei hapa me uaua te ki kei te Kōti te mana ki te raupatu i ngā whenua o ngā tāngata kīia ai kei te whana ki te Karauna. Me tonu rā anō te Karauna kia hiki te Kōti Whenua Māori i huaki i Tūranga i te marama o Hūrae i te tau 1867, kia tareka ai te whakatika i taua hapa i te titonga o te ture rā. Nō te tdmuringa o te tau 1867 ka tutuki ēnei whakatikatikatanga.
- 2.60 Ka pēhia ngā Māori o Tūranga, ka tere pau ā rātau rawa, nā te noho a te Kōti Whenua Māori i te marama o Hūrae i te tau 1867, tāpae atu ko te tonu a te Karauna kia hiki te Kōti. Kāore i roa whai muri i te mutunga o te whakawākanga ka haina e ngā Māori e 256 o ngā whānau, hapū, iwi o Tūranga e whakahē ana i ngā mahi whakatumatuma a te Karauna kia riro ai ngā whenua raorao o te rohe ki a ia anō. Ko tā rātau i whakapae ai, nā te poto o te whawhai i te tau 1865 me te roa o te wā kua pahure, kia kaua e tangohia he whenua.
- 2.61 Ka kaha ake anō te Karauna i āna mahi tango whenua ki Tūranga; nō te marama o Pēpuere i te tau 1868 ka uru a Te Mākarini ki ngā whakawhitinga kōrero ki te āwhina i a Te Piiki. Ka puta anō te kupu whakatumatuma a Te Mākarini ki ngā whānau, hapū, iwi o Tūranga e mea ai, ki te waiho e rātau mā te Kōti Whenua Māori i raro i te Ture Whai Taitara Whenua mō Te Tai Rāwhiti hei whakatau i ngā kaupapa "ka kore he whenua e mahue ki a koutou, haria katoatia ai e taua kōti". Heoi, me ki, kāore i tutuki ngā hiahia o Te Piiki rāua ko Te Mākarini, kotahi anake te poraka whenua i riro mai, ko te poraka Tūranganui Nama 2 e 741 eka te rahi, nō muri ka tū te puku o te tāone o Khipene ki runga i tēnei pito whenua.

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2.62 Nō te marama o Maehe i te tau 1868 ka tono te Karauna ki te Kōti Whenua Māori kia rangahaua ngā taitara ki ngā whenua katoa i Te Tai Rāwhiti i raro i te Ture Whai Taitara Whenua mō Te Tai Rāwhiti. Heoi, i whiua atu e te Kōti te tono nei a te Karauna nā te mea kāore i whai wā tika ngā Māori i te pānuitanga i tēnei tono. Ka unuhia e ngā Māori te nuinga o ā rātau kerēme i te mea kua kore rātau e whakaponono ki te kaha o te Kōti Whenua e mahi ana i raro i te Ture Whai Taitara Whenua mō Te Tai Rāwhiti. Kātahi ka tahuri te Karauna ki te whakakī i te tūranga o te ture me te ture hou nei te Ture mō Te Tai Rāwhiti. Mā tēnei ka whiwhi te Kōti Whenua Māori i te mana ki te tuku i ngā whenua o te hunga whakapaetia ai he tangata whana ki te Karauna, ki ngā Māori kīia ai e te Kōti he kūpapa.

Ka tango e te Karauna a Te Hau-ki-Tūranga, 1867

2.63 Nō te tōmuatanga o te tau 1867 ka tae ake te Minita o te Karauna mō ngā Take Māori a J.C Richmond ki te tātari i ngā whitiwhitinga kōrero a Te Piiki mō te tango whenua, i te whakatahanga o ngā mahi raupatu a te Karauna i te nui whenua. I a ia i Tūranga ka whiriwhiri a ia ki te tango i a Te Hau ki Tūranga he whare tīpuna o te hapū o Ngāti Kaipoho o Rongowhakaata. I hanga te whare nei i te rau tau atu i 1840 i raro i ngā tohutohu a te tohunga whakairo rā a Raharuhi Rukupo hei maharatanga mō tōna tuakana. Hei uri a Rukupo nā Tāmanuhiri. Nō muri ka tuhi kōrero a ia e mea ai, i tono a Richmond me Te Piiki kia hoatu a Te Hau ki Tūranga ki te Karauna. Kāore a Rukupo i whakaae i ngā pataitanga e rua mō te whare. Hauwarea ake, ka turakina te whare e ngā hōia o te Karauna ka kawea ki Pōneke.

2.64 Kotahi rau pāuna i utua ki ētahi Māori. Kāore a Rukupo i whakaae kia tangohia te whare. E ai ki ngā kōrero a Kāpene Fairchild te tangata nāna i whakarite te kawenga o te whare, ka mātaki atu te iwi i te wāhiatanga o te whare 'me te auē i ngā rāweketanga i te whare'. Nō te tau o Aperira i te tau 1867, i roto i tētahi reta ka tuhi a Richmond, ko te unuhanga o Te Hau ki Tūranga 'tēnei whare whakairo ātaahua rawa atu, ka hiki ake i tōku mana.' Whai muri i ngā whakahēnga i āna mahi tango i te whare me tētahi pitihana whakahē, ka puta te kōrero a Richmond e mea ai i hui ngā whānau, hapū, iwi o Tūranga ka whakaaetia te tukunga o te whare ki te kāwanatanga kia taea ai te tieki me te whakapaipai. Ka whakahēngia tēnei kōrero āna e ngā taunakitanga a ētahi atu.

2.65 Nō te marama o Hūrae i te tau 1867 ka pitihana a Rukupo me ētahi atu ki te Karauna mō te tangōhanga o te whare. E ai ki te pitihana i kāhahina noatia ai te whare, kīhai i whakaaetia. I takoto ngā taunakitanga e mea ai i tāpaea e ngā whānau, hapū, iwi o Tūranga ā rātau kupu whakahē i te murunga o te whare. Heoi ka whirinaki te Komiti mō Ngā Take Māori ki ngā taunakitanga a Richmond i a rātau ka whakatau me kua ngā Māori e whai wāhi ki tētahi whakatikatikatanga. Ko tā rātau i whakatau ai, i riro atu te whare ki ngā ringaringa o te Karauna nā te mea he tāngata 'whana' āna tāngata, tāpae atu ko te 'nui' moni i utua. Nō te tau 1864 i tāpaea e tētahi tangata, rōpū rānei te e toru rau pāuna mō te whare, waihoki, i te tau 1878 ka puta te kōrero a Kāpene Fairchild e mea ai taea anōtia ai te kotahi mano pāuna ki te hokona te whare ki te māketete i Rānana. I te wā ka heria te whare tērā tētahi āpiha nō te Whare Taonga o Poipiripi (Melbourne Museum) e rapu ana kia hokona mai te whare.

2.66 Nō te tau 1878 ka pitihana a Wi Pere me ētahi atu kia whakahokia mai a Te Hau ki Tūranga, kia utua anōtia rānei he moni paremata. Ko te kōrero a Kāpene Fairchild ki te Komiti mō Ngā Take Māori e mea ai i whakahē ngā Māori i te murunga o te whare, ā, ka

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mate a ia ki te 'muru i te whare mā te ringa kaha'. Ko te tūtohutanga a te Te Komiti mō Ngā Take Māori, nā te iti o te paremata e kotahi rau pāuna i tāpaea, kia utua e te Karauna te e toru rau pāuna ki te hunga nō rātau te whare, mā konei ea katoa ai ngā kerēme mō te whare. Nāwai, ka utua te moni rā ki te hunga pitihana, heoi kāore i rangahaua mēnā ko rātau ngā rangatira ake o te whare. Nā reira e kore e tareka te ki nā te moni nei i ea ai te utu mō te whare.

- 2.67 Mai i te tau 1867 kua tū a Te Hau ki Tūranga ki ētahi whare taonga ā-motu. Mai i te wā ka taka te whare ki roto i ngā ringaringa o te Karauna kua raweketia, whakapaipaitia, whakahoungia, ā, ko ētahi o ngā wāhanga kua ngaro hoki. I mahia ēnei mahi katoa me te noho kūare o Rongowhakaata, kia tae rā anō ki ēnei tau tata nei. I tēnei wā kei te tū a Te Hau ki Tūranga ki Te Papa Tongarewa. Koia te whare tawhito rawa kei te tū i Aotearoa, ā, koia te taura pai rawa atu o ngā toi whakairo o Tūranga.

Whakaaetanga Unuhanga, Nōema-Tīhema 1868

- 2.68 Nō te paunga o te tau 1868 ka tahuri te Karauna ki te whakawehi i ngā Māori o Tūranga mō ngā mahi a te Whakarau. I rapu anō te Karauna kia tukua e ngā Māori o Tūranga ētahi whenua hei kaupare atu i te raupatu. I mua tata rawa o te whakaaekenga o Tūranga i te marama o Nōema i te tau 1868 i mea atu a Te Piiki ki ōna rangatira, taihoa nei ka tāpaea e ngā whānau, hapū, iwi o Tūranga i te whenua papatahi e 10,000 ki te e 15,000 te rahi, me tana tūtohu atu kia whakaae te Karauna ki tēnei tāpaetanga. Nō muri i te whakaaekenga, ka rahi atu te whenua ka torongia ai e te Karauna.
- 2.69 Nō te marama o Tīhema i te tau 1868 ka whakatūpato a JC Richmond he Minita o te Rūnanga Kāwanatanga i ngā Māori o Tūranga, ki te kore e eke te korahi o te whenua kei te hiahia te Karauna, ka unuhia e te Karauna ōna whakamarumarutanga i Tūranga. Hei ko tāna me whiriwhiri ngā Māori o Tūranga ko te kāwanatanga i raro i te Karauna, i raro rānei i a Te Kooti, i raro rānei i ngā kūpapa Māori a te Karauna nō tētahi atu rohe. Atu i te rā 18 o Tīhema i te tau 1868 ka tōia ngā Māori e 279 o Tūranga kia haina i tētahi whakaaetanga ā-pepa ka tuku i te e 1.195 miriona eka ki te Karauna. Mā tēnei ka raupatungia e te Karauna ngā whenua o te tini Māori kāore i tae ki te hainatanga, ka whakapaetia ai e te Karauna he tāngata whana.
- 2.70 Ka hiahia te Karauna kia pupuri i tētahi wāhanga o aua whenua hei whakatū pā hōia, heoi, kāore i whakamārama i te whakaaetanga ā-pepa e hia te korahi o aua whenua. I roto anō i te Whakaaetanga e mea ai ka whiwhi paremata ngā Māori kua riro ō rātau whenua ki te Karauna ka mutu ehara i te tangata whakakeke; kāore tēnei i tutuki. Ko te tikanga, whai muri i tētahi rangahau a tētahi kōmihana (nō muri ka kīia ko te Kōmihana o Tūranganui) kia kitea nō wai ake aua whenua, ka whakahokia te nuinga o aua whenua ki ngā Māori. Heoi ka whiua e te kōmihana te hunga whakapaetia ai he tangata whakakeke mā te tango i ō rātau ingoa i ngā rārangi o te hunga ka whakahokia aua whenua.
- 2.71 Nō te marama o Pēpuere i te tau 1869 ka puta te pānui a te Karauna e mea ai kua whakangaromia te taitara tuku iho a Ngai Tāmanuhiri i ngā whenua kei raro i te whakaaetanga tuku.
- 2.72 Nō te tau 1869 ka whiriwhiria e te Karauna tētahi whakaaetanga me ngā Māori o Tūranga mō te korahi o te whenua ka puritia e ia, ko te mate kē kāore i tuhia tikanga

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tēnei whakaaetanga. Nō te tau 1873 ka rūria e te Karauna ngā poraka o Pātutahi me Te Arai i runga i tōna hiahia kia puritia ēnei poraka. E 31,301 eka te nui o ēnei poraka. Heoi ki tā ngā āpiha a te Karauna, kāore e rahi ēnei whenua. Nāwai, ka tāpiritia atu ngā whenua e 19,445 eka ki ngā whenua ka puritia ai e te Karauna, mā te whakahoki i ngā rāina tapa o ēnei poraka ki te awa o Hangaroa.

- 2.73 I te mutunga, e 50,000 eka i puritia e te Karauna ki a ia anō i ngā poraka o Pātutahi, o Te Muhunga me Te Ārai, tata ki te tāone o Khipipene. Heoi kei te mau tonu ngā Māori o Tūranga ki te kōrero e mea ai i whakaae rātau ki te e 15,000 eka anake ki te Karauna; nāwai, ka tangohia e te Karauna te whenua nui atu i Pātutahi me Te Muhunga.
- 2.74 Nō te tau 1920 whai muri ngā tohenga me ngā pitihana i roto i ngā tau e ngā Māori o Tūranga, ka whakatau tētahi Kōmihana Pakirehua i whakaae ngā Māori kia tukua te whenua e 30,000 eka anake ki te Karauna. Ka tūtohu te Kōmihana kia utu paremata te Karauna. Heoi, taka rā anō ki te tau 1950 kātahi anō ka utu te Karauna i tētahi paremata e 38,000 pāuna, ko te nuinga ki a Rongowhakaata. Ka tohea tēnei utunga e Te Whānau a Kai me te aha, e 58 pāuna anake ka tukua ki a rātau mō ā rātau pānga i roto i te poraka. Kāore he paremata i utua mō te poraka o Te Muhunga.

Te Kōmihana o Tūranga

- 2.75 Nō te tau 1869 ka whakatūria e te Karauna te Kōmihana o Tūranga ki te whakatau ko wai ka whai pānga ki ngā whenua ka kapi i te whakaaetanga tuku o te tau 1868, kia whakahokia ai ki ngā Māori. Ka hāua e te Kōmihana ngā tāngata whakakeke mā te whakakore i a rātau i ngā taitara ka tūtohungia kia whakahokia. Ka tohe te Kaiwhakawā Matua o te Kōti Whenua Māori a Francis Fenton i tāna e mea ai kāore he mana ā-ture o te Kōmihana ki te mahi i ēnei mahi, ka mutu ka taupatupatu tēnei mana o te Kōmihana ki ngā mātāpono o te kaupapa ture o Ingarangi i takea mai i te Magna Carta rā anō.
- 2.76 I tua atu ka whakamanatia e te Karauna te Kōmihana ki te rangahau i ngā hokonga whenua ki ngā tāngata whai i roto i ngā tekau tau, hāunga te kōrero tūmataiti a ngā āpiha kāwanatanga he takahitanga tēnei i ngā hanganga ture kei runga i aua kerēme whenua tawhito rā. Ka pēhia e te Karauna ngā Māori kia whakaae ki te whakaaetanga tuku, tae atu ki tētahi whiti o roto e mea ai i whakaae rātau ki tēnei momo rangahau.
- 2.77 Ka tohungia e te Karauna ngā kaiwhakawā e rua o te Kōti Whenua Māori ki te Kōmihana. Nō te tau 1869 ka noho te Kōmihana i Tūranga mō ngā rā e 33, ka rongo i ngā kerēme Māori e 75 mō ngā whenua e 101,000 eka te nui. Ko te putanga o ēnei huihui ka whakawhiwhia a Ngai Tāmanuhiri ki te e 15,000 eka i ngā poraka o Maraetaha, Te Kuri, Wherowhero, Pākowhai, Wharetunoa me Tangotete. Taea rawa ki te whakamanatanga o te Ture Whenua Māori i te tau 1873, kua pau katoa ēnei whenua te hoko, te rīhi, te mōkete. Ka whiwhia ngā tāngata whai ki ngā whenua e 1,230 eka puta noa i Tūranga.
- 2.78 Me kī, nā te Kōmihana i raupatu ngā pānga whenua o ngā Māori o Tūranga nāna i aukati i ngā taitara nā te whakapae he tāngata whana. I tua atu he maha ngā aukatinga noa; whāia, kāore i rangahau mēnā he tāngata whana kāore rānei. Kāore he putanga mō te hunga 'whana' i noho whenua kore nā ēnei rangahau.

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- 2.79 Nō te tau 1873 ka hui anō te Kōmihana o Tūranganui mō tētahi wā poto, engari he nui te hunga tohetohe. Kāore i whakaaetia e te Kōmihana te tono a Wi Pere kia rāhuitia ngā whenua kāore anō kia whakawāngia, ki raro i ngā kaitieki e 12 o ngā iwi. Whakahokia kētia aua whenua ki ngā Māori i raro i te taitara Māori tuku iho. E 50,000 eka o ngā whenua he pānga o Ngai Tāmanuhiri. Ka takoto i te Ture Whenua o Tūranganui i te tau 1874 te kōrero e mea ai ā muri ake ka taka ngā rangahau o ngā whenua i roto i aua poraka tuku ki raro i ngā whakahaere o te Ture Whenua Māori o te tau 1873.
- 2.80 Ka whiwhia e te Karauna ki ngā Māori o Tūranga te nohonga-rua o ngā whenua i whakahokia ki a rātau i muri i ngā whiriwhiri a te Kōmihana o Tūranganui nō wai aua whenua. I roto i ēnei whakahaere, ko te pōhēhē he rite ngā pānga o te katoa ki ngā whenua, kāore i arongia ai mēnā he nui atu o ētahi, he iti iho o ētahi. Ko te mate o tēnei, kāore e tareka e te tangata te tuku i ōna pānga i te whenua ki ōna uri whakaheke. Waihoki, ka mate ana he tangata whai pānga ki aua whenua, ka hoki ōna pānga ki ngā tāngata whai pānga kei te ora tonu. Nō te tau 1869 ka panoni e te Karauna ngā hanganga ture mō ngā whenua Māori kia taea ai e te tangata Māori i roto i aua whenua te tuku iho i ōna pānga ki āna uri.
- 2.81 I te tau 1873 ka tahuri te Karauna ki te whakatika i ngā raruraru i pā ki a Ngai Tāmanuhiri me ētahi o ngā Māori o Tūranga i ēnei momo taitara mā ngā hanganga ture hou e huri ai ngā nohonga-rua ki ngā nohoanga noa. Heoi kāore i pā te Ture mō Ngai Karāti Māori o te tau 1873 ki ngā whenua kua rīhitia rānei, kua hokona rānei, kua mōketetia rānei, kua mate rānei ngā tāngata. Waihoki, kua riro ngā whenua raorao pai rawa atu e 15,000 eka te nui o Ngai Tāmanuhiri i mua i te whakamanatanga o te ture nei.

Ka tau ngā ture whenua Māori i ngā tekau tau o 1860 me 1870

- 2.82 Nā ngā māharahara mō te ngoikore o ngā whakahaere e pā ana ki ngā whenua Māori, ka whakatūria e te Karauna tētahi pūnaha hou i ngā tau tōmua o te tekau tau atu i 1860. Ka whakatūria te Kōti Whenua Māori e te Karauna i raro i ngā Ture Whenua Māori i te tau 1862 me te tau 1865 ki te aha, ki te whakatau ko wai ngā rangatira o ngā whenua Māori "i raro i ngā tikanga tuku iho", me te huri i ngā taitara tuku iho ki ngā taitara he mea tuku e te Karauna.
- 2.83 Ko te whāinga o te Karauna ko tētahi tikanga hei whakatau i ngā tautohetohenga mō te mana i te whenua, me te whakatenatena i te huakanga o ngā whenua Māori tuku iho ki te noho a ngā tāngata whai. Ka whakatahangia te tika a te Karauna e mea ai ki a ia anake te hokonga i ngā whenua, kia rite ai ngā tika a te Māori ki tā te Pākehā ki te hoko whenua ki te Karauna, ki a wai atu hoki. Mā te whakakuhu i ngā whenua tuku iho ki raro i te pūnaha taitara a Peretānia, ka āhei ai ngā tāne Māori he whenua o rātau ki te pōti. Heoi, nā te whakapae mō te ngoikore o te tikanga ki te Karauna katoa ngā hokonga whenua, ka korikori te Paremata i te tau 1862.
- 2.84 Nō te taunga o ngā ture whenua Māori ka nui te pānga ki ngā tikanga a te Māori me te whenua. Ka taea noa i raro i ngā tikanga Māori te tieki i ngā tikanga o tēnā whānau, o tēnā hapū, o tēnā iwi i Tūranga, hāunga te whiwhiwhi me te raupapa nui o ngā pānga o te katoa ki te whenua tahi. Kāore i hangaa te Kōti Whenua Māori ki te aru i ngā pānga whiwhiwhi me ngā pānga nekeneke i ngā whenua Māori tuku iho, ka aro kē ia ki te whiriwhiri ko wai te mana tūturu ki te whenua. I tua atu ko te tikanga i ngā whenua tuku

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iho ko te wāhi ki te hapū, te whānau me te iwi, heoi, hāngai pū ai ngā ture whenua hou ki ngā tika a te tangata kotahi, takitahi. Ko te titiro, mā te tikanga whenua hou nei, taihoa, ka mahue i ngā Māori ngā tikanga ā-iwi me ngā tikanga noho tahi i runga i ngā whenua tuku iho.

- 2.85 I te whakamanatanga o ngā ture whenua Māori o ngā tau 1862 me 1865, kāore he māngai Māori i te Whare Paremata. Nā ngā tikanga mō te mana i te whenua i takea mai i ngā tikanga o Ūropi, kāore te nuinga o ngā tāne Māori i whai tika ki te pōti, kia tū rā anō ngā turu paremata Māori e whā ki te Whare Paremata i te tau 1868. I pātaitai te Karauna mō ngā whakaaro o te hui ki Kohimarama i te tau 1860 mō tēnei take, heoi kāore a ia i pātai ki ngā whānau, hapū, iwi o Tūranga i mua i te whakamanatanga.
- 2.86 Waihoki, e whiwhi taitara Pākehā ai kia tareka ai te whakahāngai i te whenua ki te ōhanga hou, kāore he huringa mō ngā Māori i tua atu i te Kōti Whenua Māori. Ki te hiahia te hunga nō rātau te whenua te hoko, te rīhi ā-ture, te noho rānei hei punga kia pai ai te ahu i te whenua, me mātua whai taitara korehere. Heoi nā te āhua o ngā taitara ka puta i te kōti, kāore i arongia nuitia aua whenua hei punga. Ka taea e te tangata Māori ahakoa ko wai te tonu kia rangahau te Kōti i aua taitara, hauwarea te whai i ngā whakaaetanga o te nuinga. Heoi, whakaae ana te Kōti ki te tonu, ka tōia mā ngā tāngata katoa he pānga ō rātau ki aua whenua, ki roto i te kōti, ki te kore rātau e pā mai ka riro o rātau pānga. I ētahi wāhi, ka rūria, ka rangahaua ētahi taitara, hāunga te mea kāore te katoa o te hapū whai pānga i te whakaae.

A Ngai Tāmanuhiri i te aroaro o te Kōti Whenua Māori, 1875-1894

- 2.87 Ka tū te Kōti Whenua Māori tuatahi ki Tūranga i ngā tau 1867 me 1868, heoi, kāore tahi he taitara i whakaaetia. Nō te tau 1870 i a ia ka tū mō te Kōmihana o Tūranganui, ā, i raro hoki te maru o te Ture mō Te Tai Rāwhiti o te tau 1868, ka rangahaua e te kōti ngā taitara ki ngā whenua e 758 eka te rahi i ngā poraka e 14, ko te nuinga i te takiwā o Manutuke. Ko te āhua nei kāore i whakamahia te Ture mō Te Tai Rāwhiti i kō atu i tēnei, heoi anō, nō te tau 1891 rā anō unuhia ai.
- 2.88 Kia tae rawa ki te tau 1875 kātahi anō ka pakari te haere o ngā mahi a te Kōti ki roto i a Tūranga. Ko te nuinga o ngā whenua o Tūranga i haere mā te Kōti i rangahaua i raro i te Ture Whenua Māori o te tau 1873. E ai ki te Ture nei me takoto te rārangi o ngā tāngata katoa ka whai pānga ki tētahi pihi whenua, ka mutu kāore e taea e te tangata takitahi te hoko i ōna pānga kia whakaae rā anō te katoa. Ki te kore e whakaae te katoa, ka wehea te poraka ki ngā tāngata ka hiahia ki te hoko me ngā tāngata kāore i hiahia te hoko. Kātahi ka āhei te hoko i te whenua o ngā kaihoko. Nā ngā hanganga ture ka whai, ka ngoikore te wāhanga e aro atu ai ki te whai mana mai te nuinga o ngā tāngata whai pānga ki tētahi pihi whenua.
- 2.89 Ka tū ngā hui a te Kōti Whenua Māori, ka whakaritea te wāhi ki ngā taitara takitahi i ngā poraka whenua e iwa he pānga o Ngai Tāmanuhiri, otirā i Whareongaonga, Takararoa, Paritu, Maraetaha 2, Puninga, Tarewauru, Rangi-o-hinenau, Tira-o-Tane me Ranginui. Ka raru katoa te rātaka me te pūtea a Ngai Tāmanuhiri i ēnei nohoanga. Tērā ngā nohoanga mō Maraetaha 2 rāua ko Puninga, ka hia marama e noho ana kātahi anō ka hiki. Hei ētahi wā ka mate ngā tāngata te haere ki Tūranga, te noho mō tētahi wā, me te kore mōhio ā hea karangahia ai ā rātau kēhi.

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- 2.90 Ahakoa whakamahi ai i te Kōti i te korenga o tētahi atu rōpū ā-ture, he nui tonu ngā whānau, hapū, iwi o Tūranga kāore i whakaae ki ngā ture e pā ana ki ngā whenua Māori. I te tau 1873 ka tahuri ētahi o ngā rangatira o Tūranga ki te tautoko i te pitihana o te rōpū Whakahētanga Hoko Whenua o Te Matau-a-Māui, e whakahē ana i ngā mahi ture me ngā nekenekehanga i ngā whenua Māori. Ko tētahi o ngā take nui ki ngā Māori, ko ngā ture ka tango i te mana whenua o te Māori, inarā, ko te hiahia o te Māori māna ake ōna whenua e whakamahi.
- 2.91 Tae rawa atu ki ngā tau tōmua o te tekau tau atu i 1870, kua tipu te hiahia ki roto i te tokomaha kia tū ngā whakahaere Māori ki te mahi i ngā mahi pērā i ngā whakahaere a te Pākehā. Whai muri i te nohoanga mutunga o te Kōmihana o Tūranganui ka tīmata ētahi o ngā Māori o Tūranga ki te whakatūtu komiti noa. Nō te tau 1877 ka whakakotahi ngā whānau, hapū, iwi o Tūranga ki te whakatū i te komiti o Tūranganui-a-Kiwa; mā tēnei rōpū e whakatau i te whānuitanga o ngā takahitanga o te ture, tae atu hoki ki ngā whakataunga ā-ture mō te mana i te whenua. Kāore i tautokona te hiahia o ngā Māori kia whai mana ā-ture ai rātau hei kai-whakahaere i ā rātau anō whenua mā roto i ā rātau anō komiti. Nāwai, ka waimeha ngā komiti.
- 2.92 Kāore i taea te karo i ngā utu mō te rūri, aha atu i te rangahautanga a te Kōti i te taitara ki te whenua. He rerekē ēnei utu, heoi he taumahatanga tēnei i ūtaina ki runga i ngā whānau, hapū, iwi o Tūranga. I te wāhinga o tētahi poraka whenua ka ūtaina he wāhanga o ngā utu o te rūri i te poraka nui, ki runga i tēnā poraka iti, i tēnā poraka iti ka hua. Ka noho tārewa ētahi o ēnei utunga mō te hia tau, tāpiri atu ko ngā reti moni hua kei runga tonu. I te tau 1895 ka rūria a Whareongaonga C mō te e rua tekau mā toru pāuna te utu, nō muri ka wāhia anōtia te poraka ki ētahi tekiona ririki. Tae rawa ki te tau 1920 e ono tekau pāuna o ngā utu mō te rūri kua utua, heoi taea rawatia te tekau tau atu i 1960 kātahi anō ka ea ngā utu rūri katoa i te poraka nei.

Te wāhi i te whenua – ngā hokonga a te Karauna me ngā hokonga a ētahi atu, tae atu ki te tau 1909.

- 2.93 Ka kaha ake anō ngā mahi hoko whenua a te Karauna ki Tūranga i muri i te tau 1873. Nō te tau 1885 ka oti i te Karauna te hoko i ngā eka e 396 i Umuhaka, ā, nō te tau 1896 ka hokona e ia te 4,760 eka i te poraka Maraetaha 2. Ahakoa te ki a tētahi kairuri kei waenganui i te rima hereni ki te e whitu hereni me te hikipene te utu mō ia eka, e toru hereni me te hikipene anake te utu a te Karauna mō te eka kotahi. Ka haere ngā hokohoko whenua a te Karauna i runga i te mea nā āna ake hanganga ture, ka noho mai koia anake te mea whakaaetia ai te hoko whenua. I te tīmatanga ka tohungia e te Karauna āna āpiha kia whakawhiti kōrero me ngā rangatira o ngā iwi i mua i te aroaro o te tokomaha tangata Māori. Nā ngā hanganga ture o te tau 1877 ka taea e te Karauna te tono ki te Kōti Whenua Māori kia whakawhiwhi ōna pānga i roto te whenua ahakoa ko wai te poraka. Nāwai, ka maha haere ngā whiriwhiringa ki ngā tāngata takitahi.
- 2.94 Atu i te tau 1873 ka tīmata ngā whakawhitinga kōrero a ngā āpiha a te Karauna mō te hoko whenua te take. I te tīmatanga ka tohungia e te Karauna āna āpiha kia whakawhiti kōrero me ngā rangatira o ngā iwi i mua i te aroaro o te tokomaha tāngata Māori. Nā ngā hanganga ture o te tau 1877 ka taea e te Karauna te tono ki te Kōti Whenua Māori kia whakawhiwhi ōna pānga i roto i te whenua. Nāwai, ka maha haere ngā whiriwhiringa me ngā tāngata takitahi. Nō te tau 1880 ka tutuki te hokonga tuatahitanga a te Karauna i

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- ngā whenua o ngā whānau, hapū, iwi o Tūranga. Kia tae ki te tau 1897 kua riro kē i te Karauna te e 200,000 eka o ngā whenua o ngā Māori o Tūranga.
- 2.95 Ka takoto ngā ture a te Karauna e aukati ana i tētahi atu te kuhu mai ki ngā hokohoko o ngā whenua kei te hiahia te Karauna. He rite ngā wā ka whiwhia e te Karauna ngā utunga moni mō ngā whenua kāore anō kia oti te rangahau i te Kōti Whenua Māori. Nā te minita mō ngā take Māori tēnei mahi i whakakāhore i te tau 1879; hāunga tērā, he wā anō ka rere anō ki te nanao, ka mahia anōtia. Hei ētahi wā, i runga i ēnei utunga tōmua, ka herea te hunga nō rātau te whenua kia hoko te whenua, hauwarea te mea kāore anō kia whakaritea he aha te utu.
- 2.96 E 20,000 eka ngā whenua o Ngai Tāmanuhiri i riro ki te hunga tūmataiti i te rau atu atu i 1800. E 35% ēnei whenua i te korahi o ngā whenua i whakawhiwhia ki a Ngai Tāmanuhiri e te Kōmihana o Tūranganui me te Kōti Whenua Māori. He maha tonu ngā tāngata whai i rīhi whenua i mua i te whakataunga o te Kōti Whenua Māori, i runga tonu i te mea ka hokona e rātau te whenua. He maha tonu ēnei tāngata kaihoko ka whai haere i ngā hea o ia tangata ki te hoko. Atu i te paunga o te tekau tau o 1870 ka waimeha haere ngā hanganga ture e mana ai te whānau, hapū, iwi. Pēnei i te manu timotimo i te rākau te āhua o te hokohoko whenua haere o te hunga i hoko mai te whenua e 1200 eka ki Tarewauru i te rau tau atu i 1800. Ka hokona tonutia te whenua i te rau tau atu i 1900. Tatū rawa ki te tekau tau atu i 1980, kua hokona te e 80% o ngā whenua i whiwhia ki a Ngai Tāmanuhiri i te rau tau atu i 1800.
- 2.97 E ai ki ngā ture i ngā whenua Māori, kia eke katoa ngā here whīwhiwhi o te ture kātahi anō ka whakaaetia te hoko i te whenua. Hei tauira atu, me whai tiwhikete mai te Kōmihana Whakawhirinaki e mea ai kei te māranga ngā Māori ki ēnei here whīwhiwhi, kua whiwhi hoki rātau i tērā i whakataungia tahitia ai. He wairua whakamarumarū i te Māori te whāinga i ētahi o ēnei hanganga ture; nāwai ā, waimeha noa ake. He rite tonu ngā rāwekeweketanga i ngā ture whenua Māori, whīwhiwhi ai hoki ētahi wāhanga ki roto. Tae rawa ki te tekau tau atu i 1890, kei reira ētahi hokonga whenua kāore anō kia mana nā te mea kāore i eke ki ēnei here whīwhiwhi katoa.
- 2.98 Nō te tau 1893 ka whakatūria e te Kāwanatanga te Kōti Whakamana ki te whakamana i ēnei momo whakaaetanga hokonga. I te tau 1896 ka whakaaetia e te kōti nei tētahi hokonga e 11,000 eka te rahi kei Maraetaha 2. I whakaae ngā Māori nō rātau te whenua, heoi ka whiwhi kōrero te Karauna e mea ai kāore i tāpaea he tārua o te kirimana whakamana ki te aroaro o te Kōti. Tērā pea kāore i tū taua whakamana kirimana, whāia, ka pitihana a Tiemi Wirihana me e 22 atu ki te Karauna kia whakahokia ai te mana o te e 7,000 eka i Maraetaha 2 ki a rātau. Heoi kāore i arongia e te Karauna. Nō te tau 1896 ka pitihana a Hirini Nui me ngā tāngata tekau mā tahi atu, ki te Karauna mō te whakataunga a te Kōti Whakamana kei a wai te mana i ngā whenua i a Maraetaha 2. Whai muri i ngā whitiwhitinga kōrero me te Kaiwhakawā o te kēhi, kāore i arongia te tūtohutanga ka puta i tēnei take nā tētahi Komiti o te Whare Paremata e mea ai me tū anō he hui a te Kōti.
- 2.99 Nāwai ā, ka tipu he raruraru ki te Māori i ngā taitara takitahi he mea tuku nā te Kōti Whenua Māori, pērā i te wāwāhi o ngā pānga o te tangata ki tēnā whenua, ki tēnā whenua, nā ngā tikanga tuku a te kōti; te uaua ki te whai pūtea hei ahu i te whenua nā te āhua o ngā taitara a te Kōti; te uaua o te mahi tahi ki te ahu i te whenua.

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Ngā nekenekehanga kia whakahaere tahi ai ngā Māori i ō rātau whenua.

- 2.100 Ka rapu ētahi o ngā Māori o Tūranga i tētahi tikanga o te ture kia whiwhi ai rātau i te mana whakahaere me te mana whakarite taitara ki ngā whenua o Tūranga. Nō te tau 1878 ka whakaara i a Wi Pere, rangatira o Tūranga me tana rōia a William Rees, tētahi kaupapa e tutuki ai tēnei whāinga. Ka whakatūria e rāua ētahi rōpū kaitieki ki te tieki i ngā whenua Māori. Ko te whāinga ia o ēnei nekenekehanga, kia hoko ētahi whenua kia whakatata mai ai ngā tāngata whai ki Tūranga. Ko tā rātau i titiro ai, mā tēnei mahi ka whai hua ai ngā Māori i te hokonga o ētahi whenua kua whakapaipaitia, ā, nā te noho o te mana whakatau taitara ki te Māori ka whai hua, ka whai wāhi ki te ōhanga ka tae mai me ngā tāngata whai hou. I tua atu, kāore pea e pā mai ngā raruraru ka pā ki ētahi atu iwi, pērā i te wāwāhitanga o ngā pānga i te whenua.
- 2.101 Ka nui te tautoko mō te kaupapa a Rees me Pere i Tūranga. Tae rawa ki te tau 1881, e 74,000 eka i Tūranga ka tukua ki ēnei rōpū kaitieki. Taro ake, ka pā mai te raruraru ki te pūtea me te taha ture. He nui ngā moni i pau ki te ahu i te whenua me te hoko mai i ngā pihī whenua i hokona kētia. Ka whakatau te Kōti i te tau 1881, e kore e āhei te tuku whenua ki ngā rōpū kaitieki nei mēnā i whakataungia kētia ngā taitara ki aua whenua i raro i te Ture Whenua Māori o te tau 1873. He pahekētanga nui tēnei whakataunga ki runga i te kaupapa a Rees me Pere; kāore i tareka e Rees me Pere te whai i ngā tautokonga torangapū ki te whakamana ā-ture i tā rāua kaupapa, hāunga ngā pitihana mai ngā whānau, hapū, iwi o Tūranga e tautoko ana i tētahi Pire tērā ka tū ā te tau 1880.
- 2.102 Hei urupare ki ēnei taumahatanga ka whakatūria e Rees me Pere he kamupene ki te whakahaere ā rāua kaupapa. Heoi nō te tekau tau atu i 1880 ka hinga te ōhanga o Niu Tīreni, ka hinga hoki ko te Kamupene. Ka tonono ngā Māori ki te Kāwanatanga ki te awahi mai, heoi, ehara tērā te tikanga a te kāwanatanga ki te āwhina i ngā nama a tētahi kamupene tūmataiti. Nō te tau 1891 ka tahuri te Bank of New Zealand ki te hoko atu i te e 36,300 eka o ngā whenua o te Kamupene kia ea ai te nama ki te pēke.
- 2.103 Nō te tau 1892 ka whakatūria he rōpū kaitieki hou ki te whakahoki i ngā whenua kua ūtaina te nui nama ki runga i te hingatanga o te Kamupene. Ka pokea hokitia tēnei rōpū kaitieki i te nui nama, ā, nō te tau 1902 ka whakatūria e te Kāwanatanga he kaitieki, ko te East Coast Māori Trust, ki te whakahaere i ngā whenua kua pokea e te nui nama, kei riro i ngā hokonga whenua kia ea ai ngā nama.
- 2.104 Ka hokona he whenua e te East Coast Māori Trust hei utu i ngā nama i taka ki runga i a ia. Kapi ai te e 6000 eka i a Maraetaha 2, he e 12% o ngā pānga whenua o Ngai Tāmanuhiri, he mea tuku nā te Kōti Whenua Māori me te Kōmihana o Tūranganui. Ka whakatūria e te Rōpū Kaitieki ētahi pāmu i ngā whenua i mahue mai. Whai hua ai te Rōpū Kaitieki, engari kia tae rā anō ki te paunga o te tekau tau atu i 1940, he wāhi iti noa tō ngā tāngata whai pānga ki ngā whakahaerenga o aua whenua. Ka whakahokia te nuinga o ngā rawa o te Kaitieki ki ngā Māori i te tau 1955. He hauwhā noa iho ēnei whenua o ngā whenua i kuhuna ki te rōpū kaitieki i te tau 1892.
- 2.105 I te katinga o te rōpū kaitieki, ka whakaae te hunga nō rātau ngā whenua i te kaitieki, kia utu paremata e 96,751 pāuna ki ngā uri o ngā tāngata i hoko ō rātau pānga whenua i ngā tau 1892 ki 1902 hei utu i ngā nama o te wā. Kāore te rōpū kaitieki i utu paremata mō ngā poraka i hokona hei whakaae i ngā nama i te tau 1891.

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Te whakahaere whenua i te rau tau atu 1900

- 2.106 I te paunga o te rau tau atu i 1800 ka āwangawanga te Karauna i te mea kāore i te whakamahia tikangia ngā whenua kia puta ai he hua, nā te nui o te hunga whai pānga ki ngā taitara whenua he mea tuku nā te Kōti Whenua Māori, tāpiri atu ki tō te uaua te whātoro ki ngā pūtea ahu whenua. Ka whakaae te Karauna he tūpuhi ngā tikanga mō te whakahaere whenua Māori. I tua atu, ka āwangawanga te Karauna kei kore e rahi ngā whenua mō ngā Māori i te wā e piki ana te hauora, ko te mutunga ka tahuri mai ki te Karauna mō ētahi āwhina.
- 2.107 Hei urupare ki ēnei take me ngā tutetute mai i waho pērā i te Kotahitanga – i whai tautoko nui i ngā whānau, hapū, iwi o Tūranga – ka tīmatangia e te Karauna ngā Kaunihera Whenua Māori - he tāngata ka tohungia e te Karauna, he tāngata ka tohungia e ngā Māori. Kei ngā Kaunihera nei te kawenga mō te wāwāhi i ngā whenua katoa, taea hoki e ēnei kaunihera te whakahaere i ngā whenua ka tukuna ki a rātau e ngā rangatira Māori o aua whenua. Ko te whāinga o te Karauna kia āhei ai te Māori te pupuri whenua, me te rīhi i ngā whenua 'takoto noa' kia haere tonu ai, kia utua tonutia ai ngā Māori mō ngā mahi ahu whenua. I tua atu ka whakatūria ngā Kaunihera ki te taha o ngā komiti Māori i pōtitia, ki te whakatau ko wai ngā rangatira i ngā whenua Māori, heoi, tatū ki taua wā kua rangahaua kētia te nuinga o ngā taitara o ngā whenua o Tūranga e te Kōti.
- 2.108 Iti noa te whenua o Tūranga i tukua ki te Kaunihera Takiwā Whenua o Te Tai Rāwhiti i mua i te tau 1906. I tēnei wā ka huri ngā Kaunihera hei Poari, he mea tohungia ai e te Kāwanatanga. Nō te tau 1907 ka tū te Kōmihana o Stout-Ngata ki te rangahau i ngā whenua Māori. Ka puta te kōrero a Stout-Ngata e mea ai kua hokona kētia te nuinga o ngā whenua i ngā takiwā o Tūranga me Whangaparāoa e te Karauna me ngā tāngata whai, me te aha kua rīhitia kētia te nuinga o ngā whenua Māori i Tūranga. Ka tūtohu te kōmihana kia kua e tukua he whenua ki te poari o Te Tai Rāwhiti mō te rīhi te take.
- 2.109 Ko Te Tairāwhiti tētahi o ngā takiwā whenua e rua i tohungia ki te whakamātautau i te tikanga o te mātua tuku i ngā whenua Māori ki roto i tētahi Poari Whenua (Land Board). Tatū ki te tau 1909, tae atu ki te e 7,500 eka i Tūranga i rau ki te Poari Whenua o Te Tai Rāwhiti, koia rā te mana nui ki Te Tai Rāwhiti, tae rawa atu ki Tūranga hoki. Ka whai mana te Poari ki te rīhi, te mōkete rānei i aua whenua.
- 2.110 Nō te tau 1908 ka whai mana Te Poari Whenua Māori o Te Tairāwhiti ki te whakahaere i ētahi atu whenua Māori. Ka unuhia e te Ture Whenua Māori o te tau 1909 ngā here katoa ki te hokonga o te whenua o te Māori. Kei Te Poari Whenua Māori o Te Tairāwhiti te mana whakaae kia hokona he whenua Māori, hāunga te mea ka noho whenua-kore te Māori i taua hokonga mēnā kāore tonu e whai oranga te Māori i taua pihi whenua, mēnā kei te whiwhi moni rānei aua Māori i ētahi atu whiwhinga. Nō te tau 1913 ka unuhia te ritenga e mea ai me mātua whai nohonga tētahi Māori ka pōtitia ki te Poari.
- 2.111 Ka āhei te Poari te rīhi whenua mō te wā, tae rawa ki te rima tekau tau te roa, kāore he kōrero ki ngā tāngata nō rātau te whenua. Ahakoa te mea ka noho aua whenua ki roto i ngā ringaringa o te Māori, ka riro kei wāhi kē te mana whakahaere i aua whenua. He maha ngā rīhi whenua i eke i ngā tau o 1950, waihoki, ka hiahia ētahi o ngā tāngata nō rātau te whenua kia whakahaere i aua whenua; heoi nō te hokinga o ētahi, kua hakurara kē te āhua o te whenua i te korenga manaaki a ngā kairīhi i runga i te mōhio e kore e

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whakahoungia te rīhi. Whāia, ka pēhia wawetia ngā Māori ki ngā utunga nui kia nui anō ai ngā hua i ngā mahi ahuhenua.

- 2.112 Mai anō i te tōmuatanga o te rau tau 1900 ka tahuri ngā whānau, hapū, iwi o Tūranga ki te whakatū kāporeihana i raro i te ture hei whakahaere o rātau whenua. Heoi, ka raruraru tonu ētahi o ngā kāporeihana nei i te rapunga pūtea whakangao. Ko ētahi o aua whenua rīhi he mea rīhi ki te Poari Whenua Māori o Te Tai Rāwhiti (Tairāwhiti Māori Land Board). Ka hokona ētahi atu whenua, ā, noho noa iho ētahi o ēnei kāporeihana kāore i oti he paku aha. Hāunga tērā, nāwai ā, ka whai hua ētahi o ngā kāporeihana rarahi.

Kaupapa Whakahuihui Pānga Whenua

- 2.113 Inā te whakatakitahi me te wehewehe i ngā pānga. Tae rawa ki te rau tau atu i 1900 kua noho marara noa ngā pānga whenua ririki o ngā tāngata o Ngai Tāmanuhiri me ērā o ngā iwi o Tūranga i ngā poraka whenua maha. Ka hokona e te Karauna ētahi o ngā pānga nei i raro i ētahi ritenga ā-ture i kuhuna i te tau 1953 e mana ai te tango noa i ngā whenua "hua-kore"; ka whakatariri ētahi o ngā tāngata i whiua i tēnei ritenga. I tahuri te Karauna ki te whakatika i tēnei mā te whakakao i ngā pānga whenua o te tangata. Ko te whakaaro kia whakahuihui i ngā pānga o ngā whānau nui ki te wāhi kotahi hei whakatenatena i ngā kaupapa ahuhenua.
- 2.114 I I Manutuke te whakahuihuinga pānga nui rawa atu o Tūranga; ko ngā iwi whai wāhi ko Ngai Tāmanuhiri me Rongowhakaata; e 539 ngā taitara whenua, e 16,838 ngā pānga takitahi i aua taitara; he mahi nui, he mahi whīwhiwhi, he mahi roa. Kei waenganui i ngā tau 1959 me 1969, i whakatikatikangia, i whakariteritea ngā pānga whenua whīwhiwhi mō ngā whenua e 22,345 eka, kia tū mai ai ētahi poraka hou. Mehemea kāore te haporī i tautoko mai e kore te kaupapa nei e tutuki, hāunga tērā ka riro ngā pānga o ētahi o ngā whānau, hapū, iwi o Tūranga i ētahi pihi whenua; ka ngau te mamae ki te ngākau o ētahi.
- 2.115 I ngā rau tau o 1800 me 1900 ka tangohia e te Karauna ētahi whenua o ngā whānau me ngā hapū o Tūranga i raro i ngā ture mahi tūmatanui. He nui ngā kaupapa tūmataiti i riro atu ai ngā whenua, pērā i te hanga rori, te rerewē, he taunga rererangi, ngā mahinga i te wāpu, ngā mahi tuku para, ngā mahinga wai me ngā urupā. Kei waenganui i ngā tau 1862 me 1927 ka mana ētahi hanganga ture e mea ai, e tareka ai te tango i te e 5% mai ngā poraka whenua Māori katoa mō te hanga rori, mēnā i tangohia aua whenua i roto i te tekau tau o te kuhunga i te Kōti Whenua Māori. Tata ki te e 400 eka o ngā whenua o Ngai Tāmanuhiri i tangohia hei hanga rori, te rerewē me ētahi atu mahi tūmatanui; ko ētahi o ēnei whenua mai ngā poraka o Pūninga me Maraetaha, i tangohia i te tau 1947 i raro i te Ture mō Ngā Mahi Nunui hei whāngai wai ki te tāone o Tūranga. Nō te tau 1983 ka tangohia e te Karauna te e 99 eka i Maraetaha mō tēnei kaupapa. Nō mua i te tekau tau atu i 1950, kāore te Karauna i whakaaro ki te whakamōhio i te hunga whai pānga kua tangohia o rātau whenua mō ngā mahi nunui.
- 2.116 Kāore he taunakitanga hei tautoko i te rironga ki ngā ringaringa o te Karauna o ētahi poraka whenua i Tūranga i te tōmuatanga o te rau tau atu i 1900. Kāore i whakahokia e te Karauna ngā whenua o te Māori i tangohia mō ngā mahi nunui kāore i tīmataria. He nui ngā whenua i te takiwā o Kihipene kāore i whakahokia e te Karauna i runga i te whakaaro he pai aua whenua mō ētahi atu mahi nunui ka pā ki te tāone ā te wā. Hei

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ētahi wā, ka takaroa te whakahoki a te Karauna i ngā pihī whenua kāore i te hiahiatia, ki te hunga whai pānga ki aua whenua.

Te whakatipu ngahere rākau ki Mangatu

- 2.117 Nā te tapahitanga o te ngahere i ngā mahi a te tangata mai anō i te tekau tau 1890, ka nui haere ngā horo whenua ki Tūranga, ka kino atu ngā waipuke ki ngā raorao o Kihipene. Hei ngā tekau tau o 1930 me 1940 kātahi ngā waipuke kino rawa atu, whiua ai ngā raorao i te takutai moana e te nui wai. Atu i te tekau tau o 1950 ka tahuri te Karauna ki te whakatiputipu rākau ki ngā wāhi nui te horonga o te whenua. Hei tā te Karauna kāore e taea e te hunga noho i te whenua ngā utu mō tēnei mahi te kawē, me hoko kē te e 16,000 eka i ngā hiwi o te tuawhenua hei whakatipu paina, e 8,500 eka mai te Kāporeihana o Mangatu. Ka whakaae te Kāporeihana o Mangatu i te tika o te whakatipu paina, heoi kāore rātau i rata kia hokona atu ngā whenua o ngā tipuna mō te take nei. Kāore te Karauna i whakaae ki ētahi atu tirōhanga e mea ai kia noho tonu ngā whenua ki te hunga whai pānga engari me whakatipu tonu te rākau ki runga. Ahakoa te whakakeke a ētahi, ka hokona ngā whenua rā. Ka hurihia te utunga e te Kāporeihana hei hua whakawhiwhia ai ki te hunga whai pānga.

Ngā take a pā ana ki te taiao

- 2.118 Ko te horo o te whenua me te nui waipuke, koinei ētahi o ngā putanga kino kua pā ki ngā hapū me ngā iwi o Tūranga mai anō i te tīmatanga o ngā keringa o te whenua me ngā wai o Tūranganui-a-Kiwa mai i te tau 1840. Nā te keringa o ngā repo me ngā wāhi pērā i a Awapuni Moana, ka ngaro ngā wāhi kai nui ki ngā whānau, hapū, iwi o Tūranga. I te whakawhānuitanga haere o te tauranga waka o Kihipene ka nui ngā rerekētanga ki te awa o Tūranganui, pērā i te pahūtanga o ētahi toka nui te mana pērā i Te Toka a Taiau; te keringa kia hokona iho te takere o te tauranga; ngā whenua i keria mai me ngā whenua i keria; ngā wāhi hurihia ai te ahunga o te awa kia whānui atu ai te tauranga mō ngā waka. I te nuinga o te wā kāore he kōrero i tukuna ki ngā Māori mō ēnei mahinga, ahakoa te uaua i nāianei o te haere ki ngā wāhi mahinga kai. I pākia te ahurea, me te taiao o ngā Māori o Tūranganui-a-Kiwa i te tukunga o ngā para o ngā ahumahi me ngā kāinga o te tāone kia rere ki ngā awa me te moana o te rohe, he mea kino tērā ka pā ki te hauora o te tangata. I pōuri ngā Māori o te takiwā i ēnei mahi. Me te aha, kua kore e wātea noa te tiki kai i te moana me ngā awa mō ngā matātai me ngā momo ika, tae atu ki ngā tikanga tuku iho mō te mahi i ēnei kai me te tieki i te taiao. Hei ētahi wā me ētahi wāhi kua kore e pai te haere te kaukau te eke pōti rānei.

Ngā putanga kētanga ki te hapori me te ōhanga

- 2.119 Tae rawa ki te tekau tau o 1930 he ūmanga nui tonu te whakatipu kai. Tae rawa ki te paunga o te tekau tau atu i 1920 kua waia kē ētahi o ngā Māori o Tūranga ki tēnei mea te mahi hei kaimahi noa mō te wā poto i ngā kaupeka o te tau e tika ai mō ngā mahi ahuhenua. Tae rawa ki te tekau tau o 1930 ka heke te ōhanga o te ao, tāpiri atu ko te nui haere o te taupori, ka nui te taumahatanga tērā ka pā mai. I te tau tau 1933 ka kitea tata ki te e 25% o ngā Māori o te rohe o Te Tai Rāwhiti i te pāngia i te matekai; ko te pāngia tērā o ngā momo mate. Ka mutu te Pakanga Tuarua o te Ao ka neke te nui o te iwi Māori mai i te taiwhenua ki ngā tāone. Whāia, ka aru ngā Māori o Tūranga i tēnei ara kia whiwhi mahi ai, kia whai wāhi ai ki te ōhanga nui. He nui i mahi hei kaimahi. Ka mate te nuinga o ngā whānau i te taiwhenua te hunuku ki Tūranga, ā, nō muri ka puta rawa ki

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ngā tāone nui atu. Taro ake ka ngaro haere i tēnei hunga ngā tikanga me ngā taonga tuku iho o te wā kāinga.

- 2.120 Ka hia nei ngā pūrongo a te Kāwanatanga e mea ai kei te nui ngā whāwhārua i waenganui i te Māori me tauwiwi i te hāpori me te ōhanga, pērā i te āhua o te noho whare, ngā putanga i te mātauranga, te taka ki te hē, tae rawa ki ngā take hauora.
- 2.121 He pūnaha ako tō ngā Māori o Tūranga nō mua noa atu i te taenga o te Pākehā ki te rohe. Kāore i roa i te taenga mai o ngā Pākehā tōmua i te tekau tau o 1830 ka whakatūria he kura. Ka āwhina tuatahitia e te Karauna te taha mātauranga i te tukunga o tētahi pūtea mā ngā kura mīhana i te tau 1847. Nā te whakapono o te Karauna mā te matatau ki te reo Ingarihi anake te huarahi kia puta ai te Māori ki ngā taumata, me mātua whakaako te reo Ingarihi ki ngā tamariki e whiwhi pūtea ai aua kura mai i te Karauna. Ka haere tonu ngā tautoko a te Karauna ki ngā kura mīhana tae rawa ki ngā riri o te tekau tau o 1860. Katia rawatia ai ētahi o ēnei momo kura. Nō te tau 1867 ka whakatūria e te Karauna tētahi pūnaha kura Māori i raro i ngā whakahaerenga o te Karauna. Ka tāpaea he kura ki ngā hāpori Māori, engari mā ngā Māori e tuku he whenua mō te kura. Nā te ruarua o ngā tamariki ka taetae atu, kīhai i roa ka kati te nuinga o ngā kura taketake i Tūranga.
- 2.122 Ka haere te nuinga o ngā tamariki Māori o Tūranga ki ngā kura i whakatūria i raro i te Ture mō te Mātauranga o te tau 1877, i raro i ngā paearu i takea mai i ngā pūnaha mātauranga o Peretānia me ngā uara Pākehā. Ko te whāinga o te pūnaha mātauranga kia kōkahu i ngā tamariki Māori ki te ahurea Pākehā, hāunga tērā, kāore i tutuki te whakapakaritanga o te tamaiti Māori ka kuhu atu ki te ōhanga o te ao hurihuri nei, pērā i ngā tamariki Pākehā kuhu noa ai.
- 2.123 I te kuhunga o te pūnaha mātauranga Pākehā, ka pākia te reo me te tuakiri o te Māori. Ka hia nei ngā tau kāore te Karauna i kawē i roto i te pūnaha mātauranga ngā akomanga mō te reo me te tuakiri o ngā Māori o Tūranga. Waihoki, ka aukatia ngā tamariki i tētahi wāhanga waiwai o tō rātau tuakiri. Tatū rawa ki te tau 1840 i matatau katoa ngā Māori o Tūranga ki tō rātau ake reo me ā rātau ake tikanga. Heoi kia tae ki ngā tekau tau o 1970 kua paheke ki te 18-20% ngā Māori ka matatau ki te kōrero i te reo Māori, ka mutu ko te nuinga o ēnei he kaumātua kei kō atu i te e 65 tau te pakeke. Kei te oke tonu te reo kia ora mai anō; tae rawa ki te tau 2006, e 32% anake o ngā Māori o Tūranga ka āhei te whitiwhiti kōrero mō tētahi take noa o te wā.
- 2.124 I whiua anōtia ngā tamariki me ngā pakeke o Tūranga i te whakamārama ōkawa he aha tēnei mea te 'Māori'; heoi, ka whakatauria i runga kē i te korahi o te toto Māori, hauwarea i runga i te tohu a te tangata tonu ko wai ia, i runga i te whakapapa rānei. Mō te nuinga o te wā i mua i te tau 1974 e whai mana ōkawa ai tō kī he Māori koe, me kaua e taka ki raro iho i te 50% o toto Māori; nā te Ture Whakahaunga Māori Taketake i taua tau kātahi anō ka unuhia tēnei ritenga.
- 2.125 Nā te whakawhiu i runga i te pōhēhē mō te Māori, ngā whāinga me ngā tumanako pāpaku a te hunga ako me ngā akomanga kaikiri i te pūnaha mātauranga, ruarua noa ngā whiriwhiringa mahi mā ngā Māori o Tūranga.

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- 2.126 I te puku o te rau tau o 1800 ka whiua ngā Māori o Tūranga i ngā pakimaero he mea kawea mai tāwāhi e te Pākehā, pērā i te whurū me te mihara; ka topea nuitia te taupori o te rohe. Ka pākia haeretia te iwi i ēnei mate tae noa ki te tīmatanga o te rau tau atu i 1900, hāunga te mea kei te kaha haere ngā tinana Māori te kaupare atu ngā momo mate nei.
- 2.127 I te tīmatanga o te rau tau atu i 1900 ka whakawhanaketia e te Karauna tētahi hōtaka hauora kia piki ai te ora o te Māori. Ka kuhu ngā āpiha a te Kāwanatanga ki roto i ngā hāpori ki te whakapiki i ngā taumata hauora a te Māori. Hāunga te mea i piki haere te hauora, i noho tonu ētahi raruraru nui. Nō te tau 1928 ka puta te pūrongo e mea ai ko te typhoid te mate kino rawa kei te hahau i te Māori. Hāunga te mea i whakapaua te kaha ki te whakapiki i te hauora i ngā kāinga, tāpae atu ko te kuhunga mai o tētahi hōtaka wero rongoā, mō te maha tau ka nui atu te toha rite o te Māori ka pāngia ki te typhoid tērā i te Pākehā.
- 2.128 Kia tae ki te paunga o te tekau tau atu i 1930 neke atu i te haurua o ngā Māori o Tūranga i roto i ngā whare pakupaku rawa mō rātau. Nā te kore take o ngā whare me te kore kai ka nui atu te pānga o ngā mate hōrapa ki te Māori tērā i te Pākehā. Ka whiua tonu ngā Māori o Tūranga i ngā mate pērā i te mate kōhi, tae rawa ki te tekau tau o 1950. I kaha anō te whakatū whare i te tekau tau o 1950, heoi, tae ana ki te tekau tau o 1960 kei te noho tonu te hauwhā o ngā whare Māori he pakupaku rawa mō te tangata. Ka tae ki te tau 1988 kei te heke haere te rahi o ngā Māori kei ō rātau kāinga ake e noho ana. Hei tā tētahi rangahau a te Kāwanatanga, kō atu i te haurua o ngā tāngata kei te tino rarua he Māori. Ko te taiwhenua o Tūranga tētahi o ngā wāhi kei te tino raruraru.
- 2.129 Ka rongohia tonutia te whiunga mai ngā nekenekehanga o te rau tau atu i 1800 i te hāpori, ōhanga, torangapu o Ngai Tāmanuhiri me ngā hapū, ngā iwi o Tūranga puta noa i te rau tau o 1900. Kei te rongo hoki ngā Māori o Tūranga i te kūare o te tini mō ngā hītori o Tūranga i te rau tau atu i 1800. Hāunga tērā, kua rongohia a Ngai Tāmanuhiri me ngā whānau, hapū, iwi o Tūranga i te mura o te ahi i ngā pakanga o te ao i roto i ngā ope taua o Aotearoa, e kīia ai hei utunga pea mō te kirirarau.
- 2.130 He tino tamariki te āhua o te taupori o Ngai Tāmanuhiri me ō rātau whanaunga o Tūranga. E ono tekau ōrau o ngā tamariki katoa o te rohe o Tūranga he Māori, ko te toharite nui rawa atu mō ngā rohe o Aotearoa. Ka whiua ngā whānau, hapū, iwi o Tūranga i ngā raruraru i pā ki te ōhanga i te tekau tau atu i 1980. Hāunga te mea kei te pai haere, kei te tohu tonu ngā rangahau ki te mea kei te whiua tonutia ngā tamariki o Tūranga i te taha hauora, te rapu mahi me te kore tutuki i te mātauranga.

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Part B

3 WHAKAAETANGA ME TE WHAKAPĀHĀ

WHAKAAETANGA

3.1 Ka whakaae te Karauna:

- 3.1.1 kātahi tonu nei ka tahuri a ia ki te titiro ki ngā raruraru ka pā ki a Ngai Tāmanuhiri i roto i te wā roa, ka mutu e whai tika ana aua raruraru i raro i te ture;
- 3.1.2 he roa rawa te wā e tatari ana kia aronga kia whakatikatikatanga aua raruraru; ā
- 3.1.3 kei te ngau tonu te mamae me te pōuri ki a Ngai Tāmanuhiri tae rawa ake ki ēnei rā.

3.2 Ka whakaae te Karauna:

- 3.2.1 i mua i te tau 1865 i a Ngai Tāmanuhiri te tino rangatiratanga o ō rātau whenua me ngā rawa, ā, i pai te kuhunga o te iwi ki te ōhanga o Niu Tīreni;
- 3.2.2 i te pakarutanga mai o ngā pakanga i ngā tekau tau atu i 1860 i ētahi atu rohe o Niu Tīreni, ka noho noa iho a Ngai Tāmanuhiri;
- 3.2.3 kāore a Ngai Tāmanuhiri i kuhu ki ngā whawhai i Te Tai Rāwhiti i te tau 1865
- 3.2.4 ka tau te ope taua a te Karauna ki runga o Tūranga i te marama o Nōema i te tau 1865, mō te kore noa iho;
- 3.2.5 kāore ia i whai i ngā ara katoa e mau ai te rangimārie i Tūranga whai muri i tana kupu wero i te iwi i te pā o Waerenga-a-Hika i te marama o Nōema i te tau 1865;
- 3.2.6 he tika tonu ngā tāngata o Waerenga-a-Hika ki te whakamarumaruru i a rātau anō; ā
- 3.2.7 kāore i tika te ekenga i a Waerenga-a-Hika, ko te mea ko ētahi o ngā tāngata i roto te pā, he wāhine tamariki hoki, he takahitanga tērā i ngā mātāpono o te Tiriti o Waitangi.

3.3 Ka whakaae te Karauna i kuhu tana ope taua ki te wāwāhi me te parakete haere i te rohe o Tūranga whai muri i te riri ki Waerenga-a-Hika, nā tēnei ka mate ētahi o ngā Māori o Tūranga i te kore kai.

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- 3.4 Ka whakaae te Karauna nā tana mauhere i ētahi o Ngai Tāmanuhiri ki Wharekauri (Chatham Islands/Rekohu) mō te neke atu i te rua tau, kāore he take ā-ture, he whakawākanga rānei i tāpaea ki mua i a rātau:
- 3.4.1 ka mauherea rātau mō tētahi wā roa rawa atu, pēnei i te mauhere karekau he whakawākanga;
 - 3.4.2 ka whiua rātau me ō rātau whānau, hapū hoki;
 - 3.4.3 nā te whakmanatanga o ētahi ture e te paremata i aukatia ai tā rātau wero i te Karauna i ngā kōti;
 - 3.4.4 i hē te mahi, he takahitanga o te oranga tangata, he unu i te tika o aua tāngata o Ngai Tāmanuhiri ki ngā tika ka hōrapa i te katoa o ngā tāngata i tēnei ao; ā,
 - 3.4.5 he mahi hē, he takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- 3.5 I tua atu ka whakaae te Karauna he tika te puta o ēnei tāngata i te mauheretanga i Wharekauri (Chatham Islands/Rekohu) i te marama o Hūrae i te tau 1868.
- 3.6 Ka whakaae te Karauna i te hokinga mai o te Whakarau, he take tonu kāore rātau i whakaponu ki te tono a te Karauna kia tuku i ā rātau pū ki raro.
- 3.7 Ka whakaae te Karauna he takahitanga o te Tiriti o Waitangi me ōna mātāpono te whakamatenga noa a te ope taua a te Karauna i ngā kaiwawao o Ngātapa i te marama o Hānuere i te tau 1869, he mea whakaparuparu i te mana o te Karauna.
- 3.7A Ka whakaae te Karauna mō te āhua o tana tango i Te Hau-ki-Tūranga me tana tieki i Te Hau-ki-Tūranga i roto i ngā tau, he takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- 3.8 Ka whakaae te Karauna:
- 3.8.1 kāore ētahi o te iwi o Ngai Tāmanuhiri i whakaae ki te tukunga whakaetanga ā-pepa o te tau 1868;
 - 3.8.2 i pēhia ngā kaihaina o Ngai Tāmanuhiri kia haina; ā
 - 3.8.3 ko te pēhi kia tutuki ai tēnei tukunga me te tinei o ngā ahi o Ngai Tāmanuhiri ki ō rātau whenua tuku iho, he takahitanga ēnei o te Tiriti o Waitangi me ōna mātāpono.
- 3.9 Ka whakaae te Karauna:
- 3.9.1 kāore he whiriwhiringa a te Te Kōmihana o Tūranganui-a-Rua (Poverty Bay Commission) me Ngai Tāmanuhiri mō te whakatakitahi i ngā taitara, i te kuhunga rānei o ngā ture mō ngā whenua Māori;

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- 3.9.2 ka whiwhia e te Te Kōmihana o Tūranganui-a-Rua (Poverty Bay Commission) ngā nohonga-rua, kore hoki e tareka te tuku iho;
- 3.9.3 nā te tuku taitara a Te Kōmihana o Tūranganui-a-Rua me te Kōti Whenua Māori, ki ngā tāngata takitahi, ka ngāwari atu ki te wāwāhi me te wehewehe i ngā whenua; a,
- 3.9.4 he whiunga tēnei ki runga i a Ngai Tāmanuhiri, he mea whakahoro i te iwi me ngā tikanga, inarā taketake ai ko te hapū, ko te iwi ngā kaitieki. Kāore te Karauna i tieki i ēnei hanganga, he takahitanga o te Tiriti o Waitangi me ōna mātāpono.
- 3.10 Ka whakaae te Karauna kāore ia i whakamana he ture i mua i te tau 1894 ki te whakatenatena i te whakahaerenga o ngā whenua o Ngai Tāmanuhiri i raro i ngā ture whenua māori, i raro hoki i te hāpori, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.
- 3.11 Ka whakaae te Karauna kāore ia i rangahau i ngā whakapae e mea ai kei te Kōti Whakamana (Validation Court) tētahi hokonga whai mana mō ētahi eka e 11,000 i Maraetaha 2, ka mutu kāore i tutuki.
- 3.12 Ka whakaae te Karauna:
- 3.12.1 he nui ngā whenua o Ngai Tāmanuhiri i kuhuna ki te East Coast Trust; ā,
- 3.12.2 i te mōhiotanga ka tū te Kaitieki nei mō tētahi wā roa, kāore he whakaritenga kia whai wāhi a Ngai Tāmanuhiri ki te whakahiātanga o ngā kaupapa here mō te whakahaerenga i ō rātau whenua, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.
- 3.13 Ka whakaae te Karauna:
- 3.13.1 i tangohia noatia e ia ngā whenua o Ngai Tāmanuhiri i ētahi poraka i raro i ngā ture mō ngā mahi nunui;
- 3.13.2 ka tangohia te whenua mō te rori, kāore he paremata;
- 3.13.3 tae rawa ki te paunga o te wāhanga tōmua o te rau tau atu i 1900, kāore i te eke ngā whiriwhiringa me Ngai Tāmanuhiri mō ngā tangonga i raro i ngā ture mō Ngā Mahi Nunui; ā,
- 3.13.4 i te tau 1983, ka tangohia e te Karauna te e 99 eka i Maraetaha mō ngā take wai mō te tāone, i raro i ngā ture mō Ngā Mahi Nunui, he kaikai tēnei i ngā toenga whenua o Ngai Tāmanuhiri.
- 3.14 Ka whakaae te Karauna i te mamae i pā nā te whakakotahitanga o ngā pānga whenua i Manutuke whai muri i te tau 1958, ka mate ētahi o rātau te whakawhiti i ō rātau pānga i ngā pihi whenua arohaina ai e rātau, mō ētahi whenua kāore e perā rawa te manakohia.

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3.15 Ka whakaae te Karauna:

3.15.1 mō te mamae nui i pā i te korenga o ngā mahinga kai moana nā te para i tukua kia rere ki ngā takutai mai te pūnaha tuku para tangata me ngā ahu mahi o Kihipene;

3.15.2 kua riro atu te nuinga o ngā wāhi tapu me ngā wāhi nui ki a Ngai Tāmanuhiri, ā, kua pā kino ki te hononga o te iwi ki te wairua me te kiko o ō rātau whenua.

3.16 Ka whakaae te Karauna ko te putanga o ngā mahi i mahia me ngā mahi kāore i mahia e ia, tae atu ki ngā mahi me te awe o te Te Kōmihana o Tūranganui-a-Rua (Poverty Bay Commission) me ngā ture whenua Māori, ka noho whenua kore a Ngai Tāmanuhiri, ka raru te pakaritanga o tō rātau hapori, ōhanga, ahurea hoki. Ka whakaae te Karauna mō te mōrikarika o ngā putanga ki runga i te oranga o Ngai Tāmanuhiri. Kāore te Karauna i whakarite kia rahi ngā whenua ki a Ngai Tāmanuhiri, kia pai ai tā rātau noho ā ngā rā kei te tū, he takahitanga tēnei o te Tiriti o Waitangi me ōna mātāpono.

3.17 Ka whakaae te Karauna kua roa rawa e noho ana a Ngai Tāmanuhiri i ngā whare karukaru rawa atu, i ngā taumata mātauranga pāpaku noa iho, i te hauora kino rawa atu, i ētahi atu o ngā tāngata o Aotearoa.

3.18 Ka whakaae te Karauna:

3.18.1 He wāhi nui tō Ngai Tāmanuhiri ki te oranga me te whakapakaritanga o tēnei whenua;

3.18.2 Kua ea i a Ngai Tāmanuhiri ōna kawenga i raro i te Tiriti o Waitangi, ko tētahi take o ngā take maha mō tēnei eanga, ko tana kuhu ki ngā pakanga ki tāwāhi i raro i te Karauna. Ka whakanui te Karauna i a Ngai Tāmanuhiri mō tana wāhi i te wawaotanga o ēnei motu.

WHAKAPĀHĀ

3.19 Ka whakaae te Karauna, mō ētahi wā i te hononga ki a Ngai Tāmanuhiri, ka puta ngā mahi kino rawa atu i te hītori o ēnei motu.

3.20 Kei te whakaae te Karauna kua roa a Ngai Tāmanuhiri e rapu ana kia whakatikangia te hē i pā mai i ngā ringaringa o te Karauna, ā, ka nui tana whakapāhā nō te mea kātahi tonu nei a ia ka tahuri ki te whakatika i taua hē i runga i te tika.

3.21 Ka nui te pōuri me te whakapāhā a te Karauna mō te ekenga o Tūranga e āna hōia, me ngā kino ka whiua ki a Ngai Tāmanuhiri. Kei te pōuri hoki te Karauna mō te whiunga o ngā tāngata o Ngai Tāmanuhiri ki Wharekauri (Chatham Islands/Rekohu), tae atu ki te whakamatenga o ngā herehere i Ngātapa i te pakanga nāna i whakatū ki te hunga i puta mai i te here kino i Wharekauri (Chatham Islands/Rekohu).

3.22 Ka nui te whakapāhā a te Karauna mō tana kore manaaki i te rangatiratanga o Ngai Tāmanuhiri me te kore ārai i te whenuakoretanga me te korekore i tau ki runga i a rātau .

DEED TO AMEND THE DEED OF SETTLEMENT

- 3.23 Kāore he ārikarika o te whakapāhā a te Karauna ki a Ngai Tāmanuhiri, ki ōna tipuna me ngā uri whakahaheke, mō ngā wā maha kāore i mana, kāore i tutuki ōna kawenga i raro i te Tiriti o Waitangi.
- 3.24 Mā tēnei whakapāhā me tēnei whakataunga ka rapu te Karauna kia riro mai tōna hōnore me tōna mana ki a ia anō, hei hoa i roto i te Tiriti, me te whakatika i āna mahi hē o mua i te korenga o tana mau ki te Tiriti o Waitangi me ōna mātāpono. Ko te hiahia o te Karauna kia whai hononga anō ki a Ngai Tāmanuhiri i runga i ngā mātāpono o te Tiriti o Waitangi.

DEED TO AMEND THE DEED OF SETTLEMENT

Schedule 3

9 DRAFT LOCAL LEADERSHIP BODY AGREEMENT

DEED TO AMEND THE DEED OF SETTLEMENT

DRAFT AGREEMENT

NGAI TAMANUHIRI, RONGOWHAKAATA, TE AITANGA A MAHAKI,
NGA ARIKI KAIPUTAHU AND TE WHANAU A KAI and
GISBORNE DISTRICT COUNCIL BOARD

(21 October 2009 DRAFT)

PREAMBLE

The Crown has facilitated discussions between Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai (the iwi previously clustered under the title Te Pou a Haokai) and the Gisborne District Council on the establishment of a local leadership body that provides Tūranganui-a-Kiwa the opportunity to have meaningful input 'at the top table level' on common issues (to be agreed) that affect the Tūranga region. For the purposes of this Agreement, the Crown has assisted, in a non-monetary way, with the establishment of a local leadership body with a view to it being a statutory body. Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai and the Gisborne District Council have requested such assistance.

The Deed of Settlement that implements the Tūranganui-a-Kiwa Treaty Claims Agreement in Principle will note that the Minister in Charge of Treaty of Waitangi Negotiations will write to the Gisborne District Council to encourage the Council to enhance its relationship with Tūranganui-a-Kiwa by, for example, entering into a Memorandum of Understanding (or a similar document) with the Governance Entity(ies) in relation to the interaction between the Council and the Governance Entity(ies).

In anticipation of these outcomes Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai and the Gisborne District Council have entered this agreement on the purposes, functions and administrative arrangements of the proposed body subject to any final agreement on matters of detail and to the Crown's commitment to complete its obligations in relation to this agreement.

In finalising this agreement and in the application and interpretation of this agreement the Organisations agree to be bound by the Principles that are set out in Clause 9 of the 'The Board Agreement' and will strive to achieve the elements of the Popo strategy described in that Clause.

1. STRATEGIC INTENT

1.1 The ongoing relationship between Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai and GDC is intended to achieve the aligned purposes (as summarised in Clause 3 of this agreement) of the six (6) elements of the Popo strategy and the 4 community wellbeings. Those elements are.

- ***Mana tangata*** – to achieve improved environment outcomes as a priority (and social and economic outcomes as resources allow) for Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai and the broader community through actions that include implementing effective planning, management and monitoring systems.

DEED TO AMEND THE DEED OF SETTLEMENT

- **Mana whenua** – to minimise any adverse impact of land based activities on the environment through actions that include the development and implementation of effective strategies and systems.
- **Mana moana** – to achieve improved moana and freshwater outcomes through actions that include assisting the development and achievement of relevant aspects of the **Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai Fish Management Plan**.
- **Mana Rangatira** – to achieve improved outcomes through actions that include collaborative effort at the top table in developing and implementing policies, strategies and programmes and in considering, transferring and managing appropriate functions and powers.
- **Mana Tipuna** – to achieve improved knowledge outcomes through collaborative research efforts that combine traditional ways of knowing and scientific methodologies.
- **Mana atua** – to achieve the vision of **Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai** of pristine waters and lush natural environments to enable the protection and sustainability of **Papatuanuku** and **Tangaroa's** domains.

2. PRINCIPLES

2.2 The following general principles shall apply to the application and interpretation of this agreement:

- The Board is supported by the Organisations as an appropriate way to help make the Treaty settlement enduring.
- A meaningful relationship between **Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai** and Council is critical to the Treaty settlement and to the community.
- The constitutional role of local government is central to the system of public law in New Zealand and the operation of this agreement needs to be compatible with the Local Government Act and Resource Management Act and the role and purpose of Council under those Acts.
- Councils make democratic decisions on behalf of communities and the general public plays a key role in decision making which cannot be compromised by the operation of this agreement or by the Board.
- The agreement on the Board and on work programmes must be unambiguous so that expectations about roles and responsibilities are clear now and into the future.
- Agreements about co-management and co-governance need to be clear and aligned with Council's statutory duty. The same applies to any transfer of functions and powers. This clarity is equally important for resources that are in the public domain and for property which is in private ownership.
- The agreement on the Board shall be consistent with other agreements, past and

DEED TO AMEND THE DEED OF SETTLEMENT

future, that deal with the Council/iwi relationships (eg including the MoUs with Ngati Oneone and Te Runanga o Tūranganui-a-Kiwa).

- In the event of a conflict between the interpretation or application of the provisions of the Board Agreement these principles shall prevail.

3 DEFINITIONS

“Organisations” means the Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai Governance Entity[ies] and the Gisborne District Council.

“The Board” means the Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai and Gisborne District Council Statutory Board defined in clause [.....].

The Board shall be commonly known as (.....).

“The Board Agreement” means this agreement.

4 ESTABLISHMENT OF THE NGAI TAMANUHIRI, RONGOWHAKAATA, TE AITANGA A MAHAKI, NGA ARIKI KAIPUTAHU and TE WHANAU A KAI and GISBORNE DISTRICT COUNCIL BOARD

4.1 The Settlement Legislation will provide that:

- a) the Organisations have established the Board on [.....];
- b) the Board is to be a statutory body, with the purposes, functions and operational rules formally agreed by the Organisations on [.....] (to discuss with Crown) including the cost sharing, administration and governance arrangements.

5. PURPOSES OF THE BOARD

5.1 The purposes of the Board are to:

- a) contribute to the sustainable management of all resources in the Tūranga rohe for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai with their ancestral lands; and
- b) enact the Popo strategy by operationalising the following priority areas:
 - Mana whenua
 - Mana moana
 - Mana tangata
 - Mana rangatira

DEED TO AMEND THE DEED OF SETTLEMENT

- Mana tipuna
- Mana atua; and
- c) contribute to the community wellbeing by achieving improved outcomes in the following areas:
 - Environment as a priority and as resources allow
 - Social
 - Cultural
 - Economic.

6. FUNCTIONS OF THE BOARD

6.1 The Board will, in furtherance of the Purposes, have the following initial functions:

- a) The identification of significant existing and emerging issues affecting the Tūranga rohe, and means to address them by strategies such as working with the trustees and other relevant stakeholders on issues that include the former Paokahu landfill site and wastewater issues;
- b) On a case by case basis as agreed by the Board, the preparation, approval, monitoring, evaluation and review of agreements, policies and strategies to achieve integrated outcomes for the Tūranga rohe;
- c) The identification, monitoring and evaluation of necessary actions by the Organisations and other relevant organisations;
- d) The receiving of reports on activities being undertaken by the Organisations and other relevant organisations;
- e) Involvement during the preparation of statutory plans in relation to significant issues. Such plans include, but are not limited to, iwi and hapu management plans, district and regional plans, reserve management plans and annual plans;
- f) Involvement in applications for activities in relation to significant issues not addressed by existing policies of the co-management partners. Such activities include, but are not limited to, resource consents, designations, heritage orders, conservation orders, and transferring and/or delegating of statutory authority.

6.2 The Board will, in furtherance of the Purposes, adopt additional functions from time to time as agreed by the Organisations.

7. MEMBERSHIP

7.1 The membership of the Board shall comprise the same numbers:

- Ngai Tamanuhiri, Rongowhakaata, Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai (the iwi previously clustered under the title Te Pou A Haokai) will appoint 6 representatives in total. This will comprise 2 seats for the Ngai Tamanuhiri, 2 seats for

DEED TO AMEND THE DEED OF SETTLEMENT

Rongowhakaata and 2 seats for Te Aitanga a Mahaki, Nga Ariki Kaiputahi and Te Whanau a Kai, and

- Gisborne District Council will appoint up to 6 representatives, one of whom is the Mayor.

7.2 The Chief Executives of the Organisations shall provide administrative support to the Board.

8. OPERATIONAL RULES

8.1 The Board shall agree its:

- Governance arrangements
- Meeting frequency
- Quorum
- Decision making processes
- Cost sharing
- Administration support
- Conflict of interest resolution process.

9. WORK PROGRAMME PRIORITIES

9.1 The Board will meet within 12 months of the signing of the Deed of Settlement to:

- Develop an implementation plan including the short, medium and long term priorities to achieve improved environmental outcomes in Tūranga.
- Finalise the following issues:
 - o Governance arrangements
 - o Meeting frequency
 - o Quorum
 - o Decision making processes
 - o Cost sharing
 - o Administration support
 - o Conflict of interest.

10. AMENDMENTS TO THIS AGREEMENT

10.1 This agreement may be amended with the consent of each of the Organisations.

10.2 An agreement to amend this agreement will have no effect until recorded in writing and

DEED TO AMEND THE DEED OF SETTLEMENT

signed by each of the Organisations.

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DEED TO AMEND THE DEED OF SETTLEMENT

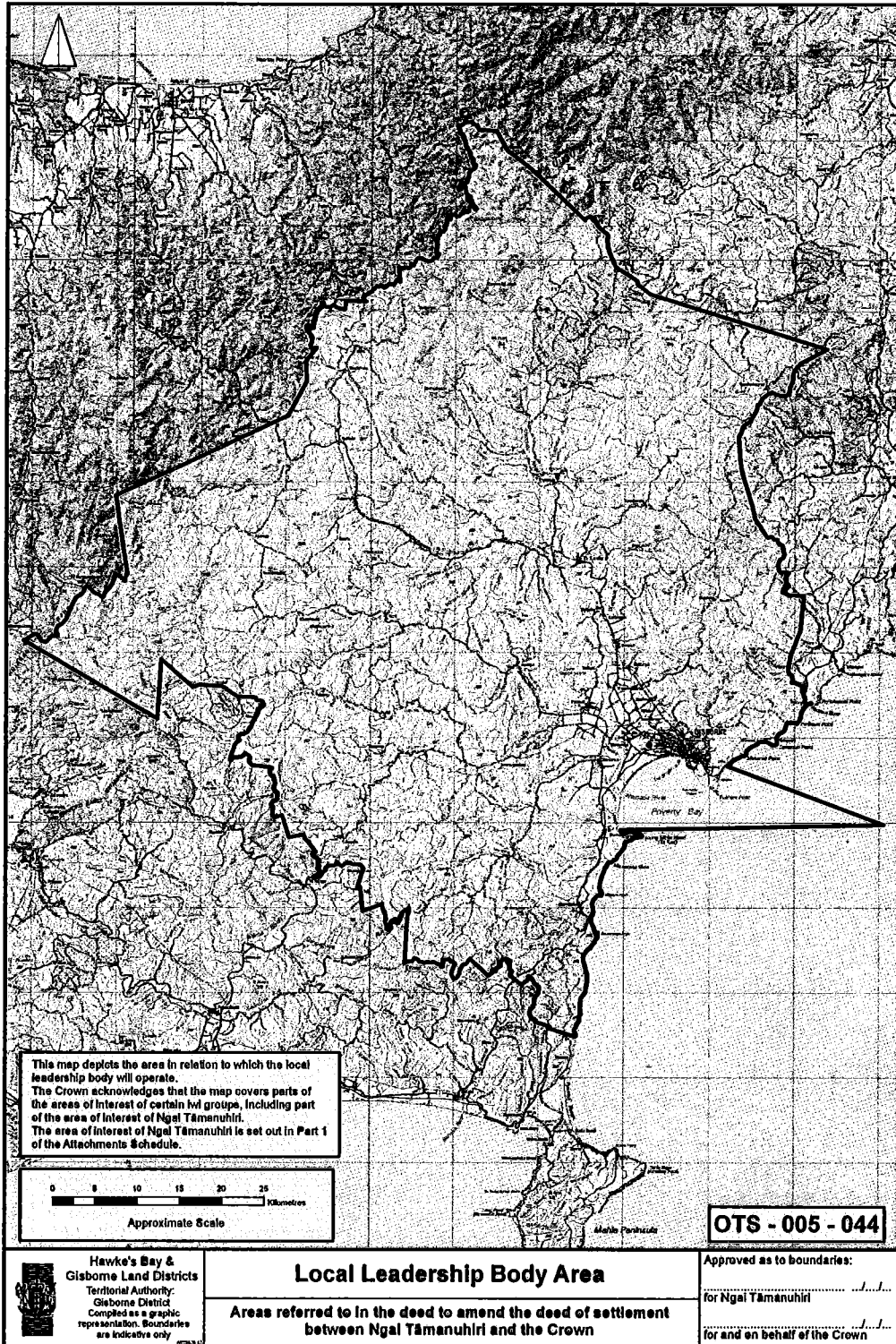
Annex: Map showing the internal boundaries and overlapping areas of NGAI TAMANUHIRI, RONGOWHAKAATA, TE AITANGA A MAHAKI, NGA ARIKI KAIPUTAHU AND TE WHANAU A KAI

To be completed.

DEED TO AMEND THE DEED OF SETTLEMENT

Schedule 4

LLB area plan OTS-005-044



DEED TO AMEND THE DEED OF SETTLEMENT

Schedule 5

Draft settlement bill

Ngai Tāmanuhiri Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

Overview

This Bill gives effect to the deed of settlement entered into by the Crown and Ngai Tāmanuhiri on 5 March 2011 for the final settlement of the historical claims of Ngai Tāmanuhiri. Legislation is necessary to give effect to certain aspects of the settlement. Other aspects of the settlement are provided for only in the deed of settlement.

This Bill applies to an area that lies between Gisborne in the north to Paritū (on the coast north of Mahia) in the south and inland from Paritū towards Lake Waikaremoana.

Part 1 of this Bill—

- sets out the purpose of the Bill; and
- records the Crown acknowledgements and apology offered by the Crown to Ngai Tāmanuhiri; and
- defines various terms, including Ngai Tāmanuhiri and historical claims; and
- provides that the settlement of the Ngai Tāmanuhiri historical claims is final; and

- removes the jurisdiction of judicial bodies in respect of the historical claims of Ngai Tāmanuhiri and the redress provided under the deed of settlement or the Bill; and
- deals with related issues, including a consequential amendment to the Treaty of Waitangi Act 1975, and the removal of certain resumptive memorials.

Part 2 of this Bill sets out the cultural redress provided to Ngai Tāmanuhiri, including—

- the provision of protocols and statutory acknowledgements; and
- the establishment of a Local Leadership Body and its purpose, functions, and procedures; and
- the vesting of Mangapoike and Young Nick's Head/Te Kuri a Paoa Historic Reserve; and
- provisions enabling the transfer of Te Wherowhero.

Part 3 of this Bill sets out the commercial redress provided to Ngai Tāmanuhiri in relation to—

- commercial redress, and deferred selection, properties; and
- the transfer of Wharerata Forest licensed land to Wharerata Forest Limited; and
- a right of first refusal over certain properties.

This Part also provides the Waitangi Tribunal with jurisdiction to make findings and recommendations in relation to other claimants with registered historical Treaty of Waitangi claims over Wharerata Forest licensed land and modifies that jurisdiction to determining matters relating to the Crown interest in Wharerata Forest Limited.

Part 4 of this Bill provides for the removal of any charitable trusts attaching to the assets of the Ngai Tāmanuhiri Whānui Trust to enable reorganisation of the governance of Ngai Tāmanuhiri and transitional taxation arrangements that will ensure that the changes in governance are tax neutral.

Clause by clause analysis

Clause 1 is the title clause.

Clause 2 is the commencement clause.

Part 1
**Purpose of Act, acknowledgements and
apology of the Crown, interpretation
provisions, settlement of historical claims,
and miscellaneous matters**

**Subpart 1—Purpose, acknowledgements,
and apology**

Clause 3 sets out the purpose of the Bill.

Clause 4 states that the Bill, when enacted, will bind the Crown.

Clause 5 provides an outline of the Bill, as a guide to its structure.

Acknowledgements and apology

Clause 6 provides for the inclusion of the acknowledgements and apology offered by the Crown, as set out in the deed of settlement.

Clauses 7 and 8 record the acknowledgements and apology of the Crown to Ngai Tāmanuhiri.

Subpart 2—Interpretation

Clause 9 requires the Bill to be interpreted in the manner that best furthers the agreements reached in the deed of settlement.

Clause 10 defines terms used in the Bill.

Clause 11 defines Ngai Tāmanuhiri as the collective of individuals descending from the named Tāmanuhiri and other recognised ancestors of the named hapū or descent groups and their families and hapū.

Clause 12 defines the historical claims of Ngai Tāmanuhiri that are settled by the deed of settlement. These are all the claims, on whatever basis they may be founded, against acts or omissions of the Crown occurring before 21 September 1992. The term includes all claims to the Waitangi Tribunal, but does not include any claims that may have been made or may in future be made that relate to acts or omissions of the Crown occurring on or after 21 September 1992. This wording gives effect to the definition of historical claims in the deed of settlement.

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

Clause 13 provides that the historical claims are settled finally and, removes the jurisdiction of courts, tribunals, and other judicial bodies in respect of the historical claims of Ngai Tāmanuhiri and the settlement redress provided for in the deed of settlement and the Bill.

Amendment to Treaty of Waitangi Act 1975

Clause 14 amends the Treaty of Waitangi Act 1975 to exclude the jurisdiction of the Waitangi Tribunal, as provided for by *clause 13*.

Protections no longer apply

Clauses 15 and 16 provide that the specified enactments no longer apply to the relevant land and remove the memorials from the computer registers relating to that land.

Subpart 4—Miscellaneous matters

Clauses 17 to 19 provide an exception to the rule against perpetuities, specify that, unless otherwise stated, actions or matters occur on or take effect from the settlement date, and require that the deed of settlement is to be available for inspection or purchase.

Part 2

Cultural redress

Clause 20 clarifies that the Crown is not prevented, by virtue of having provided certain redress to Ngai Tāmanuhiri, from providing the same or similar redress to other persons or iwi that is consistent with the redress to Ngai Tāmanuhiri.

Subpart 1—Protocols

Clauses 21 to 27 provide for the relevant Ministers to issue protocols to the trustees in respect of conservation, Crown minerals, fisheries, and taonga tūturu; and include limits to the rights arising under the protocols.

Subpart 2—Statutory acknowledgement

Clauses 28 to 40 set out the Crown's acknowledgement of the statements of association of Ngai Tāmanuhiri with certain statutory areas. These clauses state the purposes of the acknowledgement and how the acknowledgement affects specified decision making by local authorities, the Environment Court, and the New Zealand Historic Places Trust. The limits of the acknowledgement are specified.

Subpart 3—Local Leadership Body

Clause 41 sets out definitions for this subpart.

Establishment, status, and purpose of LLB

Clauses 42 and 43 provide for the establishment of the Local Leadership Body (the **LLB**) as a statutory body and for its status under the Local Government Act 2002, and for its purpose.

Appointment provisions

Clauses 44 and 45 set out how the LLB is to be constituted and how the initial appointments are to be made.

Functions and powers

Clause 46 sets out the functions and powers of the LLB.

Provisions governing members and procedures of LLB

Clauses 47 to 50 cover procedural and regulatory matters applying to the LLB.

Other matters relevant to procedures of LLB

Clauses 51 and 52 set out the continuing obligations of those responsible for appointing the members of the LLB and the application of other Acts to the LLB, with the modifications of those Acts as necessary.

Subpart 4—Vesting of cultural redress properties

Clause 53 lists the cultural redress properties as described in *Part 1 of Schedule 2*.

Site vesting in fee simple

Clause 54 vests the fee simple estate in Mangapoike in the trustees.

Site to vest and be administered as national historic reserve

Clause 55 provides for the vesting of Young Nick's Head/Te Kuri a Paoa Historic Reserve in the trustees as if it were vested under section 26 of the Reserves Act 1977. It also declares the site to be a national historic reserve for the purposes of section 13 of that Act, to be held and administered by the trustees under that classification, and changes the name of the site to Te Kuri a Paoa/Young Nick's Head National Historic Reserve.

Provisions of general application to vesting of cultural redress properties

Clauses 56 to 63 contain technical provisions to facilitate the vesting of the cultural redress properties.

Subpart 5—Te Wherowhero

Clause 64 provides for the transfer of Te Wherowhero to the trustees and exempts the transfer from certain requirements under the Local Government Act 1974 and the Resource Management Act 1991. The clause also requires the Registrar-General to create 1 computer freehold register for the fee simple estate in the land in the names of the trustees and another computer freehold register for the balance of the land not included in the transfer to the trustees.

Part 3

Commercial redress

Subpart 1—Transfer of commercial redress, and deferred selection, properties

Clauses 65 to 67 contain provisions for the transfer of commercial redress properties and deferred selection properties and provide for the creation of computer freehold registers for the properties and for related matters.

Subpart 2—Licensed land

Transfer of Wharerata Forest

Clauses 68 to 81 contain technical provisions to facilitate the transfer of the licensed land in fee simple to the trustees. This requires the transfer of the fee simple estate in the Wharerata Forest to Wharerata Forest Limited (the incorporation of which is pending). The provisions set out the status of that entity and the effect of the transfer of the licensed land. The provisions also set out the arrangements for the transfer of part of the Wharerata Forest to the trustees and future arrangements in relation to certain other Wharerata claimants (as defined). *Clauses 78 to 81* provide for the continuation of a limited jurisdiction of the Waitangi Tribunal for a period of 9 years in the event that certain agreements are not reached within that time. *Clause 81* sets out the obligations of Wharerata Forest Limited and the Crown in the event that interim recommendations are made by the Waitangi Tribunal under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 and become final under section 8HC of that Act.

Subpart 3—Access to protected sites

Clauses 82 to 85 provide a right of access to protected sites such as wāhi tapu, wāhi tapu areas, and registered places for Māori for whom the sites are of special spiritual, cultural, or historical significance.

Subpart 4—Right of first refusal in relation to RFR land

Clauses 86 to 112 provide the trustees with a right of first refusal for 100 years for the Pakowhai Scenic Reserve and for 169 years for the

land associated with the Muriwai School, as these sites are described in the deed of settlement. The owner of RFR land must not dispose of the land other than to the trustee (or the nominee of the trustees), without first offering it to the trustees on the same or better terms as for that other disposal, unless a specified exemption applies.

Clause 113 provides that the RFR redress does not affect the Crown's ability to dispose of Crown bodies.

Part 4 **Transitional matters**

Clause 114 provides definitions relevant to this Part.

Assets and liabilities

Clause 115 provides for the vesting of the assets and liabilities of the Ngai Tāmanuhiri Whānui Trust in the trustees of the Tāmanuhiri Tutu Poroporo Trust, freed of all charitable trusts but subject to any other trusts, including the trusts expressed in the trust deed of the Tāmanuhiri Tutu Poroporo Trust. The assets and liabilities of the relevant subsidiary continue to be held by that entity, freed of any charitable trusts.

Transitional taxation provisions

Clauses 116 to 119 provide for the taxation status arising as a result of the reorganisation of the governance of Ngai Tāmanuhiri, so that the changes to that governance structure are tax-neutral.

Schedules

Schedule 1 describes the statutory areas, for the purposes of the statutory acknowledgement.

Schedule 2 describes the cultural redress properties.

Schedule 3 sets out the requirements for the giving of notices in relation to RFR land.

Hon Christopher Finlayson

Ngai Tāmanuhiri Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Ngai Tāmanuhiri Claims Settlement Act **2011**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- Part 1**
Purpose of Act, acknowledgements and apology of the Crown, interpretation provisions, settlement of historical claims, and miscellaneous matters 10
Subpart 1—Purpose, acknowledgements, and apology
- 3 Purpose**
The purpose of this Act is— 15
- (a) to give effect to certain provisions in the deed of settlement, which is a deed to settle the historical claims of Ngai Tāmanuhiri, dated 5 March 2011 and signed by—
- (i) the Honourable Christopher Finlayson, the Minister for Treaty of Waitangi Negotiations, on behalf of the Crown; and 20
- (ii) Na Rongowhakaata Raihania and Hope Nga Taare Tupara, as trustees of the Tāmanuhiri Tutu Poroporo Trust on behalf of Ngai Tāmanuhiri; and 25
- (b) to record the acknowledgements and apology offered to Ngai Tāmanuhiri by the Crown in the deed of settlement.
- 4 Act binds the Crown**
This Act binds the Crown. 30

5 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of this Act or of the deed of settlement.
- (2) This Part— 5
- (a) sets out the purpose of this Act, records the acknowledgements and apology given by the Crown to Ngai Tāmanuhiri, and specifies that this Act binds the Crown; and
 - (b) defines terms used in this Act; and 10
 - (c) provides that the settlement of the historical claims is final; and
 - (d) provides for—
 - (i) the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the historical claims; and 15
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and 20
 - (iv) the exclusion of the law against perpetuities, the timing of actions or matters provided for in this Act, and access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including,—
- (a) in **subparts 1 to 3**, cultural redress for which vesting of land is not required, including the establishment of the Local Leadership Body; and 25
 - (b) in **subpart 4**, the properties that are vested as cultural redress properties and provisions to facilitate the vesting of those properties; and 30
 - (c) in **subpart 5**, a provision relating to the transfer of Te Wherowhero.
- (4) **Part 3** provides for commercial redress, including provisions,—
- (a) in **subpart 1**, to enable the transfer of commercial redress and deferred selection properties; and 35
 - (b) in **subpart 2**, relating to the transfer of the licensed land, Wharerata Forest; and
 - (c) in **subpart 3**, to permit access to protected sites; and

- (d) in **subpart 4**, providing for the RFR redress.
- (5) **Part 4** sets out transitional provisions, including those for the removal of the charitable status of the fisheries and other assets of the Ngai Tāmanuhiri Whānui Trust.
- (6) There are 3 schedules as follows: 5
 - (a) **Schedule 1** describes the 2 statutory areas to which the statutory acknowledgement relates:
 - (b) **Schedule 2** describes the 3 cultural redress properties:
 - (c) **Schedule 3** sets out requirements for giving notice in relation to RFR land. 10

Acknowledgements and apology

- 6 Acknowledgements and apology**
- (1) **Sections 7 and 8** record the acknowledgements and apology offered to Ngai Tāmanuhiri by the Crown in the deed of settlement. 15
- (2) The acknowledgements and apology are to be read in conjunction with the account of the historical relations between Ngai Tāmanuhiri and the Crown, as recorded in Part 2 of the deed of settlement.
- 7 The Crown’s acknowledgements** 20
- (1) The Crown acknowledges that—
 - (a) it has failed to address until now the longstanding and legitimately held grievances of Ngai Tāmanuhiri in an appropriate manner; and
 - (b) its recognition of, and provision of redress for, those grievances is long overdue; and 25
 - (c) the sense of grief and loss suffered by, and the impact on, Ngai Tāmanuhiri remains today.
- (2) The Crown acknowledges that—
 - (a) prior to 1865 Ngai Tāmanuhiri had full control of their lands and resources and were participating successfully in the New Zealand economy; and 30
 - (b) when war broke out in the 1860s in other regions of New Zealand, Ngai Tāmanuhiri remained neutral; and
 - (c) Ngai Tāmanuhiri were not involved in the fighting that took place on the East Coast in 1865; and 35

- (d) the Crown used military force in Tūranga in November 1865 when there was no need for it to do so; and
- (e) it did not pursue all reasonable possibilities for preserving peace in Tūranga after it issued the ultimatum to the occupants of Waerenga a Hika in November 1865; and 5
- (f) the occupants of Waerenga a Hika were entitled to defend themselves; and
- (g) the Crown's attack on Waerenga a Hika whose occupants included many women and children, was unwarranted, unjust, and breached the Treaty of Waitangi and its principles. 10
- (3) The Crown acknowledges that its military forces partook in indiscriminate looting of the Tūranga region in the aftermath of the Waerenga a Hika attack, which contributed to acute food shortages that caused some loss of life among Tūranga Māori. 15
- (4) The Crown acknowledges that its detention of some Ngai Tāmanuhiri in harsh conditions on the Chatham Islands for more than two years without laying formal charges or bringing them to trial—
- (a) meant that they were detained for an unreasonably lengthy period, which assumed the character of indefinite detention without trial; and 20
- (b) inflicted unwarranted hardships on them and their whānau and hapū; and
- (c) was prevented from being challenged in the courts by several indemnity acts; and 25
- (d) was wrongful, a breach of natural justice, and deprived those Ngai Tāmanuhiri of basic human rights; and
- (e) was an injustice and a breach of the Treaty of Waitangi and its principles. 30
- (5) The Crown further acknowledges that these prisoners were justified in finally escaping from the Chatham Islands in July 1868.
- (6) The Crown acknowledges that when the Whakarau returned to the mainland, they had reason not to trust the Crown when it asked them to lay down their arms. 35
- (7) The Crown acknowledges that the summary executions at Ngatapa by Crown forces in January 1869 breached the Treaty

of Waitangi and its principles and tarnished the honour of the Crown.

- (8) The Crown acknowledges that—
 - (a) some Ngai Tāmanuhiri did not give any consent to the 1868 deed of cession; and 5
 - (b) those Ngai Tāmanuhiri who agreed to the cession did so under duress; and
 - (c) the pressure applied by the Crown to secure this cession, and the resulting extinguishment of Ngai Tāmanuhiri's customary interests in all their lands breached the Treaty of Waitangi and its principles. 10
- (9) The Crown acknowledges that—
 - (a) it did not consult with Ngai Tāmanuhiri about the individualisation of titles by the Poverty Bay Commission, or the introduction of the native land legislation; and 15
 - (b) the Poverty Bay Commission awarded joint tenancies, which promoted alienation as these titles could not be bequeathed; and
 - (c) the awarding of titles to individuals by the Poverty Bay Commission and the Native Land Court made Ngai Tāmanuhiri lands more susceptible to partition, fragmentation, and alienation; and 20
 - (d) this had a prejudicial effect on Ngai Tāmanuhiri as it contributed to the erosion of traditional tribal structures, which were based on collective tribal and hapū custodianship of land. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles. 25
- (10) The Crown acknowledges that it failed to enact legislation before 1894 that facilitated the administration of Ngai Tāmanuhiri land subject to the native land laws on a community basis, and this was a breach of the Treaty of Waitangi and its principles. 30
- (11) The Crown acknowledges that it did not investigate an allegation that the Validation Court had a validated transaction for 11,000 acres in Maraetaha 2, which did not take place. 35
- (12) The Crown acknowledges that—
 - (a) a significant proportion of Ngai Tāmanuhiri land became vested in the East Coast Trust; and

- (b) its failure to provide for Ngai Tāmanuhiri beneficial owners to be involved in the development of policy for the administration of their land once it became clear that this Trust would have a long-term existence was a breach of the Treaty of Waitangi and its principles. 5
- (13) The Crown acknowledges that—
- (a) it compulsorily acquired land from Ngai Tāmanuhiri under public works legislation in a number of blocks; and
- (b) it took land for roads without paying compensation; and 10
- (c) there was generally inadequate consultation with Ngai Tāmanuhiri about public works takings before the middle of the twentieth century; and
- (d) as late as 1983 the Crown acquired 99 acres at Maraetaha for waterworks under public works legislation, further reducing Ngai Tāmanuhiri landholdings. 15
- (14) The Crown acknowledges the distress caused by the Manutake consolidation scheme in the years following 1958, as it required many Ngai Tāmanuhiri to exchange land to which they had significant ancestral connections for land to which they had no connections. 20
- (15) The Crown acknowledges—
- (a) the severe impact on Ngai Tāmanuhiri of the loss of many traditional sources of kai moana because of the pollution of their coastline by Gisborne's sewage system and industrial waste; and 25
- (b) Ngai Tāmanuhiri have lost control over many of their significant sites, including wāhi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with their land. 30
- (16) The Crown acknowledges that the cumulative effect of the Crown's actions and omissions, including the operation and impact of the Poverty Bay Commission and native land laws, left Ngai Tāmanuhiri virtually landless and undermined their economic, social, and cultural development. The Crown's failure to ensure that Ngai Tāmanuhiri retained sufficient lands for its present and future needs was a breach of the Treaty of Waitangi and its principles. 35

- (17) The Crown acknowledges that Ngai Tāmanuhiri have lived with poorer housing, lower educational achievements, and worse health than many other New Zealanders for too long.
- (18) The Crown acknowledges that Ngai Tāmanuhiri have—
- (a) made a significant contribution to the wealth and development of the nation; and 5
 - (b) honoured their obligations and responsibilities under the Treaty of Waitangi, especially, but not exclusively, in their contribution to New Zealand’s war efforts overseas. The Crown pays tribute to the contribution made by Ngai Tāmanuhiri to the defence of the nation. 10

8 The Crown’s apology to Ngai Tāmanuhiri

- (1) The Crown acknowledges that its relationship with Ngai Tāmanuhiri has involved some of the darkest episodes in our country’s history. 15
- (2) The Crown recognises that Ngai Tāmanuhiri has long sought to right the injustices they have suffered at the hands of the Crown, and is deeply sorry that it has failed until now to address the injustices in an appropriate manner.
- (3) The Crown deeply regrets, and apologises for, its use of military force in Tūranga, and the devastating consequences that flowed from this for Ngai Tāmanuhiri. The Crown is profoundly remorseful at the exile of some Ngai Tāmanuhiri to the Chatham Islands, and the summary executions of unarmed prisoners at Ngatapa during the war it fought against those who escaped their wrongful and unjust detention on the Chathams. 20 25
- (4) The Crown sincerely apologises for its many failures to respect Ngai Tāmanuhiri rangatiratanga and to protect Ngai Tāmanuhiri from being left virtually landless and economically marginalised. 30
- (5) The Crown unreservedly apologises to Ngai Tāmanuhiri and your ancestors and descendants for the many failures to honour its obligations under the Treaty of Waitangi.
- (6) The Crown seeks to restore its honour and reputation as a Treaty partner and atone for its past failures to uphold the Treaty of Waitangi with this apology and settlement. The Crown hopes to build a new relationship with Ngai Tā- 35

manuhiri based on respect for the Treaty of Waitangi and its principles.

Subpart 2—Interpretation

9 Interpretation of Act generally

It is the intention of Parliament that the provisions of this Act 5
are interpreted in a manner that best furthers the agreements
expressed in the deed of settlement.

10 Interpretation

In this Act, unless the context requires another meaning,—
actual deferred selection settlement date, in relation to a de- 10
ferred selection property, means the date on which settlement
of the property takes place under Part 5 of the property redress
schedule

affected person has the meaning given in section 2AA(2) of
the Resource Management Act 1991 15

aquatic life has the meaning given in section 2(1) of the Con-
servation Act 1987

area of interest means the area that Ngai Tāmanuhiri identi-
fies as its area of interest, as set out in Part 1 of the attachments

attachments means the attachments to the deed of settlement 20

business day means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter
Monday, Anzac Day, the Sovereign's birthday, and
Labour Day; and
- (b) a day in the period commencing on 25 December in 25
any year and ending on the close of 15 January in the
following year; and
- (c) the days observed as the anniversaries of the provinces
of Auckland and Wellington

coastal marine area has the meaning given in section 2(1) of 30
the Resource Management Act 1991

commercial redress property means—

- (a) the licensed land; and
- (b) the Waingake Road property

- Commissioner of Crown Lands** has the same meaning as Commissioner in section 2 of the Land Act 1948
- consent authority** has the meaning given in section 2(1) of the Resource Management Act 1991
- conservation document** means a conservation management plan, conservation management strategy, freshwater fisheries management plan, or national park management plan 5
- conservation management plan** has the meaning given in section 2(1) of the Conservation Act 1987
- conservation management strategy** has the meaning given in section 2(1) of the Conservation Act 1987 10
- conservation protocol** means a protocol issued by the Minister of Conservation under **section 21(1)(a)**, and includes any amendments made under **section 21(1)(b)**
- conservation protocol area** means the area shown in the map attached to the conservation protocol 15
- control**, for the purposes of **paragraph (d)** of the definition of Crown body, means,—
- (a) in relation to a company, control of the composition of its board of directors; and 20
 - (b) in relation to another body, control of the composition of the group that would be its board of directors if the body were a company
- Crown** has the meaning given in section 2(1) of the Public Finance Act 1989 25
- Crown body** means—
- (a) a Crown entity (as defined in section 7(1) of the Crown Entities Act 2004); and
 - (b) a State enterprise (as defined in section 2 of the State-Owned Enterprises Act 1986); and 30
 - (c) the New Zealand Railways Corporation; and
 - (d) a company or body that is wholly owned or controlled by any 1 or more of the following:
 - (i) the Crown;
 - (ii) a Crown entity; 35
 - (iii) a State enterprise;
 - (iv) the New Zealand Railways Corporation; and

- (e) a subsidiary of, or related company to, a company or body referred to in **paragraph (d)**

Crown forestry rental trust means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989 5

Crown mineral means, for the purposes of the Crown minerals protocol, a mineral (as defined by section 2(1) of the Crown Minerals Act 1991)— 10

- (a) that is the property of the Crown under section 10 or 11 of that Act; or
 (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

Crown minerals protocol means a protocol issued by the Minister of Energy and Resources under **section 21(1)(a)**, and includes any amendments made under **section 21(1)(b)** 15

Crown minerals protocol area means the area shown on the map attached to the Crown minerals protocol, together with the adjacent waters 20

cultural redress property has the meaning given in **section 53**

date of the deed of settlement means 5 March 2011

deed of settlement—

- (a) means the deed of settlement referred to in **section 3**; and 25
 (b) includes—
 (i) the schedules and attachments to the deed; and
 (ii) any amendments to the deed or to its schedules or attachments 30

deferred selection property means a property described in Part 4 of the property redress schedule

Director-General means the Director-General of Conservation within the meaning of section 2(1) of the Conservation Act 1987 35

documents schedule means the schedule of that name attached to the deed of settlement

- effective date** means the date that is 6 months after the settlement date
- encumbrance** means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting a property 5
- fisheries protocol** means a protocol issued under **section 21(1)(a)** by the Minister within the meaning of the Fisheries Act 1996, and includes any amendments made under **section 21(1)(b)**
- fisheries protocol area** means the area shown on the map attached to the fisheries protocol, together with the adjacent waters 10
- freshwater fisheries management plan** has the meaning given in section 2(1) of the Conservation Act 1987
- Historic Places Trust** has the meaning given to **Trust** in section 2 of the Historic Places Act 1993 15
- historical claims** has the meaning given in **section 12**
- land holding agency** means,—
- (a) for a commercial redress property, the land holding agency specified for that property in Part 3 of the property redress schedule: 20
 - (b) for a deferred selection property, the land holding agency specified for that property in Part 4 of the property redress schedule
- licensed land**— 25
- (a) means the Wharerata Forest; but
 - (b) excludes—
 - (i) all trees growing, standing, or lying on that land; and
 - (ii) all improvements that have been— 30
 - (A) acquired by a purchaser of the trees on that land; or
 - (B) made, after the acquisition of the trees, by the purchaser or the licensee
- LINZ** means Land Information New Zealand 35
- local authority** has the meaning given in section 5(1) of the Local Government Act 2002

- member of Ngai Tāmanuhiri** means every individual referred to in **section 11**
- national park management plan** has the meaning given to **management plan** in section 2 of the National Parks Act 1980
- Ngai Tāmanuhiri** has the meaning given in **section 11(1)** 5
- property redress schedule** means the schedule of that name in the deed of settlement
- protocol** means a protocol issued under **section 21(1)(a)**, including any amendments made under **section 21(1)(b)**
- regional council** has the meaning given in section 2(1) of the Resource Management Act 1991 10
- Registrar-General** means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952
- related company** has the meaning given in section 2(3) of the Companies Act 1993 15
- relevant consent authority**, in relation to a statutory area, means the consent authority of the region or district that contains, or is adjacent to, the statutory area
- representative entity** means—
- (a) the trustees; and 20
 - (b) any person (including the trustees) acting for, or on behalf of,—
 - (i) the collective group referred to in **section 11**; or
 - (ii) 1 or more of the whānau, hapū, and groups that together form that collective group; or 25
 - (iii) 1 or more members of Ngai Tāmanuhiri
- reserve site** means **Young Nick's Head/Te Kuri a Paoa Historic Reserve**, the vesting of which is provided for by **section 55**
- resource consent** has the meaning given in section 2(1) of the Resource Management Act 1991 30
- responsible department** means, for the purposes of **section 22**, one of the following departments of State:
- (a) the Ministry of Agriculture and Forestry:
 - (b) the Department of Conservation: 35
 - (c) the Ministry of Economic Development:
 - (d) the Ministry for Culture and Heritage:

- (e) any other department of State authorised by the Prime Minister to exercise powers or perform functions and duties under **subpart 1 of Part 2**
- responsible Minister** means, for the purposes of **sections 21 and 22**, one of the following Ministers: 5
- (a) the Minister of Conservation:
 - (b) the Minister of Energy and Resources:
 - (c) the Minister within the meaning of the Fisheries Act 1996:
 - (d) the Minister for Arts, Culture and Heritage: 10
 - (e) any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties under **subpart 1 of Part 2**
- RFR land** has the meaning given in **section 87**
- RFR land schedule** means the RFR land schedule in Part 3 of the attachments 15
- RFR redress** means the redress provided for in **subpart 4 of Part 3**
- settlement date** means the date that is 20 business days after the date on which this Act comes into force 20
- settlement property** means—
- (a) each cultural redress property; and
 - (b) the Waingake Road property; and
 - (c) the licensed land; and
 - (d) each deferred selection property; and 25
 - (e) all RFR land
- statements of association** has the meaning given in **section 28**
- statutory acknowledgement** means the acknowledgement made by the Crown in **section 28** in respect of each statutory area, on the terms set out in **subpart 2 of Part 2** 30
- statutory area** means—
- (a) an area specified in **Schedule 1**; and
 - (b) whose general location is indicated on the deed plan referred to in relation to that area in that schedule (but which does not establish the precise boundaries of the statutory area) 35

statutory plan means—

- (a) a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as those terms are defined in section 43AA of the Resource Management Act 1991; and 5
- (b) a proposed plan as defined in section 43AAC of that Act
- subsidiary** has the meaning given in section 5 of the Companies Act 1993

Tāmanuhiri Tutu Poroporo Trust and **TTPT** mean the trust of that name established by the trust deed 10

Tāmanuhiri Tutu Poroporo Trust deed and **trust deed**—

- (a) mean the deed of trust of the Tāmanuhiri Tutu Poroporo Trust dated 2 March 2011 and signed by Na Rongowhakaata Raihania, Reweti Ratu Ropiha, Pauline Norah Hill, Lisa Janet Maynard, Lynnettee Rerehau Pounsford, Hope Nga Taare Tupare, and Keith Tausia Tarsau; and 15
- (b) includes the schedules to the trust deed and any amendments to the trust deed or its schedules

taonga tūturu and **ngā taonga tūturu** have the meanings given in section 2(1) of the Protected Objects Act 1975 20

taonga tūturu protocol means a protocol issued by the Minister for Arts, Culture and Heritage under **section 21(1)(a)**, and includes any amendments under **section 21(1)(b)**

Te Wherowhero means the property of that name described in **Part 2 of Schedule 2** 25

tikanga means customary values and practices

trustees means the governance entity of Ngai Tāmanuhiri for the purposes of this Act, being the trustees from time to time of the Tāmanuhiri Tutu Poroporo Trust 30

Waingake Road property means the property situated at 1858 Waingake Road, Waingake and described in Part 3 of the property redress schedule

Wharerata Forest means the licensed land described in Part 3 of the property redress schedule. 35

11 Meaning of Ngai Tāmanuhiri

- (1) In this Act, **Ngai Tāmanuhiri** means—

- (a) the collective comprising individuals who descend from—
 - (i) Tāmanuhiri;
 - (ii) any other recognised ancestor of the hapū or descent groups of Ngāti Rangiwaho Matua, Ngāti Rangiwaho, Ngāti Kahutia, Ngāti Rangitauwhia, or Ngai Tawehi and who exercised customary rights within the Ngai Tāmanuhiri area of interest after 6 February 1840; and
 - (b) members of 1 or more of those hapū or descent groups; and
 - (c) every whānau, hapū, or other group of individuals to the extent that that whānau, hapū, or other group includes individuals referred to in **paragraph (a)**; and
 - (d) every individual referred to in **paragraph (a)**.
- (2) In **subsection (1)(a)**,—
- (a) a person is **descended** from another person if the first person is descended from the other by—
 - (i) birth; or
 - (ii) legal adoption;
 - (b) **customary rights** means rights according to tikanga, including—
 - (i) rights to occupy land; and
 - (ii) rights in relation to the use of land or other natural or physical resources.

12 Meaning of historical claims

(1) In this Act, **historical claims**—

- (a) means every claim (whether or not the claim has arisen or been considered, researched, notified, or made by or on the settlement date) that Ngai Tāmanuhiri 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—
 - (i) is founded on a right arising—
 - (A) from the Treaty of Waitangi or its principles; or
 - (B) under legislation; or

- (C) at common law (including aboriginal title or customary law); or
 - (D) from fiduciary duty; or
 - (E) otherwise; and
 - (ii) arises from, or relates to, acts or omissions before 21 September 1992— 5
 - (A) by, or on behalf of, the Crown; or
 - (B) by or under legislation; and
- (b) includes every claim to the Waitangi Tribunal to which **paragraph (a)** applies, including— 10
 - (i) the claims that relate exclusively to Ngai Tāmanuhiri or a representative entity, including—
 - (A) Wai 163, Maraetaha Block claim; and
 - (B) Wai 917, Ngai Tāmanuhiri claim; and
 - (ii) to the extent that they relate to Ngai Tāmanuhiri or a representative entity,— 15
 - (A) Wai 129, Ngati Porou land claim; and
 - (B) Wai 283, East Coast Raupatu claim; and
 - (C) Wai 878, Wastewater and Social Services claim; and 20
 - (iii) any other claim to the Waitangi Tribunal to which **paragraph (a)** applies, so far as it relates to Ngai Tāmanuhiri or a representative entity.
- (2) However, **historical claims** does not include any claim that—
 - (a) a member of Ngai Tāmanuhiri, or a whānau, hapū, or other group referred to in **section 11(1)(c)** may have that is founded on a right arising as a result of being descended from an ancestor not referred to in **section 11(1)(a)**; or 25
 - (b) a representative entity may have, to the extent that the claim is, or is based on, a claim referred to in **paragraph (a)**. 30

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed 35

13 Settlement of historical claims final

- (1) The historical claims are settled.

- (2) The settlement of the historical claims is final and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the acknowledgements expressed in, or the provisions of, the deed of settlement. 5
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of— 10
- (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act. 15
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

Amendment to Treaty of Waitangi Act 1975

- 14 Amendment to Treaty of Waitangi Act 1975** 20
- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) Schedule 3 is amended by inserting the following item in its appropriate alphabetical order: “Ngai Tāmanuhiri Claims Settlement Act 2011, **section 13(4) and (5)**.”

Protections no longer apply 25

- 15 Certain enactments do not apply**
- (1) Nothing in the enactments listed in **subsection (2)** applies—
- (a) to a settlement property (other than a deferred selection property); or
 - (b) to a deferred selection property, but only on and from the actual deferred selection settlement date for that property; or 30
 - (c) for the benefit of Ngai Tāmanuhiri or a representative entity.
- (2) The enactments are— 35

- (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) sections 211 to 213 of the Education Act 1989:
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986: 5
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.
 - (3) To avoid doubt, the enactments listed in **subsection (2)** continue to apply to a deferred selection property if—
 - (a) the trustees do not elect to acquire the property under the property redress schedule; or 10
 - (b) the agreement in Part 5 of the property redress schedule is cancelled.
- 16 Removal of memorials**
- (1) The chief executive of LINZ must issue to the Registrar-General a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is— 15
 - (a) all or part of a settlement property; and
 - (b) contained in a certificate of title or computer register that has a memorial entered under any enactment referred to in **section 15(2)**. 20
 - (2) The chief executive of LINZ must issue a certificate under **subsection (1)** as soon as is reasonably practicable after—
 - (a) the settlement date for a settlement property other than a deferred selection property; or 25
 - (b) the actual deferred selection settlement date, in the case of a deferred selection property.
 - (3) Each certificate must state that it is issued under this section.
 - (4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (1)**,— 30
 - (a) register the certificate against each certificate of title or computer register identified in the certificate; and
 - (b) cancel, in respect of each allotment identified in the certificate, each memorial that is entered (in accordance with any enactment referred to in **section 15(2)**) on a 35

certificate of title or computer register identified in the certificate.

Subpart 4—Miscellaneous matters

- 17 Rule against perpetuities does not apply**
- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964— 5
- (a) do not prescribe or restrict the period during which—
 - (i) the Tāmanuhiri Tutu Poroporo Trust may exist in law; or
 - (ii) the trustees, in their capacity as trustees, may hold or deal with property or income derived from property; or 10
 - (b) do not apply to a document entered into in order to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective. 15
- (2) However, if the Tāmanuhiri Tutu Poroporo Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 20
- 18 Timing of actions or matters**
- (1) Actions or matters occurring under this Act occur or take effect on and from the settlement date.
- (2) However, if a provision of this Act requires an action or matter to occur or take effect on a date other than the settlement date, that action or matter occurs or takes effect on and from that other date. 25
- 19 Access to deed of settlement**
- The chief executive of the Ministry of Justice must make copies of the deed of settlement available— 30
- (a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between the hours of 9 am and 5 pm on any business day; and 35

- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Part 2 Cultural redress

- 20 The Crown not prevented from providing other similar redress** 5
- (1) The provision of cultural redress under **subparts 1 to 3** does not prevent the Crown from doing anything that is consistent with that cultural redress, including—
- (a) providing the same or similar redress to any person other than Ngai Tāmanuhiri or the trustees: 10
- (b) disposing of land.
- (2) However, **subsection (1)** is not an acknowledgement by the Crown or Ngai Tāmanuhiri that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates. 15

Subpart 1—Protocols

- 21 Authority to issue, amend, or cancel protocols**
- (1) Each responsible Minister may—
- (a) issue a protocol to the trustees in the form set out in the documents schedule; and 20
- (b) amend or cancel that protocol.
- (2) A protocol may be amended or cancelled under **subsection (1)** at the initiative of either—
- (a) the trustees; or 25
- (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.
- 22 Protocols subject to rights, functions, and obligations** 30
- Protocols do not restrict—
- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law

and Government policy, which includes (without limitation) the ability to—

- (i) introduce legislation and change Government policy; and
- (ii) interact or consult a person that the Crown considers to be appropriate, including (without limitation) any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of a responsible Minister or a responsible department; or
- (c) the legal rights of the trustees or a representative entity.

23 Enforcement of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails, without good cause, to comply with a protocol, the trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol.
- (3) Despite **subsection (2)**, damages or any form of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.

24 Conservation protocol

- (1) A summary of the terms of the conservation protocol must be noted in the conservation documents affecting the conservation protocol area.
- (2) The noting of the summary of the conservation protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the conservation documents for the purpose of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—

- (a) rights relating to the common marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or
- (b) an estate or interest in land held, managed, or administered under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act; or 5
- (c) an interest in, or rights relating to, flora or fauna administered or managed under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act.
- 25 Crown minerals protocol 10**
- (1) A summary of the terms of the Crown minerals protocol must be noted in—
- (a) a register of protocols maintained by the chief executive of the Ministry of Economic Development; and
- (b) the minerals programmes affecting the Crown minerals protocol area when those programmes are replaced. 15
- (2) The noting of the summary is—
- (a) for the purpose of public notice only; and
- (b) not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991. 20
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown owned minerals.
- (4) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991. 25
- 26 Fisheries protocol**
- (1) A summary of the terms of the fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area.
- (2) The noting of the summary of the fisheries protocol is—
- (a) for the purpose of public notice only; and 30
- (b) not an amendment to fisheries plans for the purposes of section 11A of the Fisheries Act 1996.
- (3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in 35

respect of fish, aquatic life, and seaweed) held, managed, or administered under any of the following enactments:

- (a) the Fisheries Act 1996:
 - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004: 5
 - (c) the Maori Fisheries Act 2004.
 - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:
- (4) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996. 10

27 Taonga tūturu protocol

The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

Subpart 2—Statutory acknowledgement 15

28 Statutory acknowledgement by the Crown

- (1) The Crown acknowledges the statements of association.
- (2) In this section, and for the purposes of **sections 29 to 37, statements of association** means the statements—
 - (a) made by Ngai Tāmanuhiri of their particular cultural, spiritual, historical, and traditional association with each statutory area; and 20
 - (b) that are in the form set out in Part 1 of the documents schedule at the settlement date.

29 Purposes of statutory acknowledgement 25

- (1) The only purposes of the statutory acknowledgement are to—
 - (a) require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in **sections 30 to 32**; and 30
 - (b) require relevant consent authorities to provide summaries of resource consent applications or, as the case requires, copies of notices of applications, to the trustees in accordance with **section 34**; and

- (c) enable the trustees and any member of Ngai Tāmanuhiri to cite the statutory acknowledgement as evidence of the association of Ngai Tāmanuhiri with the relevant statutory areas, as provided for in **section 35**.
- (2) This section does not limit **sections 38 to 40**. 5
- 30 Relevant consent authorities to have regard to statutory acknowledgement**
- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the statutory area. 10
- (2) **Subsection (1)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991. 15
- 31 Environment Court to have regard to statutory acknowledgement**
- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest greater than that of the general public in respect of proceedings relating to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area. 20 25
- (2) **Subsection (1)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.
- 32 Historic Places Trust and Environment Court to have regard to statutory acknowledgement** 30
- (1) If, on or after the effective date, an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area,—

- (a) the Historic Places Trust, in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 20 of the Historic Places Act 1993 an appeal from a decision of the Historic Places Trust in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in determining whether the trustees are persons directly affected by the decision. 5 10
- (2) In this section, **archaeological site** has the meaning given in section 2 of the Historic Places Act 1993.
- 33 Recording statutory acknowledgement on statutory plans**
- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. 15
 - (2) The information attached to a statutory plan must include the relevant provisions of **sections 28 to 32** in full, the descriptions of the statutory areas, and the statements of association. 20
 - (3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not—
 - (a) part of the statutory plan, unless adopted by the relevant consent authority; or 25
 - (b) subject to Schedule 1 of the Resource Management Act 1991, unless adopted as part of the statutory plan.
- 34 Provision of summaries of resource consent applications**
- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area: 30
 - (a) a summary of the application, if the application is received by the consent authority; or 35

- (b) a copy of the notice, if the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.
- (2) A summary provided under **subsection (1)(a)** must be—
- (a) the same as would be given to an affected person under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority; and 5
- (b) provided as soon as is reasonably practicable—
- (i) after an application is received by the consent authority; and 10
- (ii) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (3) A copy of the notice given under **subsection (1)(b)** must be provided not later than 10 business days after the day on which the consent authority receives the notice. 15
- (4) The trustees may, by notice in writing to a relevant consent authority,—
- (a) waive their rights to be notified under this section; and 20
- (b) state the scope of that waiver and the period it applies for.
- (5) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application: 25
- (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.
- 35 Use of statutory acknowledgement**
- (1) The trustees and any member of Ngai Tāmanuhiri may, as evidence of the association of Ngai Tāmanuhiri with a statutory area, cite the statutory acknowledgement that relates to that area in submissions or proceedings concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before— 35
- (a) the relevant consent authorities; or
- (b) the Environment Court; or
- (c) the Historic Places Trust; or

- (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on— 5
 - (a) the bodies and the court referred to in **subsection (1)**; or
 - (b) parties to proceedings before that court or any of those bodies; or
 - (c) any other person who is entitled to participate in those proceedings. 10
- (3) Despite **subsection (2)**, the bodies, the court, and the persons specified in that subsection may take the statutory acknowledgement into account.
- (4) To avoid doubt,— 15
 - (a) neither the trustees nor members of Ngai Tāmanuhiri are precluded from stating that Ngai Tāmanuhiri has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made. 20

36 Application of statutory acknowledgement to river

- If any part of a statutory acknowledgement applies to a river or stream (including a tributary), that part of the acknowledgement— 25
- (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, which is the land 30 that the waters of the river or stream cover at their fullest flow without overflowing the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not 35 owned by the Crown; or
 - (ii) an artificial watercourse.

*General provisions relating to statutory
acknowledgements*

- 37 Exercise of powers and performance of duties and functions** 5
- (1) Except as expressly provided in this subpart,—
- (a) the statutory acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and
- (b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngai Tāmanuhiri with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no statutory acknowledgement or deed of recognition existed in respect of the statutory area. 10
- (2) **Subsection (1)(b)** does not affect the operation of **subsection (1)(a)**. 15
- 38 Rights not affected** 20
- Except as expressly provided in this subpart, the statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.
- 39 Limitation of rights** 25
- Except as expressly provided in this subpart, the statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- 40 Amendment to Resource Management Act 1991** 30
- (1) This section amends the Resource Management Act 1991.
- (2) Schedule 11 is amended by inserting the following item in its appropriate alphabetical order: “Ngai Tāmanuhiri Claims Settlement Act **2011**”.

Subpart 3—Local Leadership Body

- 41 Interpretation**
- In this subpart, unless the context otherwise requires,—
- Council** means the Gisborne District Council
- governance document** means the trust deed or other document by which a specified appointer is constituted and governed 5
- LLB** means the Local Leadership Body established by this subpart
- LLB area** means the area of the LLB as shown in OTS deed plan OTS-005-004 10
- natural and physical resources** has the meaning given in section 2(1) of the Resource Management Act 1991
- Rongowhakaata Charitable Trust** means the charitable trust of that name constituted by a trust deed dated 22 April 2006 15
- specified appointers—**
- (a) means, in relation to the appointments of the members of the LLB that must be made,—
 - (i) the trustees; and
 - (ii) the trustees of the Rongowhakaata Charitable Trust; and 20
 - (iii) the trustees of Te Aitanga a Māhaki Trust; and
 - (b) includes a delegate of, or a successor to, a specified appointer, provided any such delegation or succession complies with the requirements of the governance document of the specified appointer 25
- Te Aitanga a Māhaki Trust** means the trust of that name constituted by trust deed dated 17 September 2005.

Establishment, status, and purpose of LLB

- 42 Establishment and status of Local Leadership Body** 30
- (1) The LLB is established as a statutory body.
 - (2) Despite the membership of the LLB provided for by **section 44(1)(a) to (c)**, the LLB is a joint committee of the Council for the purposes of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. 35

- (3) Despite Schedule 7 of the Local Government Act 2002, the LLB—
- (a) is a permanent committee; and
 - (b) must not be discharged without the agreement of the specified appointers and the Council. 5
- (4) Nothing in this section, **section 43**, or **sections 46 to 52** has any effect until the initial appointments provided for by **section 45** have been made.
- 43 Purpose of LLB** 10
- (1) The purpose of the LLB is—
- (a) to contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tāmanuhiri, Rongowhakaata, and Te Aitanga a Māhaki and Affiliates with their ancestral lands, water, sites, wāhi tapu, and other taonga; and 15
 - (b) to enable individuals and communities within the LLB area, as resources allow,—
 - (i) to provide for their social, economic, and cultural well-being; and 20
 - (ii) to achieve improved outcomes in respect of the environment; and
 - (c) to ensure that the Council is appropriately informed of its statutory obligations within the LLB area, including obligations in respect of Te Tiriti o Waitangi arising under the Local Government Act 2002 and the Resource Management Act 1991 and any other relevant enactment. 25
- (2) Nothing in this subpart limits the obligations of the Council under the Local Government Act 2002 in respect of Māori within the LLB area whose interests are not represented by the specified appointers. 30

Appointment provisions

- 44 Membership of LLB** 35
- (1) The membership of the LLB is as follows:

- (a) 2 members appointed by the trustees; and
 - (b) 2 members appointed by the trustees of the Rongowhakaata Charitable Trust; and
 - (c) 2 members appointed by the trustees of Te Aitanga a Māhaki Trust; and 5
 - (d) 6 members (comprising the Mayor and 5 councillors holding office from time to time), appointed by the Council.
- (2) In appointing members of the LLB, a specified appointer must be satisfied that the persons appointed by that appointer have the skills, attributes, and knowledge to participate effectively as members of the LLB. 10
- (3) After the initial appointments made under **section 45**, the specified appointers and the Council must ensure that, having regard to the membership of the LLB for the time being, collectively the membership of the LLB reflects a balanced mix of the skills, attributes, and knowledge relevant to the purpose of the LLB. 15
- 45 Initial appointments**
- (1) The trustees may, on or after the settlement date, notify the Crown of the initial members of the LLB appointed in accordance with— 20
- (a) **section 44(1)(a) to (c) and (2)**; and
 - (b) clauses 5.28D to 5.28H of the deed of settlement.
- (2) When the trustees have notified the Crown of the initial members of the LLB appointed under **subsection (1)**,— 25
- (a) the Crown must, not later than 2 business days after receiving notice of those appointments, notify the appointments to the Council; and
 - (b) the Council must, after receiving that notice from the Crown,— 30
 - (i) appoint 6 initial members of the LLB in accordance with—
 - (A) **section 44(1)(d)**; and
 - (B) clause 31 of Schedule 7 of the Local Government Act 2002; and 35

- (ii) not later than 20 business days after being notified under **paragraph (a)**, notify the trustees and the Crown of the Council's appointments.

Functions and powers

- 46 Functions and powers of LLB** 5
- (1) The primary function of the LLB is to achieve the purpose of the LLB.
- (2) In achieving the purpose of the LLB, the LLB may—
- (a) gather and disseminate information and hold meetings for the purpose of identifying existing and any new issues that affect the LLB area: 10
- (b) develop policies and strategies to—
- (i) address any significant issues relevant to the purpose of the LLB that are identified within the LLB area: 15
- (ii) assist in achieving the purpose of the LLB:
- (c) monitor, evaluate, and review those policies and strategies: 20
- (d) promote the integrated and co-ordinated management of the natural and physical resources of the LLB area: 20
- (e) provide information to assist with the preparation of the regional policy statement, any regional plans, the district plan, annual plan, and any long-term plan of the Council, to the extent that those instruments are relevant to the LLB area: 25
- (f) provide advice to the Council on applications for resource consents, designations, heritage orders, and water conservation orders within the LLB area and in relation to the transfer or delegation of powers that are relevant to the LLB area: 30
- (g) monitor the extent to which the purpose of the LLB is being achieved:
- (h) take any other agreed action that is relevant to achieving the purpose of the LLB.
- (3) The LLB has discretion to determine, in any particular circumstance,— 35

- (a) whether to exercise a function identified in **subsection (2)**; and
 - (b) how, and to what extent, to exercise any of those functions.
- (4) The LLB has the powers reasonably necessary to carry out its functions in a manner consistent with this subpart and the relevant provisions in—
- (a) the Local Government Act 2002; and
 - (b) the Local Government Act 1974; and
 - (c) the Local Authorities (Members' Interests) Act 1968; and
 - (d) the Local Government Official Information and Meetings Act 1987.

Provisions governing members and procedures of LLB

15

47 Regulation of members

- (1) A member may be discharged by the specified appointer or the Council that appointed that member, as the case may be.
- (2) A member appointed by a specified appointer may resign on the date specified in a written notice given to that specified appointer.
- (3) If there is a vacancy on the LLB, the relevant specified appointer or the Council, as the case may be, must fill the vacancy as soon as is reasonably practicable.
- (4) To avoid doubt, members of the LLB who are appointed in accordance with **section 44(1)(a) to (c)** are not, by virtue of that membership, members of the Council.
- (5) The LLB ceases to exist and the term of office of all the remaining members expires if a specified appointer ceases to exist and a vacancy in the membership of the LLB is unable to be filled in accordance with the requirements of **section 44(1)(a) to (c)**.

48 Decision making

The members of the LLB must, individually and collectively, approach decision making in a manner that is consistent with, and reflects, the purpose of the LLB.

49 Procedural matters

- (1) The LLB must, except as provided in this subpart, regulate its own procedures.
- (2) The LLB must, at its first meeting,—
- (a) appoint a chairperson or co-chairpersons and a deputy chairperson of the LLB and state the terms of those appointments; and 5
 - (b) state the terms of the appointments of the members appointed under **section 44(1)(a) to (c)**; and
 - (c) adopt a quorum for meetings of the LLB; and 10
 - (d) adopt a set of standing orders for the operations of the LLB; and
 - (e) agree—
 - (i) how the LLB will be administered; and
 - (ii) how the costs associated with both the administration of the LLB and its operations will be met. 15
- (3) Every member of the LLB must comply with the standing orders of the LLB.
- (4) Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, the members of the LLB appointed by a specified appointer— 20
- (a) have the right to attend any meeting of the LLB; but
 - (b) do not have the right to attend meetings of the Council by reason merely of their membership of the LLB.

50 Conflict of interest

25

A member of the LLB is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because—

- (a) the member is a member of an iwi or hapū; or
- (b) the economic, social, cultural, and spiritual values of an iwi or hapū and their relationship with the LLB are advanced by or reflected in— 30
 - (i) the subject matter under consideration:
 - (ii) any decision or recommendation of the LLB:
 - (iii) participation in the matter by the member. 35

Other matters relevant to procedures of LLB

- 51 Continuing responsibilities of specified appointers and Council**
- (1) The specified appointers and the Council—
- (a) are each responsible for supporting the persons that each has appointed to the LLB; and 5
 - (b) must, no later than 12 months after the date of the first meeting of the LLB, enter into an agreement on the terms of reference of the LLB; and
 - (c) may agree to extend that time frame by a period that does not exceed a further 6 months after the date of the first meeting of the LLB. 10
- (2) In **subsection (1)(b), agreement** is the same as an agreement referred to in clause 28I of the deed of settlement.
-
- 52 Application of other Acts to LLB** 15
- (1) To the extent that they are relevant for the purpose and functions of the LLB, the provisions of the following Acts apply to the LLB, with the necessary modifications, except as provided otherwise in this subpart:
- (a) the Local Government Act 2002; and 20
 - (b) the Local Government Act 1974; and
 - (c) the Local Authorities (Members' Interests) Act 1968; and
 - (d) the Local Government Official Information and Meetings Act 1987. 25
- (2) Clauses 6(1)(b), 12, 30(3) and (7), and 31(1) and (2) of Schedule 7 of the Local Government Act 2002 apply only to the members of the LLB appointed by the Council.
- (3) Clauses 23(3)(b), 26(1), (3), and (4), 27, 30(5) and (9)(b), and 31(3), (4), and (6) of Schedule 7 of the Local Government Act 2002 do not apply to the LLB. 30
- (4) To the extent that the rest of Schedule 7 of the Local Government Act 2002 is applicable, it applies to the LLB subject to all references to—
- (a) a local authority being read as references to the LLB; and 35

- (b) a member of a committee of a local authority being read as references to the persons appointed by the specified appointers in accordance with **section 44(1)**.

Subpart 4—Vesting of cultural redress properties 5

53 Interpretation

In this Act, **cultural redress property** means the following sites, and each site means the land described by that name in

Part 1 of Schedule 2:

- (a) Mangapoike: 10
 (b) Young Nick's Head/Te Kuri a Paoa Historic Reserve (which is the same as the land to be known as Te Kuri a Paoa/Young Nick's Head National Historic Reserve).

Site vesting in fee simple

- 54 Mangapoike** 15
 The fee simple estate in Mangapoike vests in the trustees.

Site to vest and be administered as national historic reserve

- 55 Young Nick's Head/Te Kuri a Paoa Historic Reserve**
- (1) Young Nick's Head/Te Kuri a Paoa Historic Reserve vests in the trustees as if it were vested under section 26 of the Reserves Act 1977. 20
- (2) Young Nick's Head/Te Kuri a Paoa Historic Reserve is declared a national reserve for the purposes of section 13 of the Reserves Act 1977. 25
- (3) The national historic reserve created by **subsection (2)** is named Te Kuri a Paoa/Young Nick's Head National Historic Reserve.
- (4) Despite section 13(5)(b) of the Reserves Act 1977, the trustees must hold and administer Te Kuri a Paoa /Young Nick's Head National Historic Reserve as a national historic reserve subject to the Reserves Act 1977. 30

- (5) To avoid doubt, section 24(7B) of the Conservation Act 1987 applies to the vesting of Young Nick’s Head/Te Kuri a Paoa Historic Reserve under **subsection (1)**.

Provisions of general application to vesting of cultural redress properties

5

- 56 Properties vest subject to, or together with, encumbrances**
 Each cultural redress property vests under this subpart subject to, or together with, any encumbrances listed in relation to the property in the third column of **Part 1 of Schedule 2**.

57 Registration of ownership

10

- (1) This section applies in relation to the fee simple estate in a cultural redress property vested in the trustees under this subpart.
- (2) The Registrar-General must, on written application by an authorised person, comply with **subsections (3) and (4)**.
- (3) In the case of Young Nick’s Head/Te Kuri a Paoa Historic Reserve, the Registrar-General must—
- (a) register the trustees as the proprietor of the fee simple estate in the land; and
- (b) make entries in the register and do all other things necessary to give effect to this Part and to Part 5 of the deed of settlement. 20
- (4) In the case of Mangapoike, the Registrar-General must, in accordance with an application received from an authorised person,—
- (a) create 1 computer freehold register for the fee simple estate in the property in the name of the trustees; and 25
- (b) enter on the register any encumbrances that are registered, notified, or notifiable and that are described in the application.
- (5) **Subsection (4)** applies subject to the completion of any survey necessary to create the computer freehold register. 30
- (6) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—
- (a) 24 months after the settlement date; or 35

- (b) any later date that may be agreed in writing by the trustees and the Crown.
- (7) In **subsections (2) and (4), authorised person** means a person authorised by—
- (a) the Secretary for Justice, in the case of Mangapoike; and 5
- (b) the Director-General, in the case of Young Nick's Head/Te Kuri a Paoa Historic Reserve.
- 58 Application of Part 4A of Conservation Act 1987**
- The vesting in the trustees of the fee simple estate in Mangapoike under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 10
- 59 Matters to be recorded on computer freehold register**
- (1) The Registrar-General must record on the computer freehold register for Mangapoike that the land is subject to Part 4A of the Conservation Act 1987. 15
- (2) Notification made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made under section 24D(1) of that Act.
- (3) The Registrar-General must record on the computer freehold register for Te Kuri a Paoa/Young Nick's Head National Historic Reserve that the land is subject to **section 61** of this Act. 20
- 60 Application of other enactments**
- (1) The vesting of the fee simple estate in a cultural redress property does not— 25
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property. 30
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 35

- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
- (b) any matter incidental to, or required for the purpose of, the vesting.

61 Subsequent transfer of Te Kuri a Paoa/Young Nick’s Head National Historic Reserve 5

- (1) This section applies to Te Kuri a Paoa/Young Nick’s Head National Historic Reserve if it remains a reserve under the Reserves Act 1977 after vesting in the trustees.
- (2) Despite any provision of the Reserves Act 1977, the fee simple estate in Te Kuri a Paoa/Young Nick’s Head National Historic Reserve may be transferred, but only if—
 - (a) the transferors of the reserve are or were the trustees; and
 - (b) the transferees are the trustees of the same trust, after—
 - (i) any new trustees have been appointed to the trust; or
 - (ii) any transferor has ceased to be a trustee of the trust; and
 - (c) the instrument to transfer Te Kuri a Paoa/Young Nick’s Head National Historic Reserve is accompanied by a certificate given by the transferees, or the transferees’ solicitor, verifying that **paragraphs (a) and (b)** apply.

62 Saving of bylaws, etc, in relation to reserve site

- (1) This section applies to any bylaw, prohibition, or restriction on use or access that an administering body or the Minister made or granted under the Reserves Act 1977 or the Conservation Act 1987 in relation to Young Nick’s Head/Te Kuri a Paoa Historic Reserve before it vested in the trustees under **section 55**. 25
- (2) The bylaw, prohibition, or restriction on use or access remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987. 30

- 63 Authority to alter name of Young Nick's Head/Te Kuri a Paoa Historic Reserve**
- (1) For the purposes of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, the official geographic name Young Nick's Head/Te Kuri a Paoa Historic Reserve is altered to Te Kuri a Paoa/Young Nick's Head National Historic Reserve for the reserve vested under **section 55** of this Act. 5
- (2) The Board must ensure that, as soon as is reasonably practicable after the settlement date, the Gazetteer is altered by including the official geographic name as altered in **subsection (1)**, as if that name had been altered under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 10
- (3) In this section, **Board**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 15

Subpart 5—Te Wherowhero

- 64 Transfer of Te Wherowhero to trustees**
- (1) To give effect to clauses 5.18 to 5.23 of the deed of settlement,— 20
- (a) the permission of a council under section 348 of the Local Government Act 1974 is not required for the laying out, forming, granting, or reserving a private road, private way, or right of way required in relation to—
- (i) the transfer of Te Wherowhero to the trustees; or 25
- (ii) any matter incidental to that transfer for the benefit of persons other than the trustees; and
- (b) section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (i) the transfer of the fee simple estate in Te Wherowhero to the trustees; or 30
- (ii) any matter incidental to, or required for the purpose of, that transfer.
- (2) As soon as orders are produced for computer freehold registers, the Registrar-General must create— 35
- (a) 1 computer freehold register for the fee simple estate in Te Wherowhero in the names of the trustees; and

- (b) 1 computer freehold register for the fee simple estate in the balance of the land in computer freehold register 504589 in the name of the transferor.
- (3) In this section, **transferor** means the person in whose name the fee simple title was registered immediately preceding the settlement date. 5

Part 3

Commercial redress

Subpart 1—Transfer of commercial redress, and deferred selection, properties 10

- 65 **The Crown may transfer properties**
- (1) To give effect to Part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to do 1 or both of the following:
 - (a) transfer the fee simple estate in— 15
 - (i) the Waingake Road property to the trustees:
 - (ii) a deferred selection property—
 - (A) to the trustees; or
 - (B) in the case of the LINZ property 11306, either to the trustees or to a nominated entity: 20
 - (b) sign a transfer instrument or other document or do any other thing to effect that transfer.
- (2) As soon as is reasonably practicable after the actual deferred settlement date for a deferred selection property, the chief executive of the land holding agency must provide written notification of that date to the chief executive of LINZ for the purposes of **section 16** (which relates to the removal of memorials). 25
- (3) In this section,— 30
 - LINZ property 11306** means the property of that name described in Part 4 of the property redress schedule
 - nominated entity** means an entity nominated by the trustees to take title to the LINZ property 11306.

- 66 Registrar-General to create computer freehold register**
- (1) This section applies to a deferred selection property that is to be transferred under **section 65**, to the extent that—
- (a) the property is not all of the land contained in a computer freehold register; or 5
 - (b) there is no computer freehold register for all or part of the property.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and 10
 - (b) record on the computer freehold register any encumbrances that are registered, notified, or notifiable and that are described in the written application; but
 - (c) omit any statement of purpose from the computer freehold register. 15
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a computer freehold register.
- (4) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for any land that is to be transferred under **section 65**. 20
- (5) Despite the Land Transfer Act 1952,—
- (a) the authorised person may request the Registrar-General to register a covenant (as referred to in **subsection (4)**) under the Land Transfer Act 1952 by creating a computer interest register; and 25
 - (b) the Registrar-General must register the covenant in accordance with **paragraph (a)**.
- (6) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for a deferred selection property. 30
- 67 Application of other enactments**
- (1) This section applies to the transfer under **section 65** of the Waingake Road property or a deferred selection property (a **relevant property**). 35
- (2) The transfer of a relevant property—

- (a) is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and
 - (b) does not—
 - (i) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (ii) affect other rights to subsurface minerals; or
 - (iii) require the permission of a council under section 348 of the Local Government Act 1974 for laying out, forming, granting, or reserving a private road, private way, or right of way that may otherwise be required to fulfil the terms of Parts 5 and 6 of the property redress schedule.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the transfer of a relevant property; or
 - (b) any matter incidental to, or required for the purpose of, that transfer.
- (4) In exercising the powers conferred by this subpart, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a relevant property.
- (5) **Subsection (4)** is subject to **subsection (2)(a) and (b)(i) and (ii)**.
- Subpart 2—Licensed land 25
- Transfer of Wharerata Forest*
- 68 Interpretation**
 In this subpart,—
- accumulated rentals** means the accumulated rentals relating to the Wharerata Forest that are held under the terms of the Crown forestry rental trust 30
 - confirmed beneficiary** has the meaning given in the Crown forestry rental trust deed

Crown interest—

- (a) means the Crown's entitlement, as a beneficiary of the Wharerata Forest Trust, to 50% of the Wharerata Forest; and
- (b) includes— 5
- (i) the rental proceeds associated with the Crown interest; and
- (ii) the Crown's entitlement to a 50% shareholding in Wharerata Forest Limited

historical Treaty claim has the meaning given in section 2 of the Treaty of Waitangi Act 1975 10

other Wharerata claimants means Ngāti Rakaipaaka, Ngai Te Rakato, and any other claimants with well founded historical Treaty claims to the Wharerata Forest, as may be determined by the Waitangi Tribunal under the Treaty of Waitangi Act 1975 15

rental proceeds means—

- (a) the accumulated rentals; and
- (b) the ongoing rentals

Waitangi Tribunal means the tribunal established under the Treaty of Waitangi Act 1975 20

Wharerata Forest Limited means the company incorporated under the company number [TO BE SUPPLIED]—

- (a) to act as trustee of the Wharerata Forest Trust; and
- (b) to administer the Wharerata Forest in accordance with this Act, the deed of settlement, and the Wharerata shareholders' agreement and trust deed 25

Wharerata Forest Trust means the trust established by the Wharerata shareholders' agreement and trust deed

Wharerata shareholders' agreement and trust deed means the trust deed entered into by the Crown, the trustees, and Wharerata Forest Limited in accordance with clause 6.8 of the deed of settlement and in substantially the same form set out in the documents schedule. 30

Transfer of fee simple estate to Wharerata Forest Limited

- 69 Transfer of licensed land**
 To give effect to clauses 6.10 and 6.11 of the deed of settlement, the Crown (acting by and through the chief executive of LINZ) is authorised to do 1 or both of the following: 5
- (a) transfer to Wharerata Forest Limited the fee simple estate in the Wharerata Forest:
 - (b) sign a transfer instrument or other document, or do any other thing to effect that transfer. 10
- 70 Licensed land ceases to be Crown forest land**
- (1) The Wharerata Forest ceases to be Crown forest land on the registration of the transfer of the fee simple estate in the land to Wharerata Forest Limited.
 - (2) Although the Wharerata Forest does not cease to be Crown forest land until the transfer of the fee simple estate in the land to Wharerata Forest Limited is registered, neither the Crown nor any court or tribunal may do any thing, or omit to do any thing, if that act or omission would, between the settlement date and the date of registration, be inconsistent with this subpart, with clause 6.10 or 6.11 of the deed of settlement, or with Part 6 of the property redress schedule although consistent with the Crown Forest Assets Act 1989. 15 20
 - (3) Despite **subsection (1)**, **section 13** does not exclude the jurisdiction of the Waitangi Tribunal in relation to the transfer of any portion of the Crown interest to any other Wharerata claimant, as provided for by **sections 78 to 81**. 25
- 71 Wharerata Forest Limited is confirmed beneficiary and licensor**
- (1) Wharerata Forest Limited is, in relation to the Wharerata Forest, the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed. 30
 - (2) The effect of **subsection (1)** is that—
 - (a) Wharerata Forest Limited is entitled to the rental proceeds payable since the commencement of the Crown forestry licence; and 35

- (b) all the provisions of the Crown forestry rental trust deed apply on the basis that Wharerata Forest Limited is the confirmed beneficiary; and
- (c) Wharerata Forest is to be managed in accordance with the Wharerata shareholders' agreement and trust deed. 5
- (3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land. 10
- (4) Notice given by the Crown under **subsection (3)** has effect as if—
 - (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and 15
 - (b) the recommendation had become final on the settlement date.
- (5) Wharerata Forest Limited is the licensor under the Crown forestry licence as if the licensed land had been returned to Māori ownership— 20
 - (a) on the settlement date; and
 - (b) under section 36 of the Crown Forest Assets Act 1989.
- (6) However, section 36(1)(b) of the Crown Forest Assets Act 1989 (which relates to the payment of compensation) does not apply to the licensed land. 25

72 Registrar-General to create computer freehold register for Wharerata Forest

- (1) This section applies to the Wharerata Forest that is to be transferred to Wharerata Forest Limited under Part 6 of the deed of settlement and Part 6 of the property redress schedule. 30
- (2) The Registrar-General must, in accordance with a written application by an authorised person, and after the completion of any necessary survey, create—
 - (a) 1 computer freehold register for that part of the Wharerata Forest in the Gisborne Land Registration District; and 35

- (b) 1 computer freehold register for that part of the Wharerata Forest in the Hawke's Bay Land Registration District.
 - (3) Each computer freehold register created under **subsection (2)** must be created— 5
 - (a) in the name of the Crown; and
 - (b) subject to, and together with, any encumbrances that are registered, notified, or notifiable and that are described in the written application; but
 - (c) without any statement of purpose. 10
 - (4) For the purposes of this section, **section 66** applies, with the necessary modifications, to permit the authorised person to grant a covenant for the later creation of a computer freehold register for the Wharerata Forest that is transferred under the authority of **section 69**. 15
 - (5) In this section, **authorised person** means the chief executive of Land Information New Zealand.
- 73 Effect of transfer of licensed land**
- Section 71** applies whether or not, on the settlement date, the transfer of the fee simple estate in the licensed land has been registered. 20
- 74 Application of other enactments**
- (1) The transfer of the Wharerata Forest to Wharerata Forest Limited is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 25
 - (2) The transfer of Wharerata Forest to Wharerata Forest Limited does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or 30
 - (b) affect other rights to subsurface minerals.
 - (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the transfer of Wharerata Forest to Wharerata Forest Limited; or 35

- (b) any matter incidental to, or required for the purpose of, that transfer.
- (4) In exercising the authority under **section 69**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of Wharerata Forest to Wharerata Forest Limited. 5
- (5) **Subsection (4)** is subject to **subsections (1) and (2)**.

Transfer of part of Wharerata Forest

- 75 Transfer of part of Wharerata Forest by Wharerata Forest Limited** 10
- (1) The trustees may request Wharerata Forest Limited to transfer a specified part of the Wharerata Forest in accordance with the Wharerata shareholders' agreement and trust deed.
- (2) Wharerata Forest Limited must transfer the specified part of the Wharerata Forest in accordance with the request. 15
- 76 Application of other enactments**
- For a period of up to 9 years from the settlement date, if Wharerata Forest Limited transfers a specified part of the Wharerata Forest under **section 75** or otherwise under the Wharerata shareholders' agreement and trust deed,— 20
- (a) section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (i) the transfer of the specified part of the Wharerata Forest; or
- (ii) any matter incidental to, or required for the purpose of, that transfer; and 25
- (b) the transfer of a specified part of the Wharerata Forest does not require the permission of a council under section 348 of the Local Government Act 1974 for laying out, forming, granting, or reserving a private road, private way, or right of way that may be required to fulfil the terms of the Wharerata shareholders' agreement and trust deed in relation to the transfer; and 30
- (c) a certificate given by a director of Wharerata Forest Limited is sufficient evidence that the transfer is under **section 75**. 35

Transfer of Crown interest in Wharerata Forest

77 Transfer of Crown interest

- (1) This section applies if, at any time up to 8 years from the settle-
ment date, the Crown and any other Wharerata claimant pro-
pose to enter into a deed of settlement to settle the historical
Treaty claim of that other Wharerata claimant in relation to the
Crown interest. 5
- (2) Before entering into a deed of settlement with any other Whar-
erata claimant, the Crown must consult every other Wharerata
claimant with a view to reaching an agreement on whether all
or any part of the Crown interest should be transferred to the
other Wharerata claimant with which the deed of settlement is
proposed. 10
- (3) If agreement is reached under **subsection (2)**, the Crown
must, to the extent required by the deed of settlement in re-
spect of the Crown interest, transfer to the other Wharerata
claimant or the claimant's nominee the specified part of the
Crown interest. 15
- (4) If agreement is not reached under **subsection (2)**, **sections
78 to 81** apply, for the period referred to in **section 76**. 20

*Limited jurisdiction of Waitangi Tribunal in
respect of Wharerata Forest*

**78 Reference of certain matters to Waitangi Tribunal for
mediation**

- (1) If an agreement is not reached under **section 77**,— 25
- (a) the matter may be referred to the Waitangi Tribunal for
determination by—
- (i) the Crown; or
- (ii) any of the other Wharerata claimants; and
- (b) the Waitangi Tribunal may exercise its jurisdiction to re-
fer the matter for mediation in accordance with clauses
9A to 9C of Schedule 2 of the Treaty of Waitangi Act
1975. 30
- (2) If a matter is referred to the Waitangi Tribunal under **subsec-
tion (1)**, a reference in clauses 9A to 9C of Schedule 2 of the
Treaty of Waitangi Act 1975— 35

- (a) to a claim submitted under section 6 of that Act or under clause 9A of Schedule 2 of that Act is to be treated as a reference to a matter referred to the Waitangi Tribunal under this section; and
- (b) to a settlement of a claim under that Act is to be treated as a reference to the resolution of a dispute under this section. 5
- (3) This section applies despite **section 13**.
- 79 Jurisdiction of Waitangi Tribunal to make findings and recommendations** 10
- (1) If, within a reasonable time, the parties to the dispute cannot agree on mediation or the dispute cannot be resolved by mediation, as provided for by **section 78**, the Waitangi Tribunal may, despite **sections 13 and 15**, exercise its jurisdiction in accordance with sections 8HA to 8HD of the Treaty of Waitangi Act 1975, as modified by **section 80**, to make— 15
- (a) findings on the historical Treaty claims of any or all of the other Wharerata claimants; and
- (b) recommendations relating to the transfer of all or part of the Crown interest to any or all of the other Wharerata claimants. 20
- (2) To avoid doubt, sections 8HA to 8HD of the Treaty of Waitangi Act 1975 are modified only to the extent necessary to apply to the Crown interest and those modifications do not apply to licensed land. 25
- 80 Modifications to jurisdiction of Waitangi Tribunal**
- (1) The jurisdiction of the Waitangi Tribunal under **section 79** is limited to determining matters relating to the transfer of all or part of the Crown interest.
- (2) The Crown must advise the Waitangi Tribunal of any change to the Crown interest in order to inform the Tribunal of the extent of the Tribunal's jurisdiction for the purpose of **subsection (1)**. 30
- (3) The recommendations that the Waitangi Tribunal may make under section 8HB(1)(a) of the Treaty of Waitangi Act 1975— 35

- (a) are limited to recommendations on the transfer of the Crown interest; but
- (b) for the purposes of making any such recommendation, the Waitangi Tribunal may inquire into, and make findings on, the actions of the Crown in relation to all or any part of the Wharerata Forest. 5
- (4) Despite section 8HD of the Treaty of Waitangi Act 1975, any or all of the other Wharerata claimants may appear and be heard by the Tribunal in relation to the historical Treaty claims of any other Wharerata claimant. 10

81 Obligations in event of interim recommendation of Waitangi Tribunal

- (1) This section applies at any time during the period referred to in **section 76** if, in inquiring into the historical Treaty claims of any other Wharerata claimant under **section 79**,— 15
 - (a) the Waitangi Tribunal makes an interim recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the transfer of the whole or part of the Crown interest to 1 or more of the other Wharerata claimants; and 20
 - (b) that interim recommendation becomes final under section 8HC of that Act.
- (2) The Crown must give effect to the final recommendation by transferring all or part of the Crown interest as directed by the Waitangi Tribunal. 25

Subpart 3—Access to protected sites

82 Meaning of protected site

In this subpart, **protected site** means any area of land situated in the Wharerata Forest that—

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 2 of the Historic Places Act 1993; and 30
- (b) is, or at any future time becomes, a registered place within the meaning of section 2 of that Act.

83 Right of access to protected site

- (1) The owner of the land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow access across the land to each protected site to Māori for whom the protected site is of special spiritual, cultural, or historical significance. 5
- (2) The right of access may be exercised by vehicles or on foot over any reasonably convenient routes specified by the owner.
- (3) The right of access is subject to the following conditions:
- (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and 10
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
 - (c) a person exercising the right of access must observe any reasonable conditions imposed by the owner relating to the time, location, or manner of access as are reasonably required for— 15
 - (i) the safety of people; or
 - (ii) the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or 20
 - (iii) operational reasons.

84 Right of access subject to Crown forestry licence

- (1) The right of access conferred by **section 83** is subject to, and does not override, the terms of any Crown forestry licence, except where the licensee has agreed to an exercise of the right of access. 25
- (2) An amendment to a Crown forestry licence will be of no effect to the extent that it purports to—
- (a) delay the date from which a person who has a right of access under **section 83** may exercise that right; or 30
 - (b) otherwise adversely affect the right of access.

85 Notation of right of access over licensed land transferred on settlement date

- (1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for the Wharerata Forest that the land is, or may 35

at any future time be, subject to the right of access set out in **section 83**.

- (2) An application must be made as soon as is reasonably practicable after the settlement date.
- (3) However, if a computer freehold register has not been created by the settlement date, an application must be made as soon as is reasonably practicable after the register has been created. 5
- (4) In this section, **authorised person** means a person authorised by the chief executive of LINZ.

Subpart 4—Right of first refusal in relation to RFR land 10

86 Interpretation

In this subpart and **Schedule 3**, unless the context requires another meaning,—

deferred Muriwai School RFR land means the Muriwai School DSP site described in Part 4 of the property redress schedule that— 15

- (a) has not been transferred; and
- (b) is no longer able to be transferred in accordance with Part 5 of that schedule 20

dispose of, in relation to RFR land,—

- (a) means to—
 - (i) transfer or vest the fee simple estate in the land; or
 - (ii) grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), for 50 years or longer; but 25
- (b) to avoid doubt, does not include to—
 - (i) mortgage, or give a security interest in, the land; or 30
 - (ii) grant an easement over the land; or
 - (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or
 - (iv) remove an improvement, fixture, or fitting from the land 35

expiry date, in relation to an offer, means its expiry date under **sections 89(a) and 90**

Muriwai School House site means 0.0900 hectares, approximately, subject to ground verification, being Part Lot 1 DP 3561, part computer freehold register GS2A/870, as shown 5
bordered in yellow on the Muriwai School House site diagram in Part 3 of the attachments

Muriwai School House site RFR land means the Muriwai School House site, if it does not form part of the Muriwai School DSP site described in Part 4 of the property redress 10
schedule

notice means a notice required by **section 105, 106, or 107**

offer means an offer, made in accordance with **section 89**, by an RFR landowner to dispose of RFR land to the trustees

Pakowhai Scenic Reserve means the RFR land described by 15
that name in Part 3 of the attachments

public work has the meaning given in section 2 of the Public Works Act 1981

RFR land has the meaning given in **section 87**

RFR landowner, in relation to RFR land,— 20

- (a) means—
 - (i) the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
 - (ii) a Crown body, if the body holds the fee simple 25
estate in the land; and
- (b) includes a local authority to which RFR land has been disposed of under **section 95(1)**; but
- (c) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date, 30
under **section 96(1)**

RFR period means a period of—

- (a) 100 years from the settlement date for the Pakowhai Scenic Reserve; and
- (b) 169 years for— 35
 - (i) the deferred Muriwai School RFR land; and
 - (ii) the Muriwai School House site RFR land.

87 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
- (a) Pakowhai Scenic Reserve; and
 - (b) Muriwai School House site RFR land; and
 - (c) deferred Muriwai School RFR land; and 5
 - (d) land obtained in exchange for a disposal of RFR land under **section 100(1)(c) or 101**.
- (2) However, land ceases to be RFR land if—
- (a) the RFR landowner transfers the fee simple estate in the land to— 10
 - (i) the trustees or their nominee (for example, under **section 92**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 88(c)**; or
 - (b) the RFR landowner transfers or vests the fee simple estate in the land to or in a person other than the Crown or a Crown body— 15
 - (i) under any of **sections 97 to 103** (which relate to permitted disposals of RFR land); or
 - (ii) under **section 104(1)** (which relates to matters that may override the obligations of an RFR landowner under this subpart); or 20
 - (c) the RFR period ends.

Restrictions on disposal of RFR land

88 Restrictions on disposal of RFR land 25

An RFR landowner must not dispose of RFR land to a person other than the trustees or their nominee unless the land is disposed of—

- (a) under any of **sections 94 to 103**; or
- (b) under **section 104(1)**; or 30
- (c) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees, if the offer was—
 - (i) made in accordance with **section 89**; and
 - (ii) on terms that were the same as, or more 35 favourable to the trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 91**; and

- (iv) not accepted under **section 92**.

Trustees' right of first refusal

89 Requirements for offer

An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees that incorporates— 5

- (a) the terms of the offer, including its expiry date; and
- (b) a legal description of the land, including any encumbrances affecting the land, and the reference for any computer register that contains the land; and
- (c) a street address for the land (if applicable); and 10
- (d) a street address, postal address, and fax number to enable the trustees to give notices to the RFR landowner in relation to the offer.

90 Expiry date of offer

(1) The expiry date of an offer must be on or after the day that is 15
40 business days after the date on which the trustees receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the day that is 20 business days after the date on which the trustees receive notice of the offer if— 20

- (a) the trustees received an earlier offer to dispose of the land; and
- (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
- (c) the earlier offer was not withdrawn. 25

91 Withdrawal of offer

The RFR landowner may, by notice to the trustees, withdraw an offer at any time before it is accepted.

92 Acceptance of offer

(1) The trustees may, by notice to the RFR landowner who made 30
an offer, accept the offer if—

- (a) it has not been withdrawn; and
- (b) its expiry date has not passed.

- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less.

93 Formation of contract

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer, including the terms set out in **subsections (3) to (6)**. 5
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees. 10
- (3) Under the contract, the trustees may nominate any person other than the trustees (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only— 15
- (a) if the nominee is lawfully able to hold the RFR land; and
 - (b) by giving notice to the RFR landowner on or before the day that is 10 business days before the day on which the transfer is to settle.
- (5) The notice must specify— 20
- (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract. 25

Disposals if land remains RFR land

94 Disposal to the Crown or Crown body

- (1) An RFR landowner may dispose of RFR land to— 30
- (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

- 95 Disposal of existing public works to local authority**
- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority (as defined in section 2 of the Public Works Act 1981). 5
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes—
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart. 10
- 96 Disposal of reserves to administering body**
- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become— 15
- (a) the RFR landowner of that land; or
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if the RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes— 20
- (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.
- Disposals if land may cease to be RFR land* 25
- 97 Disposal in accordance with enactment or rule of law**
An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.
- 98 Disposal in accordance with legal or equitable obligation**
An RFR landowner may dispose of RFR land in accordance with— 30
- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or

- (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
 - (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

- 99 Disposal by the Crown under certain legislation**

The Crown may dispose of RFR land in accordance with—

 - (a) section 54(1)(d) of the Land Act 1948; or
 - (b) section 355(3) of the Resource Management Act 1991; or
 - (c) section 34 of the Marine and Coastal Area (Takutai Moana) Act 2011.

- 100 Disposal of land held for public works**

(1) An RFR landowner may dispose of RFR land in accordance with—

 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as those provisions are applied by another enactment); or
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981, if the land is disposed of to the owner of adjoining land; or
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

- 101 Disposal for reserve or conservation purposes**

An RFR landowner may dispose of RFR land in accordance with—

 - (a) section 15 of the Reserves Act 1977; or

- (b) section 16A or 24E of the Conservation Act 1987.

102 Disposal for charitable purposes

An RFR landowner may dispose of RFR land as a gift for charitable purposes.

103 Disposal to tenants

5

The Crown may dispose of RFR land—

- (a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or 10
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—
- (i) before the settlement date; or
- (ii) on or after the settlement date, as a renewal of a lease granted before the settlement date; or 15
- (c) under section 93(4) of the Land Act 1948.

RFR landowner obligations

104 RFR landowner's obligations under this subpart

- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to— 20
- (a) any other enactment or rule of law but, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
- (b) any encumbrance or legal or equitable obligation that— 25
- (i) prevents or limits an RFR landowner's disposal of RFR land to the trustees; and
- (ii) the RFR landowner cannot satisfy by taking reasonable steps; and
- (c) the terms of a mortgage over, or security interest in, RFR land. 30
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.
- (3) This subpart does not limit **subsection (1)**.

Notices

105 Notice of RFR land with computer register after settlement date

- (1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created. 5
- (2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land. 10
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the reference for the computer register and a legal description of the land. 15

106 Notice of disposals of RFR land to others

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees.
- (2) The notice must be given on or before the day that is 20 business days before the date of the disposal. 20
- (3) The notice must—
 - (a) specify the legal description of the land (including any encumbrances affecting the land); and
 - (b) identify any computer register that contains the land; and 25
 - (c) specify the street address for the land (if applicable); and
 - (d) identify the person to whom the land is being disposed of; and 30
 - (e) explain how the disposal complies with **section 88**; and
 - (f) if the disposal is made under **section 88(c)**, include a copy of any written contract for the disposal.

107 Notice of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because—
- (a) the RFR landowner is to transfer the fee simple estate in the land to—
 - (i) the trustees or their nominee (for example, under **section 92**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 88(c)**; or
 - (b) the RFR landowner is to transfer or vest the fee simple estate in the land to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 97 to 103**; or
 - (ii) under **section 104(1)**.
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.
- (3) The notice must—
- (a) specify the legal description of the land; and
 - (b) identify the computer register that contains the land; and
 - (c) specify the details of the transfer or vesting of the land.

108 Notice requirements

Schedule 3 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
- (b) the trustees.

*Memorials for RFR land***109 Recording memorials on computer registers for RFR land**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers that contain,—
- (a) the RFR land for which there is a computer register on the settlement date; and
 - (b) the RFR land for which a computer register is first created after the settlement date; and

- (c) land for which there is a computer register that becomes RFR land after the settlement date.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable—
 - (a) after the settlement date, in the case of RFR land for which there is a computer register on the settlement date; or
 - (b) after receiving a notice under **section 105** that a computer register has been created for the RFR land or that the land has become RFR land, in the case of any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on the computer register that the land described in the certificate (and contained in the computer register) is—
 - (a) RFR land as defined in **section 87**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

110 Removal of memorials when land to be transferred or vested

- (1) The chief executive of LINZ must, before registering the transfer or vesting of land described in a notice received under **section 107**, issue to the Registrar-General a certificate that—
 - (a) specifies the legal description of the land; and
 - (b) identifies the computer register that contains the land; and
 - (c) specifies the details of the transfer or vesting of the land; and
 - (d) states that it is issued under this section.
- (2) The chief executive of LINZ must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove any memorial recorded under **section 109** from the computer register identified in the certificate. 5
- 111 Removal of memorials when RFR period ends**
- (1) As soon as is reasonably practicable after the RFR period ends in respect of the RFR land, the chief executive of LINZ must issue to the Registrar-General a certificate that— 10
- (a) identifies each computer register that still has a memorial recorded on it under **section 109**; and
- (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate. 15
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove a memorial recorded under **section 109** from any computer register identified in the certificate.
- Matters relating to implementation of RFR* 20
- 112 Waiver and variation**
- (1) The trustees may, by notice to an RFR landowner, waive any or all of their rights in relation to the RFR landowner under this subpart.
- (2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart. 25
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.
- 113 Disposal of Crown bodies not affected** 30
- This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

Part 4

Transitional matters

114 Interpretation

In this Part, unless the context otherwise requires,—

- assets and liabilities**— 5
- (a) means assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act, by or on behalf of—
- (i) the NTWT trustees:
- (ii) the relevant subsidiary; and 10
- (b) includes—
- (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and
- (ii) all liabilities, including debts, charges, duties, 15 contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)
- exempt income** has the meaning given in section YA 1 of the 20 Income Tax Act 2007
- Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994
- Ngai Tāmanuhiri Whānui Charitable Trust** and **NTWCT** mean the charitable trust of that name established by trust deed 25 dated 15 August 1994 and incorporated 22 August 1994 under number 624878
- Ngai Tāmanuhiri Whānui Trust** and **NTWT** means the trust of that name established by trust deed dated 30 April 2005
- NTWCT trustees** and **NTWT trustees** mean, respectively, 30 the trustees of the NTWCT and of the NTWT
- relevant subsidiary** means the Ngai Tāmanuhiri Asset Holding Company incorporated under company number 1766684
- TTPT trustees** has the meaning given to **trustees** in **section 10.** 35

*Assets and liabilities***115 Vesting of assets and liabilities**

- (1) On the commencement of this Act, the assets and liabilities of the NTWT trustees vest in the TTPT trustees and become the assets and liabilities of the TTPT trustees. 5
- (2) However, the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of the relevant subsidiary.
- (3) To the extent that the assets and liabilities of the NTWT trustees are held subject to— 10
- (a) any charitable trusts, those assets and liabilities are—
- (i) freed of all charitable trusts; but
- (ii) subject to the trusts expressed in the trust deed of the Tāmanuhiri Tutu Poroporo; and
- (b) any other trusts, covenants, or conditions, those assets and liabilities are subject to those trusts, covenants, or conditions. 15
- (4) To the extent that the assets and liabilities of the relevant subsidiary are held subject to any charitable trusts, those assets and liabilities are freed of all charitable trusts. 20
- (5) To avoid doubt,—
- (a) the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of that subsidiary; and
- (b) nothing in this section has the effect, of itself, of causing the relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts. 25

*Transitional taxation provisions***116 Taxation provision applying to transferred assets and liabilities of TTPT trustees** 30

- (1) This section and **section 117** apply for the purposes of the Inland Revenue Acts, provided that the assets and liabilities of the NTWT trustees become those of the TTPT trustees in accordance with **section 115(1) and (2)**.
- (2) On and from the date on which the assets and liabilities vest in the TTPT trustees under **section 115(1)**,— 35

- (a) the TTPT trustees are deemed to be the same persons as the NTWT trustees; and
 - (b) everything done by the NTWT trustees before the assets and liabilities become those of the TTPT trustees is deemed to have been done by the TTPT trustees on the date that it was done by the NTWT trustees. 5
- (3) Income derived or expenditure incurred by the NTWT trustees before the assets and liabilities become those of the TTPT trustees does not become income derived or expenditure incurred by the TTPT trustees just because the assets and liabilities become those of the TTPT trustees under **section 115(1)**. 10
- (4) If income of the NTWT trustees derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of the NTWT trustees but is not exempt income of the TTPT trustees, the TTPT trustees are treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property on the day that it becomes their property for a consideration that is its market value on that day. 15 20
- (5) The TTPT trustees must calculate an amount from the income derived by the NTWCT trustees and the NTWT trustees that—
- (a) was exempt income under sections CW 41 and CW 42 of the Income Tax Act 2007; and
 - (b) was not distributed before the commencement of this Act. 25
- (6) In **subsection (5)**,—
- (a) the amount does not represent the corpus of the TTPT trustees; and
 - (b) if the TTPT trustees distribute that amount to any person, that amount is beneficiary income of that person. 30
- 117 Election by TTPT trustees to be Māori authority**
- (1) If the TTPT trustees make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the amount referred to in **section 116(5)** is distributed in an income year, that distribution will be— 35
- (a) exempt income if the distribution is applied for a charitable purpose; or

- (b) a taxable Māori authority distribution.
- (2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.
- 118 Taxation provision applying to assets and liabilities of relevant subsidiary** 5
- (1) This section applies provided that—
- (a) the assets and liabilities of the relevant subsidiary remain the assets and liabilities of the subsidiary; and
- (b) the income of the relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of the subsidiary before the commencement of this Act, and ceases to be exempt income as a result of the application of **section 115(3)**. 10
- (2) The subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the date of the commencement of this Act. 15
- 119 Election by relevant subsidiary to be Māori authority**
- (1) If the relevant subsidiary makes an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, income derived by the subsidiary before the commencement of this Act that was exempt income under sections CW 41 and CW 42 of that Act must be treated as a taxable Māori authority distribution if, after the commencement of this Act, it is distributed by the subsidiary in an income year. 20 25
- (2) If this section applies, the distribution must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.
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Schedule 1
Statutory areas

ss 5(60, 10, 28)

Statutory area	Location
Ngai Tāmanuhiri Coastal Marine Area	OTS-005-005
Part Waipaoa River (including Karaua Stream)	OTS-005-006

Schedule 2 Cultural redress

ss 5(6), 10, 53, 56

Part 1

Cultural redress properties

Name of site	Description	Encumbrances
Mangapoike	<i>Hawke's Bay Land District—Gisborne and Wairoa District</i> 62.6773 hectares, more or less, being Lot 1 DP 21726 (formerly Part Nuhaka 2B2A2 Block). All Computer Freehold Register HBP4/1288.	
Young Nick's Head/ Te Kuri a Paoa Historic Reserve	<i>Gisborne Land District—Gisborne District</i> 38.7300 hectares, more or less, being Lot 1 DP 319260. All Computer Freehold Register 75811.	Subject to national historic reserve referred to in section 55 , subject to Reserves Act 1977.

Part 2

Te Wherowhero

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Name of site	Description	Encumbrances
Te Wherowhero	<i>Gisborne Land District—Gisborne District</i> 79 hectares, approximately, being Part Lot 3 and Lot 4 DP 3709. Part Computer Freehold Register 504589. Subject to survey.	Subject to open space covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977 created by transfer 162149.1. Subject to drainage easement and together with rights of way, both to be registered in conjunction with the transfer.

Schedule 3

ss 5(6), 86, 108

Notices relating to RFR land

- 1 Requirements for giving notice**
- A notice by or to an RFR landowner, or the trustees, under **subpart 4 of Part 3** must be— 5
- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, in the case of a notice given by the trustees; and
 - (b) addressed to the recipient at the street address, postal address, or fax number— 10
 - (i) specified for the trustees in accordance with the deed of settlement, in the case of a notice to the trustees; or
 - (ii) specified by the RFR landowner in an offer made under **section 89**, or specified in a later notice by the trustees, in the case of a notice by the trustees to an RFR landowner; or 15
 - (iii) of the national office of LINZ, in the case of a notice given to the chief executive of LINZ under **section 105 or 107**; and 20
 - (c) given by—
 - (i) delivering it by hand to the recipient’s street address; or
 - (ii) posting it to the recipient’s postal address; or 25
 - (iii) faxing it to the recipient’s fax number.
- 2 Timing**
- (1) A notice is to be treated as having been received—
- (a) at the time of delivery, if delivered by hand; or
 - (b) on the second day after posting, if posted; or 30
 - (c) at the time of transmission, if faxed.

- (2) However, a notice is to be treated as having been received on the next business day if, under **subclause (1)**, it would be treated as having been received—
- (a) after 5pm on a business day; or
 - (b) on a day that is not a business day.

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