

NGĀTI TARA TOKANUI

and

THE TRUSTEES OF THE NGĀTI TARA TOKANUI TRUST

and

THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

28 JULY 2022

DEED OF SETTLEMENT

PURPOSE OF THIS DEED

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

DEED OF SETTLEMENT

TABLE OF CONTENTS

1	BACKGROUND	1
2	HISTORICAL ACCOUNT	7
	TE TĀTAI KŌRERO I ĀTA WHAKAAETIA	20
3	ACKNOWLEDGEMENTS AND APOLOGY	34
	NGĀ WHAKAAETANGA ME TE WHAKAPĀHATANGA.....	37
4	SETTLEMENT	40
5	CULTURAL REDRESS.....	43
6	FINANCIAL AND COMMERCIAL REDRESS.....	52
7	COLLECTIVE REDRESS.....	55
8	HARBOURS	59
9	SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION.....	61
10	GENERAL, DEFINITIONS AND INTERPRETATION	63

DEED OF SETTLEMENT

SCHEDULES

GENERAL MATTERS

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

PROPERTY REDRESS

- 1. Disclosure information and warranty**
- 2. Vesting of cultural redress properties**
- 3. Deferred selection property**
- 4. Deferred purchase**
- 5. Terms of transfer for purchased deferred selection property**
- 6. Notice in relation to cultural redress and deferred selection properties**
- 7. Definitions**

DOCUMENTS

- 1. Ngāti Tara Tokanui values, protection principles and Director-General's actions**
- 2. Statements of association (statutory acknowledgement)**
- 3. Statements of association**
- 4. Protocols**
- 5. Encumbrances**
- 6. Lease for leaseback property**
- 7. Letter of facilitation**
- 8. Letter of introduction**

ATTACHMENTS

- 1. Area of interest**
- 2. Deed plans**
- 3. Draft settlement bill**

DEED OF SETTLEMENT

THIS DEED is made between

NGĀTI TARA TOKANUI

and

THE TRUSTEES OF THE NGĀTI TARA TOKANUI TRUST

and

THE CROWN

1 BACKGROUND

- 1.1 In this background section, Ngāti Tara Tokanui describe their kōrero tuku iho (history) about their origins and takiwā (traditional area).
- 1.2 Tara is the eponymous ancestor of Ngāti Tara Tokanui. Migrating from Maungatautari in the late sixteenth century, Tara established pā and kāinga at Te Wai o Rongomai, Piraurahi, Mimitu, Tawhitiaraia, Pouarua-Maramarua, Te Kura a Maia, Opukeko, Whangamata and Tuhua Island. Noted chiefs who succeeded Tara include Te Taewhakaea, Matarehua, Tiki Te Aroha, Te Whakamaro and Maioro.
- 1.3 The streams Te Ure Tara and Tara Ariki are named for Tara's prowess in battle.
- 1.4 Ngāti Tara and Ngāti Tokanui had distinct whakapapa but were joined over many generations through intermarriage and together created the iwi known today as Ngāti Tara Tokanui. This consolidated peace between the groups.
- 1.5 The two names, Tara and Koi, were used interchangeably in the Native Land Court to ensure that the mana and prowess of 'Tara and his son Tiki Te Aroha are remembered through time immemorial', and to ensure that the mana of the land belonging to each, Tara and Tokanui, is maintained.
- 1.6 Ngāti Tara are descended from Tara who led his people to settle and remain in the Ohinemuri/Waihi. Ngāti 'Koi' is used interchangeably with Ngāti 'Tara' and 'are two names for the same group of people descended from the eponymous tupuna Tara'. By the mid-nineteenth century the term 'Ngāti Koi' was the most widely used name when referring to these people. Usually, but not always, the name Ngāti Koi was applied to those members of the descent group alive in the nineteenth century while Ngāti Tara was used in a more historical sense to refer to the ancestors.
- 1.7 Over time they intermarried with the Ngāti Tokanui. The ancestor Tokanui was from Ngāmarama and another ancient iwi. Ngāti Tokanui therefore are quite distinct in terms of genealogy from Ngāti Tara. However, a key marriage alliance between Ngāti Tara and Ngāti Tokanui meant that the two separate descent groups came to form one social and political unit.
- 1.8 Over time their traditional settlement at Maungatautari could no longer sustain the iwi. Tara, taking a group of 340 whānau, left the home of his tūpuna and travelled in the direction of the most dominant geological feature of the landscape that can be seen from Maungatautari: he headed towards Te Aroha. Tara knew that his older cousin had settled at Whakatiwai on the west side of Tikapa Moana and had lived there for some time in relative peace. Their shared ancestry from Whatihua would explain why, when Tara led his people into the Hauraki region, there was no conflict between Ngāti Tara Tokanui and other iwi. At the same time, another iwi was also settling around the region.
- 1.9 Tara's ope initially settled at Waiorongomai (south of Te Aroha). They might have been attracted by the thermal activity and warm water springs there. They later moved to the fertile wetlands between the Ohinemuri and Waihou Rivers which provided abundant

DEED OF SETTLEMENT

1: BACKGROUND

fishing, food and resources. The ranges to the east (Kaimai Ranges) were covered in rimu, miro, and tawa forests and the flat lowlands sustained kahikatea groves that in some places were impenetrable. The many tributaries that created the wetland delta known as Te Waka o Tiki Te Aroha grew expanses of sheltering raupo groves for numerous species of bird, freshwater mussels, koura, eels and flax.

- 1.10 Like Tara, other groups were also attracted by the richness of the river plains. Some had arrived earlier, and these tangata whenua challenged Tara and his party. They were unsuccessful in their attempt to drive the newcomers away. Tara and his people established their first permanent settlement of Piraurahi, upstream from where the Waihou River meets the Ohinemuri River. The lagoon was on the eastern side of the Waihou River. By the time Tara's grandson, Te Whakamaro, was born at Piraurahi, the Ngāti Koi iwi had grown to around 700 and were living in a number of pā in the area.
- 1.11 Inter-marriage provided a strategic means for unifying warring or potentially hostile iwi. It brought peace and stabilised and reinforced the social structure as a whole. Te Keepa Raharuhi stated that after Ngāti Koi and tangata whenua had fought many battles, 'peace was made between Ngāti Koi and the tangata whenua by arranging the marriage of a Ngāti Koi woman, Tuiarau, to Tuawa of tangata whenua'. Ngāti Tara Tokanui also whakapapa to Marama (Ngāmarama) through her marriage to Hoturoa.
- 1.12 After peace had been restored after the Ngāti Koi victory at Waihi, Ngāti Tokanui occupied the southern part of the block to Katikati, and Ngāti Koi occupied the northern portion. Thus, although Ngāti Koi had conquered land from 'Ngāmarama', the relationship with Ngāti Tokanui, and their apparent minimal involvement in the conflict, meant that Ngāti Tokanui distinct interests in the land were preserved.
- 1.13 Te Keepa Raharuhi was the chief of Ngāti Tara Tokanui in the nineteenth century. He was born at Takahere Pā, Otaumarungānuī. He was the eldest son of Raharuhi Te Raharuhi of Ngāti Koi. Te Raharuhi, his father, had contracted rheumatoid arthritis and lived for many years in confinement. During this time, he taught himself and Te Keepa to read and speak English. Te Keepa learned to recite ancient whakapapa and names of the traditional rōhe, wāhi tapu and urupā which he repeated accurately and consistently at many public meetings through his life.
- 1.14 Te Raharuhi kept a list of the iwi sites of significance in his bible. The list identifies pā, urupā, iwi rōhe boundaries, wāhi tapu, government imposed boundaries, archaeology sites, natural resources and important cultural sites of significance. It included sites associated with the chief Tara, Ngāti Tara and Ngāti Koi and demonstrates the whakapapa links of Ngāti Tokanui to these tūpuna and their descendants.

Commences along Ngahutoitoi then along in the Ohinemuri River
Kai Kahu Rautao
Makomako
Niho te Tea
Kopua Tunoa
Taumarorua
Ti Toke
Crosses the river to Opatu
Kuranui
Pukewharaupi

DEED OF SETTLEMENT

1: BACKGROUND

Rangitougohia
Te Raupeti
Reretura nuku
Teraho Rurunuku
Taone
Otorohonga
Hapukotahi
Matapuna
Whakapapa
Otuturu Stream
Te Tiari
To the Waterfalls
Te Rau o Te Whero
Waha Te Uru
Ohine amaru
Te Waihanga
Ohinemuri
Otarā, a stone at the entrance to Te rauwhaarangi
Puaokura
Nga totara Turua
PapaKawau
Te Kamanga o Kahu Whariki
Mitirua
Ngapuketurua, a hill
Manapouri
Matariki
Paraoanui
Opataka on the sea coast
To the south and goes along the coast
Te Umukaka
Puhutukawa
Te Kahakaha
Te Ararimu
Ngakuri a Whare a sandhill, turns to the sea
To the west Te Puna o Te Wai
Kakahoroa
Wamataa, a stream with plants in it
Mangakiri
Toretangata
Whareputa
Opotuku
Te Ahitete a Te Whakamau
Waipu Mahangaa, small stream cold at the surface and warm below it
Pohikihiki
Te Wera Konahu
Pakurakura
Turanga a Rua
Te Rau Peti
Otupa
Te Muru o Pai Ahi Ahi
Tutae o Te Inu
Whuuu.... rangi

DEED OF SETTLEMENT

1: BACKGROUND

Otara
Hongohongo
Pakaru
Nakaurape
Waretaua
Toetonga
Pateati Toki
Aowhia
Whitiaua, a fern hill in a swamp
Te Waka o Tiki Te Aroha
Te Manuka
Waimatangi
Ngahutoitoi

- 1.15 This list was presented by Te Keepa Raharuhi, as a published document, to the Native Land Court's Pukemokemoke hearings in March 1893.
- 1.16 In this regard, Ngāti Tara Tokanui assert that the blocks awarded to Ngāti Koi/Ngāti Tara Tokanui by the Native Land Court (as listed at clause 2.16 of the historical account) do not reflect the full extent of the customary domain/rohe of Ngāti Tara Tokanui. In 1870, before the Native Land Court, Te Keepa spoke of the boundaries of the land that:

commenced at Waiowhao and went to Matariki, Mangapouri and Ngapuketurua and then to Waiore, Te Ruahorehore and Papakairau and then seaward to Maungapi, Te Rautauwhiri, Paparakauri and Kakanui and then to Tupanapana on the coast.¹ Ngāti Tara continued to live at Owharoa and Piraurahi. Tara returned to his kāinga at Piraurahi with his son Honumanawanui.² Tara's sons Tikitearoha and Hekei, his grandson Te Whakamaro, and Tara's great-grandsons Maioro and Te Awapu, resettled at Owharoa.³

- 1.17 Ngāti Tara Tokanui and Ngāti Koi have maintained ahikaaroa within these boundaries, and exercised customary interests within the marine and coastal area (as shown in the area of interest map), to the present day.

SOUTHERN AREA

- 1.18 With regards to the southern portion of the Ngāti Tara Tokanui rohe which extends from Awongatete River (Aongatete) West to Matamata and North to Maramarua, the Ngāti Tara Tokanui interests derive from the settlement of the descendants of Marama, the migration and occupation of Tara, and the subsequent intermarriage between the descendants of Tara and Marama.
- 1.19 A significant Ngāmarama/Ngāti Tara Tokanui pā, Te Pae o Tura Waru (the ridge of the bald who has had his hair cut) – where Ngāti Tara Tokanui maintained ahikaaroa - is situated between Matamata (the extreme end) and the township of what is now known

¹ Hauraki MB 5, 25 October 1870, p. 226.

² Hauraki MB 5, 27 May 1870, p. 155.

³ Hauraki MB 5, 25 October 1870, p. 226.

DEED OF SETTLEMENT

1: BACKGROUND

as Manawaru. This pā was occupied by Ngāmarama continuously through to the time of the last inhabitant, Te Tau Rangi (Hoani Raharuhi, the father of Te Keepa) in the late 1800s.

- 1.20 The Ngāmarama Track, now known as Thompsons Track, is the most ancient of tracks. It links to Te Mimiha, the Awongatete (Aongatete River), to Wairere. Its deep indentations are evidence of its utilisation as a main access route for iwi traversing the Kaimai Mamaku Ranges since time immemorial.
- 1.21 The Kaimai Mamaku ridgelines were lived environments interlaced with track, path and war trail established by the ancient Ngāmarama. Tara accessed both west and east sides of the Ranges raising war 'ope' while based at Te Pae o Tura Waru and Omarutatai. This is captured by John White, who in 1888 discussed the many battles fought by Tara and assisted by his kin residing at Taumaihi Pā at Waihi – on the coast, Katikati, Maketu and Te Papa at Tauranga. These were major war campaigns planned and strategised from the pā, Te Pae o Tura Waru and Omarutatai, both closely situated on the western flanks of the Kaimai Mamaku. Ngāmarama and Te Mimiha were the major access tracks linking these regions and are within the current Waihou Forest.

NEGOTIATIONS

- 1.22 Ngāti Tara Tokanui gave the mandated negotiators a mandate to negotiate a comprehensive settlement of historical Treaty claims of Ngāti Tara Tokanui with the Crown by a hui-a-iwi at Ngāhutoitoi Marae, Paeroa on 27 February 2011.
- 1.23 The Crown recognised the mandate on 27 June 2011.
- 1.24 The mandated negotiators and the Crown –
- 1.24.1 entered into an agreement in principle equivalent dated 22 July 2011; and
 - 1.24.2 since the agreement in principle equivalent, have –
 - (a) had extensive negotiations conducted in good faith; and
 - (b) negotiated and initialled a deed of settlement on 1 June 2017.

RATIFICATION AND APPROVALS

- 1.25 Ngāti Tara Tokanui have, by a majority of 79.6% ratified and approved, between 15 August 2013 and 13 September 2013, the governance entity receiving the redress to be provided by the Crown to Ngāti Tara Tokanui in settlement of their historic claims.
- 1.26 The Crown, on 25 September 2013, recognised that the results of the ratification referred to in clause 1.25 demonstrated sufficient support from Ngāti Tara Tokanui for the governance entity to receive the redress under this deed.

DEED OF SETTLEMENT

1: BACKGROUND

- 1.27 Ngāti Tara Tokanui have, since the initialling of the deed of settlement, by a majority of 78%, ratified this deed and approved its signing on their behalf by the mandated negotiators.
- 1.28 Each majority referred to in clauses 1.25 and 1.27 is of valid votes cast in a ballot by eligible members of Ngāti Tara Tokanui.
- 1.29 The governance entity approved entering into, and complying with, this deed by unanimous resolution of the trustees on 17 June 2022.
- 1.30 The Crown is satisfied –
- 1.30.1 with the ratification and approvals of Ngāti Tara Tokanui referred to in clauses 1.25 and 1.27;
 - 1.30.2 with the governance entity's approval referred to in clause 1.29; and
 - 1.30.3 the governance entity is appropriate to receive the redress.

AGREEMENT

- 1.31 Therefore, the parties –
- 1.31.1 in a spirit of good faith and co-operation wish to enter into this deed settling the historical claims; and
 - 1.31.2 agree and acknowledge as provided in this deed.

OFFICIAL OR RECORDED GEOGRAPHIC NAMES

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

2 HISTORICAL ACCOUNT

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

INTRODUCTION

- 2.2 Ngāti Tara and Ngāti Tokanui had distinct whakapapa but were joined over many generations through intermarriage and together created the iwi known today as Ngāti Tara Tokanui.
- 2.3 In the years immediately preceding the signing of Te Tiriti o Waitangi/the Treaty of Waitangi in 1840, and over the following decade, contact between Ngāti Tara Tokanui and Pākehā visitors grew through trade. In general, however, Ngāti Tara Tokanui had little engagement with the Crown between the signing of the Treaty in 1840, and when war came to the Tauranga area in 1864. At this point, until the end of the nineteenth century, Ngāti Tara rangatira described themselves primarily as Ngāti Koi. The names may have been different but the whakapapa to Tara remained the same.

WAR AND RAUPATU IN TAURANGA, 1864

- 2.4 Waimatā was the name given by Ngāti Tara Tokanui to the lands in what would become known as the Tauranga Confiscation District to the north and west of Te Ure Tara Stream. The iwi had occupied their lands at Waimatā from Te Ure Tara Stream north to Mataora Bay. In 1842, Ngāti Tara Tokanui joined another iwi as allies, or 'haere rangatira' as Te Keepa later described them, in a conflict which occurred at Ongare, near Waimatā.
- 2.5 In April and June 1864, the Crown and Māori fought battles at Gate Pā and Te Ranga. The Crown treated Māori who fought against it as rebels, and between 1865 and 1868, confiscated 290,000 acres of land around Tauranga. All customary interests in this land were extinguished, although the Crown finally returned most of the district to other Māori, and retained 50,000 acres.
- 2.6 Ngāti Tara Tokanui were not involved in the fighting but lands they had interests in were included in the confiscation. Ngāti Tara Tokanui used the name Waimatā for these lands. The iwi records that, crippled with arthritis, Te Raharuhi would bathe in the warm mineral pools found in the headwaters of the Waimatā Stream to soothe his joints. This land is now known as the Athenree Forest.
- 2.7 Hoani Raharuhi and Maraea Whiria Rangihikihiki were living on several ancient pā sites including Te Ho, Te Kura a Maia and Ongare. The mouth of the Waiau River was also the site of a Ngāti Koi village inside the confiscation district. Te Ure Tara Stream, named after the prowess of their tupuna Tara, marked the southern boundary of the confiscation district.
- 2.8 In 1864, the Crown negotiated a purchase with another iwi of some of the lands it had returned to Māori in what became known as the Katikati and Te Puna blocks. Ngāti Koi

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

lands were included in these transactions. The Crown acknowledged the interests of other iwi in subsequent negotiations, but Ngāti Koi do not appear to have signed the sale deeds or to have received money directly from the Crown. They had no land returned and were not part of the 1868 deed. Te Keepa later recalled that he received ten pounds from the transaction through a rangatira from another iwi.

- 2.9 In October 1869, Te Keepa Raharuhi wrote to the Native Minister and the Crown's representative in Hauraki asking them to honour undertakings negotiated at an earlier hui:

E hoa mā tena kōrua.

He kupu tāku kia kōrua, ko mātou whakaaro kua tūturu ki runga ki o tātou whakaaro.

E hoa mā, tera pea mātou e mate i te Hauhau, e ngari kei a kōrua te whakaaro kia mātou.

Kāore hoki e tahi o mātou i whiwhi i te tika, i enei mo te wahi, e kino ai Te Hauhau kia mātou.

E hoa mā, tenei ano tētehi o a mātou kupu kia kōrua.

Kō matou pīhī whenua i roto i te rohe a te Kawana, i te takiwā o Katikati i tukua e mātou kia Te Maki i mua.

Whaka-ae ana ia i tenei ra ka tukua atu e mātou kia kōrua, ma kōrua e whakaputa mai kia mātou.

He oi ano te kupu kia kōrua.

Friends, greetings.

I have a message to you both, our thoughts, we have agreed to what us and you suggested.

Friends, we may die at the hands of the Hauhau, but we will leave our decisions to you.

Not one of us received any rights, to this block where the Hauhaus may not like us.

Friends, this is another message to you, our piece of land within the boundaries of the Government, in the Katikati district we gave to Mackey before, he agrees on this day to give over to you, for you to hand back to us.

This is all we have to say.

- 2.10 It is not clear how the Crown responded to this request. The Crown made reserves for other iwi in the Te Puna and Katikati blocks, but not for Ngāti Tara Tokanui. When the

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Crown acquired Katikati and Te Puna between 1866 and 1871, it effectively severed the iwi connection to their ancestral lands in this area.

EARLY GOLD NEGOTIATIONS

- 2.11 The beginning of ‘gold fever’ in Ohinemuri is usually dated to the late 1860s. In September 1868, Te Keepa Raharuhi, the leading rangatira of the iwi, gave two gold mining prospectors permission to go to Karangahake. At the beginning of November he heard that they had found gold, and went with them to the reef at Karangahake.
- 2.12 Te Keepa worked with the early gold prospectors in his rōhe at Ohinemuri because he saw that mining activities could bring advantages to his people, but he was adamant he would not give up his land. He also involved the Crown in negotiations over mining rights so that Ngāti Tara Tokanui would enjoy the ‘protection of the law’. Iwi leaders were among those who signed an agreement with the Crown in December 1868, to establish a goldfield at Ohinemuri. Ngāti Tara Tokanui believe that the signing of the deed was an expression of Te Keepa’s desire to exercise control over his land and the development of any future mining industry or settlement. He wanted Māori to derive income from prospecting on their own land while retaining ownership of it.

THE NATIVE LAND COURT

- 2.13 The Crown established the Native Land Court under the Native Land Acts of 1862 and 1865. The Court was to determine the owners of Māori land ‘according to native custom’, and convert customary title into title derived from the Crown.
- 2.14 The native land laws had a profound impact on customary tenure, Māori social organisation and relationships between iwi. Customary tenure among iwi, hapū and whānau was able to accommodate shared interests in the same land. The title awarded by the Court did not reflect this customary tenure and took collectively held lands and vested them in individuals instead of kinship groups and iwi.
- 2.15 Māori had no alternative but to use the Court if they wanted to assert their customary interests and receive a title that would be recognised by the colonial legal system. The Crown anticipated that transforming customary Māori land ownership to individual rights under Crown title would allow land to be transferred more easily from Māori to settlers, and give individual Māori greater opportunity to participate in the developing economy.
- 2.16 During the nineteenth century, leaders of Ngāti Tara Tokanui appeared in the Court to claim a number of blocks of land through Tara and Tokanui. The Native Land Court awarded Ngāti Koi/Ngāti Tara and Ngāti Tokanui ownership in the following blocks:

Block	Approx. Area	Date Awarded
Hararahi 3	15 acres	1884
Ngahutoitoi	120 acres	1893
Ohinemuri 17 (one-third share)	12,000 acres	1882
Otamaurunganui	1678 acres	1878
Owharoa	155 acres	1870
Owharoa 2	2015 acres	1880
Owharoa 5	113 acres	1887

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Block	Approx. Area	Date Awarded
Paeroa 2	182 acres	1867
Piraurahi 4, 7, 8, 9, 10	635 acres	1877
Pukemokemoke 1	610 acres	1892
Pukehange	104 acres	1898
Rotokohu	970 acres	1898
Takapau	463 acres	1878
Te Koronae 1	75 acres	1893
Te Waka o Tikitearoha	367 acres	1878
Waihi 4	15 acres	1870
Wairahaki	307 acres	1893
Wairere	39 acres	1877
Total	19,863 acres	

LANDLOSS IN THE NINETEENTH CENTURY

Owharoa

- 2.17 To manage his iwi's lands more effectively, in 1870, Te Keepa Raharuhi applied for a title investigation for the Owharoa and Waihi blocks through his tupuna Tara. These were areas in Ohinemuri where he would permit gold mining. The Court initially dealt with Owharoa, a 155-acre block at Waikino near the junction of the Ohinemuri River and the Waitekauri River. However, the Crown agent in Hauraki arranged for the case to be delayed for several months because he feared it would lead to conflict among the different claimants. The iwi complained to the Court that the delay would prevent them from benefiting from their land in the interim and this was causing them financial hardship.
- 2.18 After the Owharoa hearing began, witnesses told the Court that that Ngāti Koi had lived peacefully with other iwi on the Ohinemuri lands, until the advent of gold mining. Ngāti Tara Tokanui tradition records that the Crown's negotiations to acquire the land for gold mining seriously damaged those relationships. Disputes during the Court hearings led to an armed attack on Ngāti Tara Tokanui rangatira. Ngāti Tara Tokanui has a long standing grievance over the damage these Court proceedings caused to Ngāti Tara Tokanui relations with its neighbours.
- 2.19 In June 1870, the Court awarded Owharoa to the descendants of Tara. However, in October, their application for ownership of Waihi was dismissed and the block was awarded to another iwi. They were dissatisfied with the Court's decision in Waihi and repeatedly applied for a rehearing. This request was rejected by the Crown on several occasions.
- 2.20 Te Keepa had not wanted the iwi to sell Owharoa or the Waihi lands. He had instead envisaged receiving payments for mining and other associated benefits. However, by the end of 1870, the iwi had only been awarded 150 acres, with no immediate prospect of receiving mining revenue to pay back their debts which they had accumulated through survey and other costs associated with the Native Land Court process.
- 2.21 Negotiations by a private purchaser to acquire Owharoa quickly followed the investigation of title by the Native Land Court in 1870. By 1875, the interests of six of

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Owharoa's seven owners had been purchased. However, the transaction was not completed until 1898, when 133 acres was awarded to the purchaser and 22 acres to the successors of the non-seller. Between 1881 and 1887, 38 owners sold their share of Owharoa 5. In 1885, Hapi Rewi complained to Native Minister John Ballance that those Ngāti Koi who had not sold their interest in the Owharoa 5 block upon which Mackaytown was established were not receiving their share of the rental payments. In 1889, the Crown was awarded 65 acres (Owharoa 5A) and the non-sellers retained 29 acres (Owharoa 5B).

- 2.22 Further sales took place in the 1890s. Between 1893 and 1894, all except three owners in Owharoa 5B sold their shares to the Crown for £2.11s.6. per acre. Owharoa 5B was partitioned in August 1895. The Crown was awarded 27 acres (5B1), leaving just over two acres (5B2) to the non-sellers. This area of land is still in Māori ownership. It is a small remnant of Ngāti Tara Tokanui original holdings in Ohinemuri 17 and Owharoa, Owharoa 2 and Owharoa 5.
- 2.23 The land was onsold at least twice by 1902 and was taken over by a mining company who divided the land into residential and business sections that were sold. The mining company also erected a battery on part of the land. Initially, the land used for this purpose was awarded to the non-sellers, but after reviewing its decision the Court issued new orders transferring this section to the purchaser.

Ohinemuri

- 2.24 From 1872, the Crown agent began making pre-title advances to individuals who he deemed to have interests in the block. These advances took the form of direct payments and store credits that were issued to individuals and charged against their land interests. The store credits did not specify the value or the extent of land that was affected and this meant that neither the Crown nor iwi had a clear understanding of how much land had been alienated. This meant that rangatira were unaware of the amount of land that had been sold through this process. However, the Crown could not establish a goldfield because other iwi with interests in Ohinemuri opposed land alienation and would not sign over any interests to the Crown.
- 2.25 In 1875, the Crown realised that it was not going to be able to obtain the agreement of enough owners to purchase the Ohinemuri block, and it negotiated a new lease agreement instead. Among those who signed the lease were the following members of the iwi (there may be others who have not been identified): Te Keepa Raharuhi, Turiwhati Te Poho, Tupeka Te Whakamau, Renata Tamati, Te Mimiha, Hapi Rewi, Koroneho Kotia, Te Mimiha Ngāti Koi. The lease was signed by 88 individuals, and the Crown took control of Ohinemuri, without the consent of all of the individuals who were later recognised as owners of Ohinemuri by the Native Land Court in 1882. The Crown applied all the rental income to the repayment of the advances it had paid before 1875, despite not all of the owners having accepted these advances and as a result Ngāti Tara Tokanui did not receive any income from gold mining in their rōhe.
- 2.26 As a part of the 1875 agreement, a Crown official said that the Crown would have the gold and Māori would keep the land. In 1877, the Crown recommenced purchasing land and a Crown official began making advance payments to individuals he deemed to have interests in Ohinemuri. In 1880, the Crown applied to be awarded its interests by the Native Land Court but as the case was delayed the Crown kept purchasing

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

individual interests until 1882. All of the Crown's negotiations, from 1870 through to 1882, were conducted in a context where it had proclaimed monopoly powers over Ohinemuri, and Māori had no option of alienating their land to private parties if they needed to sell their land.

- 2.27 In 1881, some iwi members expressed frustration that the goldfield's warden was allowing miners to use land around Motukehu that they understood to be reserved for their use, and took direct action to halt roading and timber felling. The Crown considered this issue when the Native Land Court met to determine ownership of the Ohinemuri block and award reserves.
- 2.28 The Native Land Court sat in 1882, and awarded the Crown 31,714 acres out of the total area of 35,460 acres in Ohinemuri 17. The remaining 3,746 acre Ohinemuri 17A block went to the non-sellers (including Te Keepa).

Ngāti Koi Reserves

- 2.29 In 1882, the Crown agreed that some lands in Ohinemuri should be reserved for Ngāti Koi. However, the deed itself did not specify the size or location of the reserve to be allocated to each group. The Native Land Court eventually set aside reserves which were based on notes left by one of the Crown's agents. These reserves comprised ten percent of the block, some 1170 acres, and three wāhi tapu sites. Ngāti Tara Tokanui have consistently argued that the land purchase agent had promised the iwi over 2500 acres and additional wāhi tapu sites. Ngāti Tara Tokanui consider that the Crown jeopardised their interests in Ohinemuri by its failure to clearly record the size and location of reserves for this block.
- 2.30 One of the Ngāti Koi reserves on Ohinemuri was a 50-acre area within Ohinemuri 4. Iwi leaders requested that this would be a timber reserve, but the land they received was not suited to that purpose. In 1883, they complained to the Crown that the reserve was in the wrong place. The Under Secretary of the Native Department, however, decided that as long as the reserve was laid off in the place specified by the court orders then no further action was needed. In doing so it failed to provide the timber reserve it had promised.
- 2.31 In the case of Owcharoa 2, the Crown had purchased interests equivalent to 1836 acres, leaving those who did not sell with 195 acres in Owcharoa 2A. In 1884, Hapi Rewi asked that four ancient urupā within Owcharoa 2 be reserved. These were Utupia, Te Mangedo Pukiwhau, Te Mimi-o-Parewhangai, and Te Kahakaha. The Crown rejected this request on the grounds that the request was not made in Court. Hapi Rewi raised it again with the Native Minister who toured the country in 1885. Hapi stated:

The third matter is, the tapu-places on the Owcharoa Block. Lots of applications have been made for these, but they have never been agreed to. Another matter is that the reserves that were fixed at Waihi are useless, because they are on the mountain and cannot be cultivated, and I ask you to exchange them for some lands on the flat, where we can make use of them. These lands will do for Europeans who have cattle or sheep; but, as we have not cattle, we want lands that we can cultivate. ... There was fifty acres put on one side for us, but there is not timber on it at all. We want that substituted for a piece within the Ohinemuri No. 7 Block, on which there is some firewood and some timber. If it

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

is given to us within Ohinemuri No. 7, we can then get a supply of fencing and other timber.

...

there was another tapu on the Ohinemuri No. 7 Block. It has been through the Court; five acres was laid off for the tapu. A sawmill has been erected on this tapu.

Officials did not investigate Hapi's statement about the Waihi reserves, but did request reports about the wāhi tapu and the timber. However, the Crown took no further action to protect the wāhi tapu after it was advised that the Crown did not seek an order to reserve it when it came before the Native Land Court. On the question of the timber reserve, the Crown found that the complaint had substance, but took no action because the land had been reserved in accordance with the orders of the Court.

2.32 Ngāti Tara Tokanui were unable to control the use of all their reserves because the Crown applied goldfields regulations, which allowed it to lease some of the iwi's reserves. Many reserves were within the area administered under the goldfields regulations. The Mangakiri reserve was one such reserve. The warden of the goldfield arranged a lease of this reserve to Pākehā settlers under the goldfields regulations, as provided for in the cession agreement signed by Ngāti Tara Tokanui. This meant that some iwi members had to vacate land and settlements they had been occupying and the new lessees benefitted from the improvements the iwi had made to their land. A Crown official described the Mangakiri as 'a shade better than the other parts of the District and was naturally selected by Pākehā for occupation'. In 1893, rangatira objected to the best agricultural land in the district passing into Pākehā control. However, the Crown upheld the mining leases and, as a result, Ngāti Koi lost control of that land.

2.33 Without the ability to control their land, issues of debt become more pressing, and the subsequent alienation of Mangakiri is a reflection of how some Ngāti Tara Tokanui reserves were alienated to alleviate debt. In 1894, the land purchase officer reported that over 40 owners of the Mangakiri reserve were willing to sell. Because, as the land purchase officer understood the situation, of the financial hardship caused by the Native Land Court hearings. He noted that: 'The natives are in such want of money for Court fees that I believe I could obtain a number of signatures within the next few days.' A local storekeeper also urged the purchase because the 'natives [are] badly in want of money' and warned that as the 'matter [was] urgent, no such chance [was] likely to occur again'. These debts affected Ngāti Tara Tokanui ability to retain its landholdings.

Pukehange

2.34 In the late 1870s, the Crown's efforts to purchase a block in Pukehange led to armed conflict. The Crown commenced negotiations in early 1879, to purchase Pukehange before the Native Land Court had determined the owners. A deposit was paid at Thames in March 1879, and further payments were made at Ohinemuri three months later. The price for the block was five shillings per acre, and the Crown agreed to pay the survey cost. According to the Crown's agent 'nearly all' of Ngāti Koi had accepted advance payments on the block. In June 1879, the Crown applied to have the Native Land Court determine its interest in the block. In August 1879, before the Native Land

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Court hearing for Pukehange when the block was surveyed, two members of another iwi shot and injured one of the survey party. Attempts to arrest the shooters were unsuccessful. Ngāti Tara Tokanui consider that this conflict was caused by the Crown's practice of purchasing land before the ownership had been settled by the Native Land Court.

- 2.35 After the major Crown purchases of Ohinemuri 17, the Owharoa blocks, and the Ngāti Koi reserve, and the early private purchases, Ngāti Tara Tokanui had been left with approximately 2500 acres of land by 1896.

TWENTIETH CENTURY LAND ALIENATIONS

- 2.36 After 1909, the alienation of Māori land was controlled by district Māori Land Boards. Where a block was held by fewer than ten owners, a purchaser could negotiate transfer and apply to the board for confirmation. Where there were more than ten owners, a meeting of owners was held to decide whether the land should be sold and, if so, on what terms. Any resolution to alienate the land was then submitted to the board for confirmation. In either process, the board had to determine that certain statutory criteria were met, including whether the consideration was sufficient, whether that consideration had been paid, and the extent of other lands held by the owners, were met. If the requirements were met a confirmation certificate would be issued and the transaction registered on the title.
- 2.37 Through the Native Land Court process the lands Ngāti Tara Tokanui had been able to retain were fragmented through partition into small parcels and ownership was given to individuals rather than iwi or hapu. The fact that the plots of land were small and often dispersed over a wider area made them more susceptible to alienation. Many of these small parcels were alienated in the early twentieth century. By this time Ngāti Koi were being referred to as Ngāti Tara. They included Pukemokemoke 2B1, Rotokohu 5A1, Ngahutoitoi G, Rotokohu 5B2B, Ngahutoitoi C, Te Koronae 1D and Ngahutoitoi J. The poor quality and small uneconomic size of these lands, particularly for agricultural purposes, were frequently cited as reasons for their alienation.
- 2.38 Ngāti Tara Tokanui owners were generally not able to generate any income from their land. The Crown applied its pre-emptive purchasing powers to the Wairahake, Rotokohu, Pukemokemoke and Pukehange blocks in 1915, despite the fact that the owners did not wish to sell this land. After 1915, neighbouring farmers leased some areas for stock grazing, but this did not generate a high return to the owners. As the twentieth century progressed, and the amount of land still in Māori ownership reduced, the remaining blocks were often completely surrounded by privately owned farm land. The meeting of owners system and the quorum requirements established in legislation or later by the Court meant that the land could be sold without the express consent of the majority of the owners.

OHINEMURI RIVER

- 2.39 In 1895, the Crown proclaimed the Waihou and Ohinemuri Rivers water courses under section 152 of the Mining Act 1891. This made the rivers subject to the needs of gold mining and its waste. The Act authorised the discharge of mine tailings and other waste into the rivers, and which became known as 'sludge channels'. The tailings were produced by batteries that crushed and processed material extracted from nearby

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

mines. Tailings, including cyanide-treated waste, were deposited in the Ohinemuri River and tributaries. Such discharges rendered the downstream water unsuitable for human or animal consumption and killed most marine life. The introduction of the cyanide process in 1892 significantly increased the output from stamper batteries in the Ohinemuri catchment. Between 1895 and 1910, 550,000 tonnes of mine discharge were dumped into the Ohinemuri River.

A. RINGATU AND THE RIVER

- 2.40 From the late nineteenth century, Ngahutoitōi became a centre for the practice of the Ringatū faith with many Ngāti Tara Tokanui converting to the religion. The converts erected a wharenuī and it was given the name Te Nui-o-te-pa by Te Kooti who stayed there in July 1883 and February 1888. On the twelfth day of each month at Ngahutoitōi the faithful immersed themselves in the water of the Ohinemuri River, which flowed past the marae. This practice would have a devastating effect on the iwi because mining activities had polluted the waters upstream and this had serious consequences on the health of the people. The settlement suffered a severe decline in population as many died. In 1900, a Crown official estimated that about three hundred Māori people needed an alternative water supply because the Ohinemuri River was ‘polluted’ and ‘unfit for either human, or animal consumption’. It was contaminated with deposits of ‘tailings, cyanide, and other mineral debris’. The kāinga that required an alternative water supply were at Opakura, Rawhitiroa, Te Hape, Ngahutoitōi, Makomako, Te Tawaotakuao and Ngamoto.

B. WATER SUPPLY

- 2.41 In 1903, the Māori Health Officer was asked by the Native Minister to visit Paeroa to investigate what was described as a ‘raging’ typhoid epidemic. There he interviewed two doctors who both denied any knowledge of typhoid. He visited the settlements but did not find anyone with symptoms. However, he did find typhoid cases when he visited the kāinga. He also found another suspected case of typhoid in a young Māori woman who had died from what was thought to be typhoid.
- 2.42 The Māori Health Officer identified the river water supply as a main cause of illness and described it as ‘arsenic laden and totally poisonous to use’. He argued that Māori were owed some ‘consideration from the Government, as they were not to blame’ for the state of the river. He noted that the majority of Māori settlements in the area were on the banks of the river and they were not given the opportunity to object when it was proclaimed a sludge channel. He warned that the matter was extremely important for the health of the local Māori population who required the government’s immediate help. His report included a plan drawn up by another Crown official to provide an alternative water supply to their settlements.
- 2.43 In an attempt to remedy the water source situation, after some delay, in February 1904, the Crown began to lay pipes to supply water to the seven Māori settlements. The Crown paid the council £50 a year to supply the settlements with water for half a century. In 1922, legislation had been passed providing for free water supply for the Māori settlements of Paeroa. The Crown stopped the annual payment of £50 to the council in March 1955.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

C. FLOODING

- 2.44 Between 1903 and 1918, approximately 14 kilometres of the Ohinemuri River bed near Paeroa were dredged and the mine tailings reprocessed to extract any remaining gold. Over 900,000 tonnes of tailings were dealt with in this manner and the waste returned to the river in a finely ground form. Dredging the river proved profitable but ceased after a major flood in 1918. Mining activities in Ohinemuri continued until 1952.
- 2.45 The discharge of mining waste into the rivers caused massive silting in the river beds. In 1902, Te Keepa and other Māori petitioned the Ohinemuri County Council. He protested the fact that the river had been proclaimed a sludge way without consulting iwi and argued that the discharge in the river had caused flooding and extensive crop damage. After a major flood of Ohinemuri River in 1907 many local farmers and Māori petitioned the Crown protesting the damaging effects of mining waste. Crucial sources of food which supported the communities living on the river were destroyed by pollution and the flooding. Such petitions were countered by petitions from miners who insisted that the 1907 flood was a natural event and that any limits on their capacity to discharge into the rivers would have a severe impact on the industry.
- 2.46 Another major flood in March 1910 on the Ohinemuri and Waihou Rivers generated more complaints from farmers and Māori living along the rivers and the Crown established a commission to investigate the consequence of mine discharge and what actions could be taken to deal with any issues. The silting commission, appointed on 14 May, heard 92 witnesses, visited the sites affected, reviewed other evidence and presented its report in July 1910. The commission's report concluded that flooding was exacerbated by the discharge of mining waste into the rivers, but that trees planted along streams and the increased runoff through the clearance of bushland had aggravated the situation. The commission was satisfied that damage had been done to land located downstream of the mines.
- 2.47 The silting commission recommended the Crown establish a rivers board for the catchment area with the exception of the Waihou River mouth, which would continue to be managed by the harbour board. The Waihou and Ohinemuri Rivers Improvement Act was passed in December 1910 to create this board. The Act would have provided for a board to manage the rivers within the entire catchment. However, the board was never established.
- 2.48 Instead the Public Works Department was authorised to undertake river protection works in the legislation and it remained in control of the scheme until 1961. It was funded by the Crown. The Minister of Public Works was also empowered to take land under the Public Works Act 1908 for flood control or watershed protection. Major works were undertaken by the department between 1912 and 1932 near Paeroa on the Waihou River downstream of the junction with the Ohinemuri. Stop banks were constructed on the Waihou River downstream of Paeroa, canals were cut below the junction with the Ohinemuri River to short the flow path of the Waihou. Dredging around the Te Puke wharf was also undertaken.
- 2.49 In 1946, the Crown established the Hauraki Catchment Board, under the Soil Conservation and Rivers Control Act 1941, and took over management of the Waihou catchment from the Public Works Department (which merged with the Ministry of Works in 1948) until 1961. In 1965, after several floods, the board prepared a plan which was approved by the government in 1971. Funding issues delayed progress but a rating

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

scheme was agreed to in 1976. In 1988, the Waikato Regional Council was given the function of the Hauraki Catchment Board and the flood protection works approved in 1971 were finally completed in 1995.

- 2.50 All these actions resulted in significant changes to Waihou and Ohinemuri Rivers and their tributaries and the surrounding lands from which Ngāti Tara Tokanui had traditionally drawn resources.

THE HAURAKI PLAINS DRAINAGE SCHEME

- 2.51 The Hauraki Plains are a vast expanse of naturally low-lying swampy land. A complex river system flows through these plains which has formed levees, sand banks and deep peat swamps. Ngāti Tara Tokanui established settlements and temporary camps on the higher ground formed by the rivers which were above the flood levels. These wetland areas were the most significant source of food for Ngāti Tara Tokanui. Tuna and birdlife was caught in the swamps while the plains were also rich in flax which was used for clothing and shelter. Most of the land from the Waihou to the Piako was largely untouched by Pākehā settlement until the beginning of the twentieth century. Up until this time Ngāti Tara Tokanui continued to collect kai and gather customary resources in the area.
- 2.52 The Crown developed a proposal for draining the swamps following a series of surveys carried out in 1899. Surveys were completed while the Crown purchased the interests of Māori owners in the land blocks on the plains. The Crown completed a number of significant purchases under the Maori Land Settlement Act 1905. An engineer was appointed in 1907 to prepare a scheme for drainage and reclamation of the Piako swamp. The following year, the Hauraki Plains Act 1908 authorised the Department of Lands and Survey to drain and develop the land. Between 1908 and 1911, 2,000 acres in the Hauraki Plains was acquired under this legislation and the Public Works Act.
- 2.53 The scheme was initially focused on the Piako catchment area westwards to the Waitakaruru Stream. However, when the Waihou River flooded, the overflow went into the Awaiti Stream which was a tributary of the Piako. In 1910, the Crown decided to implement flood control works that would prevent the Waihou flooding. This work was managed under the Waihou and Ohinemuri Rivers Improvement Act 1910 by the Public Works Department. The rivers were separately administered until the Hauraki Catchment Board, took over the Hauraki Plains Drainage Scheme in 1950, and took over the Waihou and Ohinemuri schemes in 1960.
- 2.54 Construction on the Hauraki Plains drainage scheme commenced in 1910 and had several features. The Piako River was cleared, the Maukoro and Pouarua canals were constructed to control the water flowing from the hills to the west of the plains, an internal drainage system was established, flood gates were installed and stop banks along foreshore and lower reaches of the major rivers were built to prevent tidal overflow and flooding. The scheme also provided for the construction of roads, bridges and wharves to provide access to the land.
- 2.55 In 1930, the Crown also established the Tirohia-Rotokohu Drainage Board under the Waihou and Ohinemuri Rivers Improvement Act 1910. It extended the drainage processes described above further south into the area to the east and south of Paeroa. This increased the impact of the drainage scheme on Ngāti Tara Tokanui because it

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

increased the penetration of the schemes into the iwi's rōhe. These changes significantly altered the natural landscape and had a major impact on Māori living in the area, including Ngāti Tara Tokanui, by restricting their ability to access to traditional resources, wāhi tapu and maintain their tikanga.

- 2.56 Ngāti Tara Tokanui tradition records that two urupā of Ngāti Tara Tokanui, Whauwhau and Opera, were affected by the river improvements schemes. Whauwhau was described as an 'ancient' urupā in the Native Land Court in 1869. Ngāti Tara Tokanui tradition records that the urupā was closed in 1954 after stop bank work destabilised the graves of tūpuna resting there. The construction of the stop bank between the two urupā means that the iwi can no longer visit Whauwhau. Since the construction of the stop bank flood waters from the river have been slowly eroding the site. Opera is located on the banks of the Waihou River and the iwi has experienced a similar situation there due to the river improvements. Ngāti Tara Tokanui consider that they have paid a high price for these improvements, which have benefited Pākehā farmers.
- 2.57 By 1955, Ngāti Tara Tokanui were left with little land with which to benefit from the drainage scheme. According to Ngāti Tara Tokanui tradition the draining of the swamps and rivers took away a food source central to the lives of their communities and destroyed sensitive sites through the construction of railways, roads, drains and stop banks. From 1978 to 1990, further Māori land which Ngāti Tara Tokanui had traditionally occupied was taken under the Public Works Act (1928) for stop banks to protect the scheme and between 1991 and 1995 for other works in the Waihou Valley scheme. All of the land from the stopbank to the river was taken. In 1977, members of Ngāti Tara Tokanui recall trying to physically prevent the work by obstructing the heavy earthmoving equipment, but they were unsuccessful. The memories of these events and their effects on the land remain with the iwi today.

OHINEMURI WĀHI TAPU IN THE 1970S

- 2.58 As a part of the Native Land Court decision relating to the division of Ohinemuri in 1882, four urupā reserves were awarded to Ngāti Koi, but the Crown grants were not issued. In 1973, the Department of Lands and Survey realised that Crown grants had not been issued for at least four of the Ohinemuri wāhi tapu reserves, including Kotangitangi and Rauwharangi which contain urupā of Ngāti Tara Tokanui tūpuna. This meant that technically the reserves were still Crown land. The Department of Lands and Survey applied to the Māori Land Court to determine the beneficial owners of Rauwharangi and Kotangitangi, along with Maungawhio and Wāhi Tapu (Block XIII Ohinemuri SD).
- 2.59 The applications were first heard by the Court in June 1973. The Court sought information about who the reserves should be vested in, and a report was requested from the district welfare officer 'to ascertain what tribal groups are active in the area'.
- 2.60 In 1975, the district community officer reported difficulties in locating the urupā and in deciding who they should be vested in. This officer proposed vesting the reserves in a trust board, 'sub-tribe' or returning them to the Crown, but advised that these options should be discussed with the 'Hauraki people at large'. The district community officer relied on the advice of another community officer based at Paeroa to recommend that the blocks should be vested in a committee associated with another iwi. The Court accepted this recommendation and in 1978 issued vesting orders accordingly.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Ngāti Tara Tokanui consider the actions of the Crown and the Court in 1978 excluded them from the ownership and administration of the burial places of their ancestors.

NGĀTI TARA TOKANUI IDENTITY TODAY

- 2.61 The Native Land Court proceedings at Ohinemuri and Waihi had far-reaching consequences for Ngāti Tara Tokanui. Of the 2500 acres Ngāti Tara Tokanui retained in 1896, only 232 acres remain as Māori freehold land today. Ngāti Tara Tokanui consider that the Crown created an adversarial process through the Native Land Court that profoundly affected the iwi's relationship with their whanaunga and with the land. They consider that the Crown failed to fulfil its promises to protect and return wāhi tapu to Ngāti Tara Tokanui and they believe the vesting of those lands in an organisation representing other iwi further marginalised Ngāti Tara Tokanui in their rōhe.
- 2.62 Despite this history, the iwi maintained their independent identity by holding firm to their whakapapa, reciting it on ceremonial occasions and handing it down the generations. This whakapapa demonstrates the relationships with other neighbouring iwi and Ngāti Tara Tokanui in a landscape from which they consider they can never be removed. Though the life of the iwi has fundamentally changed since the arrival of Pākehā in the rōhe, the whakapapa remains a constant and unchanging certainty which defines Ngāti Tara Tokanui.
- 2.63 In the later nineteenth century, Te Keepa Raharuhi was enthusiastic about the opportunities for his iwi to participate in economic development in their rōhe and was willing, with others, to allow the Crown to manage access to the minerals under the land. He was insistent, though, that the iwi continue to hold the land and maintain their kaitiaki responsibilities for the land.
- 2.64 In the early twentieth century, Ngāti Tara Tokanui traditions record that many whānau died because of the 'flu epidemics and migrated away from their rōhe due to a lack of economic opportunities. The departure of whānau has had a significant impact on the capacity of Ngāti Tara Tokanui to maintain its tikanga, foster the continuous use of te reo, and the ability of members to participate in ceremonial occasions and maintain relationships with other whānau and the whenua. With a limited landholding in a region where economic activity was based on either mining or agricultural production, the iwi had very limited means to support its people. Ngāti Tara Tokanui believe that Te Keepa's initial vision for his iwi was lost along with their land.

TE TĀTAI KŌRERO I ĀTA WHAKAAETIA

KUPU WHAKATAKI

- 2.2 He motuhake ngā whakapapa o Ngāti Tara me Ngāti Tokanui, engari nā ngā moemoenga i roto i ngā whakaturanga rātou i paihere, i tupu ai te iwi e mōhiotia ana i ēnei rā ko Ngāti Tara Tokanui.
- 2.3 I ngā tau i mua tata ake i te hainatanga o Te Tiriti o Waitangi i te tau 1840, me te tekau tau i muri mai, ka tīmata te whakahoahoa a Ngāti Tara Tokanui ki ngā manuhiri Pākehā i roto i te ao hokohoko. Heoi anō, kāore a Ngāti Tara Tokanui i tino pā atu ki te Karauna mai i te hainatanga o te Tiriti i te tau 1840 taea noatia te tīmatanga o te pakanga i te rohe o Tauranga i te tau 1864. I tēnei wā, taea noatia te mutunga o te rautau tekau mā iwa, e kī ana ngā rangatira o Ngāti Tara ko Ngāti Koi kē rātou. He rerekē pea ngā ingoa engari he ōrite tonu te whakapapa ki a Tara.

TE PAKANGA ME TE RAUPATU I TAURANGA, I TE TAU 1864

- 2.4 Ko Waimatā te ingoa i tapā e Ngāti Tara Tokanui ki ngā whenua i te takiwā e mōhiotia ana ko te Takiwā Raupatu o Tauranga mai i te raki ki te uru o te manga o te Ure Tara. I noho anō te iwi i ō rātou whenua i Waimatā mai i te manga o Te Ure Tara ahu whakararo ki Mataora. I te tau 1842, ka tūhono a Ngāti Tara Tokanui ki tētehi atu iwi hei hoa i te pakanga. I kīa ēnei haere he 'haere rangatira' e Te Keepa i ngā tau o muri mai, arā, he haere ki tētehi pakanga i tū ki Ōngare, takiwā o Waimatā.
- 2.5 I ngā marama o Āperira me Hune i te tau 1864 ka pakanga te Karauna me te iwi Māori i Pukehinahina me Te Ranga. Ka puta te kī a te Karauna ko ngāi Māori i whaiwhai ki a ia he kaiwhakatuma, ā, i waenganui i ngā tau 1865 me 1868, ka raupatuhia e te Karauna te 290,000 eka huri noa i Tauranga. I whakawetohia ngā pānga katoa i roto i aua whenua, ahakoa ā tōna wā anō i whakahokia te nuinga o ngā whenua o te rohe ki ētehi atu tāngata Māori, me te pupuru a te Karauna i tētehi 50,000 eka ki a ia anō.
- 2.6 Kāore kē a Ngāti Tara Tokanui i uru ki taua whawhai engari i whakaurua ō rātou whenua ki roto i te raupatu. I whakamahia e Ngāti Tara Tokanui te ingoa o Waimatā mō aua whenua. E ai ki ngā kōrero a te iwi, haere ai a Raharuhi me ōna ringa, ōna waewae kaikōiwi, ki te kaukau i roto i ngā waiariki i te kāuru o te manga o te Waimatā. E mōhiotia ana ēnei whenua ināianei ko te Athenree Forest.
- 2.7 I te noho a Hoani Raharuhi rāua ko Maraea Whiria Rangihikihiki ki ētehi pā tawhito, arā, ki Te Hō, ki Te Kura a Maia me Ōngare. Kei te pūau o te manga o Waiau tētehi kāinga o Ngāti Koi, i roto anō i te rohe raupatu. Ka noho ko te manga o Te Ure Tara, i whakaingoatia mō te toa o tō rātou tupuna, o Tara, hei tohu mō te taupā whakarunga o te rohe raupatu.
- 2.8 I te tau 1864 ka whakarite te Karauna ki tētehi atu iwi mō te hoko i ētehi o ngā whenua kua whakahokia e ia ki ētehi atu Māori, i mōhiotia ai i roto i ngā tau ko ngā poraka o Katikati me Te Puna. Ka taka ngā whenua o Ngāti Koi ki roto i ēnei hoko. I whakamana te Karauna i ngā pānga o ētehi iwi kē atu i ngā whakawhitinga kōrero o muri mai,

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

engari te āhua nei kīhai a Ngāti Koi i waitohu i ngā tīti hoko, kīhai hoki i whiwhi moni hāngai mai i te Karauna. Kīhai i whakahokia mai he whenua ki a ratou, ā, kāore hoki rātou i whai wāhi ki te tīti o 1868. I maumahara a Te Keepa i muri mai i tae tētehi tekau pauna ki a ia, mai i te hoko, nā tētehi rangatira o iwi kē i tuku atu ki a ia.

- 2.9 I te marama o Oketopa 1869, ka tuhi a Te Keepa Raharuhi ki te Minita mō ngā Take Māori me te kanohi o te Karauna i Hauraki ki te tonono kia whakatutukingia e rāua ngā whakaritenga i oti i tētehi hui i mua atu:

E hoa mā tēnā kōrua.

He kupu tāku kia kōrua, ko mātou whakaaro kua tūturu ki runga ki ō tātou whakaaro.

E hoa mā, tērā pea mātou e mate i te Hauhau, e ngari kei a kōrua te whakaaro kia mātou.

Kāore hoki ē tahi o mātou i whiwhi i te tika, i ēnei mō te wahi, e kino ai Te Hauhau kia mātou.

E hoa mā, tēnei anō tētehi o ā mātou kupu kia kōrua.

Ko ō mātou pīhī whenua i roto i te rohe a te Kāwana, i te takiwā o Katikati i tukua e mātou kia Te Maki i mua.

Whakaae ana ia i tēnei rā ka tukua atu e mātou kia kōrua, mā kōrua e whakaputa mai kia mātou.

He oi anō te kupu kia kōrua.

Friends, greetings.

I have a message to you both, our thoughts, we have agreed to what us and you suggested.

Friends, we may die to the hands of the Hauhau, but we will leave our decisions to you.

Not one of us received any rights, to this block where the Hauhau's may not like us.

Friends, this is another message to you, our piece of land within the boundaries of the Government, in the Katikati district we gave to Mackey before, he agrees on this day to give over to you, for you to hand back to us.

This is all we have to say.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.10 Kāore i te tino mārama he pēhea te whakautu a te Karauna ki tēnei tono. I whakaritea e te Karauna ētehi wāhanga mō ētehi atu iwi i roto i ngā poraka o Te Puna me Katikati, engari mō Ngāti Tara Tokanui, kāre kau. I te hokonga a te Karauna i a Katikati me Te Puna i waenganui i ngā tau 1866 me 1871 ka hātepetia e ia ngā hononga o te iwi ki ōna whenua tuku iho i tēnei rohe.

NGĀ WHAKAWHITINGA KŌRERO TUATAHI MŌ TE KŌURA

- 2.11 E ai ki te nuinga i tīmata mai te 'mate whaiwhai kōura' i Ōhinemuri i ngā tau whakamutunga o te ngahuru tau 1860. I te marama o Hepetema 1868, nā Te Keepa Raharuhi, nā te ariki o te iwi, i whakaae kia haere ētehi kaitūhura whenua tokorua ki Karangahake. I te tīmatanga o te marama o Noema ka rongoa ia kua kitea e rāua he kōura, ā, ka haere tahi me rāua ki te rua kōura i Karangahake.
- 2.12 I mahi tahi a Te Keepa me ngā kaikeri kōura tuatahi i tōna rohe o Ōhinemuri nā te mea i kite ia he hua kei roto i te mahi kōura mō tōna iwi, engari kāore rawa ia i whakaae kia ngaro ngā whenua o tōna iwi i a rātou. I tōia mai hoki e Te Keepa te Karauna kia whai wāhi ki ngā whakawhitiwhiti kōrero mō ngā tika kerī kōura, kia whai wāhi ai a Ngāti Tara Tokanui ki 'te taumarumarū o te ture.' I uru anō ētehi rangatira o ngā iwi o te rohe ki te hunga nāna i haina te kirimana ki te Karauna i te marama o Tīhema 1868 kia hangaia he keringa kōura ki Ōhinemuri. E kī ana a Ngāti Tara Tokanui i ēnei rā ko taua kirimana e tohu ana i te hiahia o Te Keepa kia noho te mana whakahaere o ōna whenua ki ōna ringa, tae atu ki te whanaketanga o tētehi ahumahi keringa hou, o tētehi tāone keringa hou rānei. Ko tana hiahia kia hua ake he moni ki te iwi Māori i ngā mahi tūhura i ō rātou whenua me te pupuri tonu i aua whenua ki ō rātou ringa.

TE KŌTI WHENUA MĀORI

- 2.13 Nā te Karauna i whakatū te Kōti Whenua Māori i raro i ngā Native Land Act o 1862 me 1865. Ko tā te Kōti he whakatau ko wai ngā rangatira o te whenua Māori "e ai ki te tikanga Māori", ka huri ai i te mana whenua tuku iho ki te taitara whenua a te Karauna.
- 2.14 He pānga tino nui tō ngā ture whenua Māori ki ngā ritenga Māori tuku iho mō te mana whenua, mō te whakahaere i te pāpori, me te whanaungatanga i waenganui i te iwi. I raro i aua ritenga tuku iho he pai noa iho te noho tahi a ngā take ā-iwi, ā-whānau, ā-hapū, i roto i te whenua. Kāore i whakaatatia i raro i te taitara i whakawhiwhia e te Kōti ēnei take tuku iho ki te whenua, ā, ka tangohia ngā whenua tuku iho o te iwi, ka tahuri ki te tāpae i aua whenua ki roto i ngā ringa o te tangata takitahi, ka mahue ki waho ngā hapū, ngā whānau me te iwi.
- 2.15 Kāore he tirohanga kē atu mō te Māori, atu i te whakauru ki ngā whakawā a te Kōti e whiwhi hea ai rātou i ō rātou whenua tuku iho, e whakaaetia ai he tika whai mana, i raro i ngā whakaritenga o te ture Pākehā. I mōhio pū te Karauna mā tana whakawhiti i mana whenua tuku iho o te iwi ki raro i te taitara Karauna, e ngāwari kē atu ai te whakawhitiwhiti whenua atu i te iwi Māori ki te hunga Pākehā, e ngāwari ai te whai wāhi atu a te iwi Māori ki te ōhanga hou e whanake ake ana.
- 2.16 I roto i te rautau tekau mā iwa, ka puta ngā kaihautū o Ngāti Tara Tokanui ki te aroaro o te kōti ki te kerēme i ētehi poraka whenua mā roto i a Tara rāua ko Tokanui. Nā te Kōti

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Whenua Māori i whakawhiwhi painga ki a Ngāti Koi/Ngāti Tara, ki a Ngāti Tokanui hoki i ngā poraka e whai ake nei:

Poraka	Te Rahi. He Whakatau Tata	Te rā i whakawhiwhia
Hararahi 3	15 eka	1884
Ngahutoitoi	120 eka	1893
Ōhinemuri 17 (wāhanga kotahi hautoru)	12,000 eka	1882
Ōtamaurunganui	1,678 eka	1878
Owharua	155 eka	1870
Owharua 2	2,015 eka	1880
Owharua 5	113 eka	1887
Paeroa 2	182 eka	1867
Piraurahi 4, 7, 8, 9, 10	635 eka	1877
Pukemokemoke 1	610 eka	1892
Pukehange	104 eka	1898
Rotokohu	970 eka	1898
Takapau	463 eka	1878
Te Koronae 1	75 eka	1893
Te Waka o Tikitearoha	367 eka	1878
Waihī 4	15 eka	1870
Wairahaki	307 eka	1893
Wairere	39 eka	1877
Tapeke	19,863 eka	

TE NGARO O TE WHENUA I TE RAUTAU TEKAU MĀ IWA

Owharua

- 2.17 Hei whakahaere tika i ngā whenua o tōna iwi, i te tau 1870 ka tono a Te Keepa Raharuhi kia tūhuratia ngā poraka o Owharua me Waihī, heke iho i tōna tupuna i a Tara. He wāhanga ēnei i roto i te poraka o Ōhinemuri ka whakaaetia e ia kia keria he kōura. I te tuatahi i whakatau Te Karauna mō Owharua, tētehi poraka 155 eka te rahi i Waikino tata tonu ki te komititanga o ngā wai o te o Ōhinemuri me te manga o Waitekauri. Ahakoa tēnei, nā te kanohi o te Karauna i Hauraki i whakarite kia whakatārewatia te whakawā mō ētehi marama, nā runga i tana wehi ka tautohetohe ngā kaikerēme. I tāpae whakahē te iwi ki te Kōti tērā pea mā taua whakatārewatanga e aukati tō rātou whiwhi painga i ō rātou whenua i roto i te tārewatanga, ā, nā konei i uaua rawa ai tā rātou noho.
- 2.18 I muri i te tīmatanga o te whakawā mō Owharua, ka whakaatu ngā kaitaunaki ki te Kōti, i te noho a Ngāti Koi i runga i te rangimārie me ētehi atu iwi i ngā whenua o Ōhinemuri i mua, tae noa mai ki te tīmatanga o ngā mahi keria kōura. E ai ki ngā kōrero tuku iho o Ngāti Tara Tokanui nā ngā kōkiri a te Karauna ki te hoko whenua mō ngā keringa kōura i tino whakapātari raruraru mō te whanaungatanga o aua iwi nei. Nā ngā tautohe i roto i ngā whakawākanga Kōti ka rewa mai he ope tauā mau rākau, ā, ka kōkiritia ngā rangatira o Ngāti Tara Tokanui. Ka roa a Ngāti Tara Tokanui e noho pouri ana mō te tūkinotanga o aua whakahaerenga Kōti ki te whanaungatanga o Ngāti Tara Tokanui ki ōna hoa noho tata.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.19 I te marama o Hune 1870, ka whakawhiwhi te kōti i te poraka o Owharoa ki ngā uri o Tara. Engari i te marama o Oketopa, ka whakakorea tā rātou tonu mō te mana o Waihī, ka whakawhiwhia taua poraka ki tētehi atu iwi. Ka pōuri rātou mō te whakatau a te Kōti mō Waihī, ā, ka rite tonu te tonu kia whakawākia anō. I rite tonu hoki te ākiritia o aua tonu e te Karauna.
- 2.20 Kāore a Te Keepa i hiahia kia hokona e te iwi a Owharoa, ngā whenua rānei i Waihī. Ko tana whakaaro kē kia whiwhi utu rātou mō te kerī kōura me ētehi atu painga i te taha. Engari nō te taenga ki te mutunga o te tau 1870, heoi anō tā te iwi i pupuru ai ko te 150 eka noa iho, kāore kau he huarahi e hoki mai ai he moni mai i te mahi kerī kōura ki a rātou, hei whakaea i ō rātou nama rūri me ērā atu nama i takea mai i ngā whakahaere a te Kōti Whenua Māori.
- 2.21 Ka oti te tūhuratanga taitara a Te Kōti Whenua Māori i te tau 1870, ka whakatata mai he kaihoko ki te tīmata i ngā whakawhitinga kōrero mō te hoko i Owharoa. I te taenga mai ki te tau 1875, kua hokona ngā pānga o ngā rangatira e ono, o ngā rangatira e whitu o Owharoa. Ahakoa rā, kāore te hoko i oti wawe, nō te tau 1898 ka whakawhiwhia ētehi eka 133 ki te kaihoko, me ētehi eka e 22 ki ngā uri o te kaupupuru Māori. I waenganui i ngā tau 1881 me 1887, i hokona e ngā rangatira e 38 tō rātou wāhanga o Owharoa 5. I te tau 1885 ka puta te amuamu a Hapi Rewi ki te Minita Māori ki a John Ballance kāore ērā o Ngāti Koi kāore anō kia hoko i ō rātou pānga i te poraka o Owharoa 5, i whakatūria ai a Mackaytown, i whiwhi i ā rātou utunga rēti. I te tau 1889, ka whakawhiwhia te Karauna ki ētehi eka e 65 (Owharoa 5A) me te pupuru tonu a ngā kaupupuru i ētehi eka 29 (Owharoa 5B).
- 2.22 I haere tonu ētehi atu hoko i te ngahuru tau mai i 1890. I waenganui i ngā tau 1893 me 1894 i hokona e ngā kaupupuri hea katoa o Owharoa 5B ā rātou hea ki te Karauna mō te £2.11s.6. i te eka, hāunga ētehi kaupupuru tokotoru kīhai i hoko. I wāhia a Owharoa 5B i te marama o Ākuhata 1895. I whakawhiwhia te karauna ki te 27 eka noa iho (5B1), ā, ka waiho neke iti atu i te 2 eka (5B2) noa iho ki ngā kaupupuru kīhai i hoko. Kei roto tonu tēnei whenua i ngā ringaringa Māori e puritia ana. He wāhanga paku noa tērā o ngā whenua o mua o Ngāti Tara Tokanui ki Ōhinemuri 17, ki Owharoa, ki Owharoa 2 me Owharoa 5.
- 2.23 E rua neke atu pea ngā hokonga anō o aua whenua i mua i te tau 1902, i reira ka hokona e tētehi kamupene kerī whenua, nāna nei i kotikoti te whenua, kia takoto he wāhanga whare noho, he wāhanga kaupakihi hoki, ka hokona ēnei e te kamupene. I whakatūngia hoki e te kamupene kerī whenua he taputapu kōpenupenu kōhatu ki tētehi wāhi o te whenua. I te tuatahi, i hokona ngā whenua mō tēnei tikanga ki te hunga kīhai i hoko, engari i muri i te tirohanga ki te whakatau, ka whakaputaina e te Kōti ētehi whakatau hou i whakawhitia ai tēnei wāhanga ki te kaihoko.

Ōhinemuri

- 2.24 Mai i te tau 1872, i tīmata te kanohi o te Karauna ki te tuku utunga tōmua atu, i mua i te whakawhiwhi taitara, ki ngā tāngata takitahi i mea rā ia, he hunga whai pānga ki te poraka. Ko ētehi o aua utunga tōmua he utunga hāngai, he moni whiwhinga toa i whakaputaina ki ētehi tāngata takitahi, ka namatia ai ki runga i ō rātou pānga whenua. Kāore kau aua whiwhinga toa i tautuhi i te wāriu, i te whānui rānei o te whenua i pāngia ai, ā, ko te tukunga iho kāore te Karauna, te iwi rānei i tino mārama ki te rahi o te whenua kua ngaro. Ko te tikanga o tēnei kīhai ngā rangatira i mārama ki te nui o te

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

whenua i hokona i raro i tēnei whakaritenga. Ahakoa rā, kāore te Karauna i āhei ki te whakatū keringa kōura nā te mea i te whakahē ētehi atu iwi whai pānga ki Ōhinemuri i te hoko whenua, e kore rātou e waitohu i ō rātou pānga ki te Karauna.

- 2.25 I te tau 1875, ka mōhio te Karauna kāore e taea e ia te kimi whakaaetanga i te maha o ngā kaipupuru e āhei ai ia ki te hoko i te poraka o Ōhinemuri, ā, ka huri kē ki te whakawhiti kōrero mō tētehi kirimana rīhi hou. Ko ētehi o ngā tāngata i waitohu i te rīhi ko ēnei mema o te iwi e whai ake nei (arā anō pea ētehi kāore anō kia tautuhitia): Ko Te Keepa Raharuhi, ko Turiwhati Te Poho, ko Tupeka Te Whakamau, ko Renata Tamati, ko Te Mimiha, ko Hapi Rewi, ko Koroneho Kotia, ko Te Mimiha Ngāti Koi. I waitohutia te rīhi e ētehi tāngata takitahi e 88, ā, ka riro te whenua o Ōhinemuri i te Karauna, engari kāore ngā tāngata takitahi katoa i tautuhitia i muri e Te Kōti Whenua Māori i te tau 1882 ko rātou nei ngā kaipupuru o Ōhinemuri i whakaae. I whakaritea e Te Karauna ngā moni rēti katoa hei whakaea i ngā utunga tōmua i te tau 1875, ahakoa kāore te katoa o ngā kaipupuru i tūtohu i aua utunga tōmua, nā konei kāore kau a Ngāti Tara Tokanui i whiwhi moni i te kerī kōura i tō rātou rohe.
- 2.26 Hei wāhi o te kirimana o te tau 1875 i puta te kī a tētehi āpiha o te Karauna ko te kōura ka haere ki te Karauna, engari ka noho tonu ki te Māori ko ngā whenua. I te tau 1877, ka tīmata anō te hoko whenua a Te Karauna, ā, i tīmata tētehi āpiha Karauna ki te whakarite utunga tōmua ki ngā tāngata takitahi i mea rā ia he whai pānga ki Ōhinemuri. I te tau 1880, i tono te Karauna kia whakawhiwhia ki ōna pānga e Te Kōti Whenua Māori, engari i runga i te whakatārewatanga o te kēhi i haere tonu te hoko haere a te Karauna i ngā pānga takitahi, taea noatia te tau 1882. Katoa ngā whakawhitiwhiti kōrero a te Karauna mai i te tau 1870 ki te 1882 i kawea i roto i te horopaki ko te Karauna kua tango i te mana ki runga o Ōhinemuri, kāore kau he whiringa kē atu mō te Māori ki te hoko i ō rātou whenua ki tāngata kē, me i hiahia rātou ki te hoko i ō rātou whenua.
- 2.27 I te tau 1881, ka whakaputa ētehi mema o te iwi i tō rātou manawapā mō te mahi a te kaitiaki o te keringa kōura ki te whakaae i ētehi kaikeri kia whakamahi i ngā whenua i kī rātou kua whakaritea mō rātou ake, ā, ka aukatingia e rātou te mahi hanga rori, tuatua rākau. I whiriwhiri te Karauna i tēnei take i te huinga whakawā a te Kōti Whenua Māori ki te whakatau mō wai te poraka o Ōhinemuri, ki te whakawhiwhi rāhui hoki.
- 2.28 I noho te Kōti Whenua Māori i te tau 1882, ā, ka whakawhiwhia ētehi eka e 31,714 ki te Karauna i roto i ngā eka e 35,460 i Ōhinemuri 17. I riro te poraka i toe, a Ōhinemuri 17, e 3,746 eka, i te hunga kīhai i hoko (kei roto hoki a Te Keepa).

Ngā Rāhui o Ngāti Koi

- 2.29 I te tau 1882, i whakaae te Karauna ko ētehi o ngā whenua i Ōhinemuri me rāhui mō Ngāti Koi. Ahakoa rā, kāore te tīti i tautuhi i te rahi, i te takiwā rānei o te rāhui e tika ana kia tohaina ki ia rōpū, ki ia rōpū. I te mutunga, nā te Kōti Whenua Māori i whakarite rāhui i runga anō i ngā tuhinga i waiho mai e tētehi o ngā kanohi o te Karauna. Kei roto i ngā rāhui tētehi tekau ōrau o te poraka, arā, 1,170 eka, me ētehi wāhi tapu e toru. Ko te kōrero a Ngāti Tara Tokanui mai rā anō kua puta kē te kī taurangi a te kanohi hoko whenua i mua, neke atu i te 2,500 eka ka homai ki te iwi, me ētehi atu wāhi tapu. E ai ki a Ngāti Tara Tokanui i tūkinotia e te Karauna ō rātou pānga ki Ōhinemuri nā te kore o te Karauna i āta tuhi i te rahi me te takiwā o ngā rāhui mō Ngāti Tara Tokanui i tēnei poraka.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.30 Ko tētehi o ngā rāhui o Ngāti Koi i Ōhinemuri he wāhi e 50 eka i roto i Ōhinemuri 4. I tono ngā rangatira o ngā iwi kia noho tēnei hei rāhui rākau, engari kāore ngā whenua i whakawhiwhia ki a rātou i pai hei rāhui pēnei. I te tau 1883, ka whakahē rātou ki te Karauna kua whakanohongia te rāhui ki te takiwā hē. Ahakoa rā, nā te Hekeretari o Raro o te Tari i whakataū, heoi anō te mea nui, kua oti te whakarite te rāhi i te takiwā i tohua i roto i ngā whakahau a te Kōti, ā, kāore kau ētehi mahi i hiahiatia. Nā tana mahi pēnei kāore te Karauna i whakarite i te rāhui rākau i kīa taurangitia e ia.
- 2.31 I roto i te kēhi o Owharoa 2, kua hokona e te Karauna ētehi pānga i eke ki te 1836 eka te rahi, me te waiho i ētehi eka 195 ki ērā kīhai i hoko i roto i Owharoa 2A. I te tau 1884, i tono a Hapi Rewi kia rāhuitia ētehi urupā tawhito rawa e whā i Owharoa 2. Ko ēnei urupā ko Utupia, ko Te Mangeo Pukiwhau, ko Te Mimi-o-Parewhāngai, ko Te Kahakaha. I whakakāhoretia tēnei e te Karauna i runga i tana kī kāore tēnei tono i tāpaetia ki mua i te Kōti. I whakaarahia anō tēnei take e Hapi Rewi i te taha o te Minita Māori, i tana haere i te whenua i te tau 1885. I kī a Hapi:

Ko te take tuatoru ko ngā wāhi tapu i te poraka o Owharoa. He maha ā mātou tono mō ēnei wāhi tapu, engari kāore anō kia whakaaetia. He take anō, ko ētehi o ngā rāhui i whakaritea i Waihī he koretake, nā te mea kei runga i te maunga, kāore e taea te whakatupu kai, ko te inoi kia whakawhitia mō ētehi whenua i te raorao, kia taea ai te whakamahi e mātou. He pai tonu pea ērā whenua mō te Pākehā me ana kau, me ana hipi; engari i te kore kau i a mātou, e hiahia ana mātou ki ētehi whenua tōtika hei whakatupu kai. ... E rima tekau eka te whenua i whakaritea mō mātou, engari kāore kau rawa atu he rākau i runga. E hiahia ana mātou kia tauhokona mai tētehi wāhanga o roto o te poraka o Ōhinemuri Nama 7, kei reira he wahie, kei reira he rākau. Ki te homai tērā wāhanga ki a mātou i roto o Ōhinemuri Nama 7, ka whiwhi mātou i ngā rākau hanga taiepa me ētehi atu rākau.

...

tērā anō tētehi wāhi tapu i te Poraka o Ōhinemuri Nama 7. I haere mai mā roto i te Kōti, e rima eka i wehea mō te wāhi tapu. Kua whakatūria mai he mira kani rākau i roto i tēnei wāhi tapu.

Kāore hoki ngā āpiha i tūhura i te kōrero a Hapi mō ngā rāhui ki Waihī, engari i tono pūrongo mō te wāhi tapu me ngā rākau. Ahakoa rā, kāore te Karauna i rapu tikanga hei tiaki i te wāhi tapu i muri i te tohutohu kāore te Karauna i rapu whakahau rāhui i tana taenga mai ki mua i te aroaro o te Kōti Whenua Māori. Mō te take mō te rāhui rākau, i kite tonu te Karauna i whai take te amuamu, engari kāore i whāia he rongoā nā te mea kua rāhuitia te whenua i raro anō i ngā whakahau a te Kōti.

- 2.32 Kāore i taea e Ngāti Tara Tokanui ō rātou whenua te whakahaere nā te mea ko te Karauna tonu ki te whakahaere i ngā rekureihana keringa kōura katoa, i āhei ai ia ki te rīhi i ētehi o ngā rāhui o te iwi. He maha ngā rāhui i raro i te takiwā i raro i ngā rekureihana o ngā keringa kōura. Ko te rāhui o te Mangakiri tētehi rāhui pēnei. Nā te kaitiaki o tēnei keringa kōura i whakarite rīhi mō tēnei rāhui ki te hunga nohonoho Pākehā i raro i ngā rekureihana keringa kōura, i runga i ngā upoko i whakaaetia ai tēnei mahi, i roto i te kirimana tuku nā Ngāti Tara Tokanui i haina. I te tukunga iho me whakawātea ētehi o te iwi i ngā whenua me ngā kāinga e nohoia ana e rātou, ā, i whai hua ko ngā kaitango rīhi hou i ngā whakapaipai a te iwi i aua whenua. E ai ki te whakamārama a tētehi āpiha a Te Karauna “he pai iti ake a Mangakiri i ētehi atu wāhi o

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

te Rohe, ā, koia i whiria ai ko taua wāhi tonu hei kāinga mō te iwi Pākehā.” I te tau 1893, ka whakahē ētehi rangatira ki te whakawhitinga o ngā tino pārae whakatupu kai o te rohe ki raro i te whakahaere o te iwi Pākehā. Ahakoa tērā, ka whakamanaia e te Karauna ngā rīhi kerī kōura, nā konā hoki i ngaro ai te mana o Ngāti Koi ki taua whenua.

- 2.33 Ka ngaro te mana whakahaere i ō rātou whenua, ka tau mai ko tēnei mea te nama taumaha, ā, ka noho ko te rironga atu o Mangakiri hei tohu mō te rironga atu o ētehi o ngā rāhui o Ngāti Tara Tokanui hei whakaea i ngā nama. I te tau 1894, ka tuku pūrongo te āpiha hoko whenua neke atu i te 40 o ngā kaupupuru o te rāhui o Mangakiri i te hiahia ki te hoko. E ai ki ngā whakaaro o te āpiha hoko whenua, nā ngā taumahatanga i pā i muri i ngā whakawākanga o Te Kōti Whenua Māori i pēnei ai. Ka tuhi ia: ‘Kua tino kino te hiahia moni a ngāi Māori i tēnei wā mō ngā utunga kōti, koia au i kī ai, ka riro i a au ngā waitohu maha i roto i ngā rā ruarua noa iho’. I tino ākina hoki te hoko e tētehi o ngā rangatira toa hohoko o te takiwā i te mea, ki ana kōrero ‘kei te tino mate a ngāi Māori i te kore moni’ me tana whakatūpato, me hoko nā te mea ‘e kore e ara mai anō he huarahi pēnei kia hokona ngā whenua ā ngā rā kei mua i te aroaro’. I pā ēnei nama ki te kaha o Ngāti Tara Tokanui ki te pupuru i ōna whenua.

Pukehange

- 2.34 I ngā tau whakamutunga o te ngahuru tau 1870, nā ngā tohe a te Karauna kia hokona he poraka i Pukehange i ara ake ai te pakanga tūturu. Kua tīmata ngā whakawhitiwhiti kōrero a te Karauna i ngā marama tuatahi o te 1879 ki te hoko mai i a Pukehange i mua i te whakatau a te Kōti Whenua Māori ko wai ngā rangatira. Ka utua tētehi moni punga i Thames i te marama o Māehe 1879, ā, i tukua ētehi atu utunga i Ōhinemuri e toru marama i muri mai. Ko te utu mō te poraka e rima herengi mō te eka, ā, ka whakaae te Karauna māna e utu ngā utu rūri. E ai ki te kanohi a te Karauna ‘tata ki te katoa’ o Ngāti Koi kua tango i ētehi utunga tōmua mō te poraka. I te marama o Hune 1879, i tono te Karauna ki te Kōti Whenua Māori kia whakatauria ōna pānga i te poraka. I te marama o Ākuhata 1879, i mua i te whakatau a Te Kōti Whenua Māori mō Pukehange i te rūritanga o te poraka, ka pūhia e tētehi tokorua o tētehi atu iwi tētehi o te rōpū rūri, ka taotū taua tangata. Kāore i tutuki ngā kōkiri ki te mauhere i ngā kaupupuhi. E ai ki a Ngāti Tara Tokanui i takea mai tēnei whawhai i te mahi a te Karauna ki te hoko whenua i mua i te whakatau a Te Kōti Whenua Māori ko wai ngā rangatira o taua whenua.
- 2.35 I muri i ngā hoko nunui a te Karauna i Ōhinemuri 17, i ngā poraka o Owharoa, i te rāhui o Ngāti Koi me ngā hoko tūmataiti tōmua, kua waiho mai tētehi 2,500 eka noa iho ki a Ngāti Tara Tokanui, i te taenga ki te tau 1896.

NGĀ HOKO WHENUA O TE RAU TAU RUA TEKAU

- 2.36 I muri i te tau 1909, i whakahaeretia te rironga o ngā whenua Māori e ngā Poari Whenua Māori ā-Rohe. Ina puritia tētehi poraka e tētehi rōpū kaupupuru iti iho i te tekau, i āhei te kaihoko ki te kōrerorero ki a rātou mō te whakawhiti, me te tono ki te poari kia whakaūngia. Mehemea neke atu i te tekau ngā kaupupuru, i karangatia tētehi hui o ngā kaupupuru hei whakatau mehemea me hoko te whenua, mehemea āe, he aha ngā whakaritenga. Mehemea he whakataunga hei hoko i te whenua, ka tukua ki te poari kia whakaūngia. Mō ēnei whakaritenga e rua, me mātua whakatau te poari ka tutuki ngā paearu o te ture, tae atu ki te whakatau he tōtika te nui o te utu, kua ea te

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

rahi o ngā utu i whakaritea, me te whānui o ētehi atu whenua nō ngā kaipupuru. Mehemea kua tutuki ngā paearu ka whakaputaina he tiwhikete whakaū, ka rēhitatia i runga i te taitara.

- 2.37 Rā roto i ngā whakaritenga o te Kōti Whenua Māori, heoi anō nei ngā wāhanga i āhei ai a Ngāti Tara Tokanui ki te pupuru, he wāhanga marara, me te aha, ka tukua te rangatiratanga o aua wāhanga ki ngā tāngata takitahi, kāore i hoatu ki te iwi, ki te hapū rānei. Tā te mea he iti ngā pito whenua me te marara whānui anō, i ngāwari te hoko atu. He maha tonu ēnei pito whenua iti i hokona atu i ngā tau tuatahi o te rau tau rua tekau. Nō te taenga ki taua wā e kīa ana a Ngāti Koi ko Ngāti Tara. Kei roto i ēnei wāhanga ko Pukemokemoke 2B1, ko Rotokohu 5A1, ko Ngahutoitoi G, ko Rotokohu 5B2B, ko Ngahutoitoi C, ko Te Koronae 1D me Ngahutoitoi J. E kīa pūputuhia ana e te tangata nā te tītōhea o ēnei whenua, me te iti hoki i kore ai e puta he hua mō te kaimahi o te whenua, ki te whakatupu kai, ki te whakatupu kararehe, koia hoki te take i ngaro ai ēnei whenua.
- 2.38 Kāore te nuinga o ngā kaipupuru whenua o Ngāti Tara Tokanui i āhei ki te whai oranga i ō rātou whenua. Ka kawea mai e te Karauna tōna mana hoko tōmua ki ngā poraka o Wairahake, o Rotokohu, o Pukemokemoke me Pukehange i te tau 1915, ahakoa kīhai ngā kaipupuru i ēnei poraka i hiahia ki te hoko i ēnei whenua. I muri i te tau 1915, i rīhitia e ngā kaiahuwhenua i te taha o ēnei whenua ētehi wāhi hei whāngai kau, engari kāore i nui ngā hua i hoki mai ki ngā kaipupuru whenua. Ka haere te rau tau rua tekau, ka iti haere ngā whenua kei ngā ringaringa o te iwi Māori e pupuru ana, ko te nuinga he mea karapotī katoa e ngā whenua ahuwhenua pupuru tūmataiti. Ko te hua o te ritenga huinga kaipupuru me ngā whakaritenga koarama i whakaritea e te ture, e te Kōti rānei i muri, he whakawātea i te huarahi hoko i te whenua, ahakoa kāore i āta whakaae mārire te nuinga o ngā kaipupuru.

TE AWA O OHINEMURI

- 2.39 I te tau 1895, ka pānuitia e te Karauna ka kīa ngā awa o Waihou me Ōhinemuri he rerenga wai i raro i te tekiana 152 o te Ture Keri Whenua o 1891. Nā konei i taka ai ngā awa nei ki raro i te mana o te ahumahi kerī kōura me ōna parahanga. Nā te Ture nei i whakamana te tukunga o ngā para keringa me ētehi atu para ki roto i ngā awa, i kīa ai ēnei awa he 'rerenga parahanga'. I puta mai ēnei parahanga i ngā taputapu kōpenupenu kōhatu, tātari kongakonga mai i ngā keringa pātata. I ringihia atu ngā parahanga, tae atu ki ngā para he cyanide kei roto, ki te awa o Ōhinemuri me ōna kautawa. Nā ēnei parahanga i kino ai te wai whakararo o te awa, kīhai i pai hei inu mā te tangata, mā te kararehe, me te aha, matemate atu ana te nuinga o ngā ika. Nō te tīmatanga mai o te mahi cyanide i te tau 1892 i piki ake ai te mahi a ngā taputapu kōpenupenu kōhatu i te kōuru o Ōhinemuri. I waenga i te tau 1895 me 1910, e 550,000 tōne para keringa i rukea atu ki te awa o Ōhinemuri.

TE HĀHI RINGATŪ ME TE AWA

- 2.40 Mai i ngā tau whakamutunga o te rautau tekau mā iwa, ka noho ko Ngahutoitoi tētehi pūtahi o te Hāhi Ringatū me te huri o te tini o te tangata o Ngāti Tara Tokanui ki te whakapono nei. I whakatūria e ngā Ringatū hou tētehi whareniui, ka whakaingotia ko Te Nui-o-te-pā e Te Kooti. I noho ia ki reira i te marama o Hūrae 1883 me te marama o Pēpuere 1888. I te tekau mā rua o ia marama ka noho te iwi Ringatū i Ngahutoitoi i ngā wai o te awa o Ōhinemuri, e rere ana i te taha o te marae. I konei ka tino hē rawa atu te

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

hauora o te iwi. Kua kino katoa hoki te wai i te tukunga parahanga o ngā mahi kerī kōura i uta ake, ka pā aua kino ki te hauora o te iwi. Tino kino te heke o te iwi i te matemate o te tini tangata. I te tau 1900, ka matapaetia e tētehi āpiha a te Karauna kei te toru rau ngā tāngata Māori i hiahia ki tētehi atu puna wai mō rātou nā te mea kua 'kino' te wai o Ōhinemuri 'kāore hoki i tika hei inu mā te tangata, mā te kararehe rānei'. Kua kino i ngā tukunga 'rerenga kerī kōura, i te cyanide me ētehi atu parahanga manawa whenua.' Ko ngā kāinga i hiahia ki ētehi atu puna wai mō rātou ko Ōpākura, ko Rāwhitiroa, ko Te Hape, ko Ngahutoitōi, ko Makomako, ko Te Tawaotakūao me Ngāmoto.

A. TE PUNA WAI

- 2.41 I te tau 1903, ka tonoa te Āpiha Hauora Māori e te Minita Māori kia haere ki Paeroa kia tiro-tiro i tētehi 'mate urutā kino' o te taipo piwa. Ka uia ētehi tākuta e rua i reira, ā, i whakakāhore tonu rāua i te kōrero taipo piwa i reira. I peka atu ia ki ngā kāinga e rua engari kāore i kitea he tohu o te mate. Ahakoa rā, i kite ia i ētehi kua pāngia e te mate i tana pekanga atu ki te kāinga. I kite hoki ia i tētehi tamawahine Māori, kua mate kē, me te whakapae a te tangata he mate taipo tōna mate.
- 2.42 I puta te kī a te Āpiha Hauora Māori ko te wai o te awa te pūtake matua o ngā māuiuitanga me tana whakamārama he 'kī tonu i te arsenic, he paihana katoa ki te inu'. I tohe ia kia whakaaro mai te Kāwanatanga 'ki te iwi Māori i te mea, ehara nā rātou te awa i tūkinu.' Ka tuhi ia i tana pūrongo ko te nuinga o ngā kāinga Māori i tērā takiwā kei ngā tahataha tonu o te awa, ā, kāore i hoatu he wāhi ki a rātou kia whakahē i te tohu i te awa hei rerenga parahanga. Ka whakatūpato hoki ia he take tino nui tēnei mō te hauora o te iwi Māori o te rohe, nā reira e tika ana kia āwhina mai te Kāwanatanga i a rātou. Kei roto i tana pūrongo tētehi mahere i tuhia e tētehi atu āpiha karauna hei whakarite i tētehi atu puna wai ki ngā kāinga.
- 2.43 I muri i tētehi takiwātanga, ka ngana te Karauna ki te whakatikatika i te āhua o te puna wai, arā, ka tīmata te whakatakoto paipa hei whāngai wai ki ngā kāinga Māori e whitu i te marama o Pēpuere 1904. Ka utua e te Karauna tētehi £50 i te tau ki te kaunihera hei whāngai i ngā kāinga ki te wai mō te rima tekau tau. I te tau 1922, ka whakamanahia tētehi ture hei tuku wai kore-utu ki ngā kāinga Māori o Paeroa. Ka whakamutua e te Karauna te utunga ā-tau ki te kaunihera i te marama o Māehe 1955.

B. TE WAIPUKE

- 2.44 I waenga i te tau 1903 me te 1918, tata ki te 14 kiromita o te awa o Ōhinemuri i te takiwā o Paeroa i keria, ā, ka mahia anō ngā parahanga hei tango i ngā kōura i mahue iho. Neke atu i te 900,000 tana o ngā rerenga keringa i pēnei te mahi, ā, i whakahokia ngā parahanga ki te awa, he one rehurehu te āhua. I whai hua ā-moni te kerī i te awa engari i whakamutua i muri i tētehi waipuke nui i te tau 1918. I haere tonu ngā mahi kerī kōura i Ōhinemuri taea noatia te tau 1952.
- 2.45 Nā te tuku parahanga kerī kōura ki roto i ngā awa i kino ai ngā kūkūpango o ngā awa i te parakiwai. I te tau 1902, ka pitihana a Te Keepa me ētehi atu Māori ki te Ōhinemuri County Council. Ka whakahē ia i te whakaingoatanga o te awa hei rerenga parahanga me te korenga i whakawhitiwhiti kōrero ki te iwi, ā, ki tāna, nā ngā tukunga ki te awa kua kino kē atu te waipuke, kua raru katoa hoki ngā kai i ngā māra. I muri i te waipuke nui i te awa o Ōhinemuri i te tau 1907 he maha ngā kaiahuwhenua me ngāi Māori i

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- pitihana i te Karauna ki te whakahē i ngā tūkinotanga o ngā para keringa kōura. He maha ngā māra kai whakawhirinaki, ngā puna kai e ora ai ngā hapori i ngaro i te whakapokenga o te wai me te waipuke. Ko te whakautu ki ētehi o ngā pitihana i whakautua e ngā pitihana mai i ngā kaikeri kōura i kī, ko te waipuke o te tau 1907 he waipuke noa iho, ā, ki te aukatihia ā rātou tukunga para ki ngā awa ka tino raru tō rātou ahumahi.
- 2.46 I puta mai hoki tētehi waipuke i te marama o Māehe 1910 i ngā awa o Ōhinemuri me Waihou, i ara ake ai ētehi atu whakahē mai i ngā kaimahi ahuwhenua me te hunga Māori kei te taha o ngā awa e noho ana, ā, ka whakatūria e te Karauna tētehi kōmihana hei tūhura i te pāpātanga o te tukunga para o ngā keringa, me te whiriwhiri he aha ngā mahi ka taea hei whakatika i ngā raru. I whakatūria te kōmihana parakiwai i te 14 o Mei, ā, ka whakarongo ki ngā kaikōrero e 92, ka toro atu ki ngā wāhi kua pāpāria, ka tiroiro ki ētehi atu kōrero taunaki, whakatakoto rawa i tana pūrongo i te marama o Hūrae 1910. Ko te whakatau o te pūrongo a te Kōmihana i kino kē ake te waipuke nā te tukunga parahanga kerī kōura ki roto i ngā awa, engari nā ngā rākau i whakatōkia i te taha o ngā awa, nā te pikinga ake o te parakiwai i muri i te waerenga o ngā ngahere i hē kē atu te āhua. I tatū ngā whakaaro o te kōmihana kua kino katoa whenua i raro mai i ngā keringa.
- 2.47 Ko te tohutohu a te kōmihana kia whakatū te Karauna i tētehi poari mō ngā awa o te riu katoa, hāunga te pūaha o te awa o Waihou, ka whakahaeretia te pūaha e te poari o te whanga, arā, te 'harbour board'. I mana te Ture e kīa nei ko The Waihou and Ohinemuri Rivers Improvement Act i te marama o Tīhema 1910 hei hanga i tēnei poari. Mā te Ture nei ka wātea te poari ki te whakahaere i ngā awa puta noa te riu katoa. Ahakoa rā, kāore te poari i whakatūria.
- 2.48 Kīhai i whakatūria te Poari, heoi anō, ka whakamanaia te Public Works Department kia kawē i ngā mahi tiaki awa i roto i taua ture, ā, ka noho tonu te mana ki taua tari taea noatia te tau 1961. He mea whāngai ki te pūtea e te Karauna. I whakamanaia hoki te Minita mō ngā mahi tūmatanui ki te tango whenua i raro i te Public Works Act 1908 mō te whakahaere waipuke me te tiaki i te kāuru katoa. I whakahaeretia hoki ētehi mahi nunui e te tari i waenga i te tau 1912 me te tau 1932 i te awa o Waihou i raro iho i te komititanga ki te Ōhinemuri. I hangaia hoki he parepare i te awa o Waihou, i raro iho o Paeroa, ā, i tapahia he kōawa i raro i te komititanga ki te awa o Ōhinemuri, hei whakapoto i te rerenga waipuke o te Waihou. I keria hoki te takere moana huri noa i te wāpu o Te Puke.
- 2.49 I te tau 1946, i whakatūngia e te Karauna te Hauraki Catchment Board, i raro i te ture e kīa nei ko te Soil Conservation and Rivers Control Act 1941, ka tango te karauna i te whakahaere o te kāuru o te Waihou i te Public Works Department (i haumitia ki roto i te Ministry of Works i te tau 1948) taea noatia te tau 1961. I te tau 1965, i muri i ētehi waipuke, ka whakatakotoria e te poari tētehi mahere i whakamanaia e te Kāwanatanga i te tau 1971. Nā ngā raru o te whāngai pūtea i tōmuri ai te haere, engari i whakaaetia he kaupapa reiti i te tau 1976. Nō te tau 1988, ka hoatu ngā mahi a te Hauraki Catchment Board ki te Kaunihera ā-Rohe o Waikato, ā, ka oti i te tau 1995 ngā mahi kaupare waipuke i whakaaetia i te tau 1971.
- 2.50 Nā ēnei āhuetanga katoa i puta ai ētehi rerekētanga nui ki ngā awa o Waihou me Ōhinemuri me ngā kautawa o aua awa, tae atu ki ngā whenua huri noa i noho hei orange mō Ngāti Tara Tokanui mai i ngā rā o mua.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

TE KĪMA WHAKAMIMITI I NGĀ RAORAO O HAURAKI

- 2.51 He whenua repo tonu ngā raorao o Hauraki, he waiwai te āhua o te takiwā katoa. E torotoro ana ōna awa maha rā roto i ēnei raorao, i tū ai he parepare, he tāhuna onepū, me ētehi repo rei hōhonu. I whakatūria e Ngāti Tara Tokanui ōna kāinga me ōna puni taupua i ngā whenua tiketike, nā ngā awa i ahuahua, i runga ake i ngā hōpua waipuke. Ko ēnei repo ngā tino puna kai mō Ngāti Tara Tokanui. I mau hoki he tuna, he manu i ngā repo, ā, kī tonu ngā pākihi i te harakeke, hei mahi kākahu, hei hanga whāriki, kete, taura, aha atu. Ko te nuinga o ngā whenua mai i te Waihou ki Piako kāore anō kia nohoia e te Pākehā, tae noa mai ki te tīmatanga o te rautau rua tekau. Tae noa mai ki tēnei wā i te mahi tonu a Ngāti Tara Tokanui ki te kohi kai, ki te tangotango hoki i ngā rawa i roto i te rohe.
- 2.52 I whakaritea e Te Karauna tāna kaupapa mahinga kia whakamimitihia ngā repo i muri i tētehi rangatū tirohanga i te tau 1899. Ka oti ētehi tirohanga i te Karauna e hoko haere ana i ngā pānga o ngā kaipupuru Māori i ngā poraka whenua i ngā raorao. Nā te Karauna i whakarite ētehi hoko nunui i raro i te Maori Land Settlement Act 1905. Nō te tau 1907 ka tohua he kaipūhanga kia whakarite kaupapa mahinga mō te whakamimiti me te purupuru i te repo o Piako. I te tau tonu o muri mai, nā te Hauraki Plains Act 1908 i whakamana te Department of Lands and Survey kia whakamimiti, kia whakapai hoki i te whenua. I waenga i te tau 1908 me te 1911, e 2,000 eka i ngā raorao o Hauraki i hokona i raro i tēnei ture me te Public Works Act.
- 2.53 I te hāngai anō te titiro a te kaupapa mahinga ki te rohe o te riu o Piako, i te taha uru o te manga o Waitakaruru. Heoi anō, i te waipuketanga o te awa o Waihou, kua puhake ngā wai ki te manga o te Awaiti, he kautawa nō te Piako. Nō te tau 1910, ka whakatau tikanga te Karauna kia whakatinanatia ētehi mahi kaupare waipuke hei aukati i te waipuke o te Waihou. I whakahaeretia tēnei mahi i raro i te Waihou and Ohinemuri Rivers Improvement Act 1910 e te Public Works Department. He mea whakahaere motuhake ngā awa nei, taea noatia te rironga o te mana whakahaere i te Hauraki Catchment Board, arā, i riro i a ia te mana whakahaere o te Hauraki Plains Drainage Scheme i te tau 1950, me ngā kaupapa o te Waihou me Ōhinemuri i te tau 1960.
- 2.54 Arā atu ngā āhuatanga o ngā mahi waihanga i te kaupapa whakamimiti i ngā Raorao o Hauraki. Ka whakawāteatia te awa o Piako, i hangaia hoki ngā kōawaawa o Maukoro me Pouarua hei whakawhāiti i ngā wai rere mai i ngā hiwi ki te taha uru o ngā raorao, i whakaritea he pūnaha whakamimiti whakaroto, ka tū he kēti waipuke, ka hangaia hoki te parepare i te takutai me ngā pūaha o ngā awa matua hei aukati i te puhaketanga o te awa me te waipuke. I raro hoki i tēnei kaupapa i āhei ai te waihanga rori, piriti, wāpu hoki kia ngāwari ai te tomo ki te whenua.
- 2.55 I te tau 1930, ka whakaritea e te Karauna te Poari Whakamimiti o Tirohia-Rotokohu i raro i te Waihou and Ohinemuri Rivers Improvement Act 1910. Ka whakawhānuitia i reira ngā whakaritenga whakamimiti i whakamāramatia i runga ake nei, kia toro whakate-tonga ki te takiwā ki te rāwhiti, ki te tonga hoki o Paeroa. Nā tēnei i piki ake ai te pānga o te kaupapa whakamimiti ki a Ngāi Tara Tokanui nā te mea nā konei i kaha ake ai te urunga o ngā kaupapa mahi ki te rohe o ngā iwi. Nā ēnei rerekētanga o te whenua i raru ai te taiao, me tōna pānga nui ki a ngāi Māori i tēnei rohe e noho ana, tae atu ki a Ngāti Tara Tokanui, nā te mea i whakawhāititia tō rātou uru ki ngā rawa whenua tuku iho, ki ngā wahi tapu, i uaua hoki te piri ki ngā tikanga a ō rātou tūpuna.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.56 E kī ana a Ngāti Tara Tokanui e rua ngā urupā o Ngāti Tara Tokanui, o Whauwhau me Ōpera, i tūkinotia e ngā kaupapa whakapaipai awa. Ko te whakamārama mō Whauwhau i te Kōti Whenua Māori i te tau 1869, he urupā tawhito. E ai ki ngā kōrero tuku iho a Ngāti Tara Tokanui i kati te urupā i te tau 1954, nā te mea nā ngā mahi ahu parepare mō te awa i horohoro ai ngā takotoranga kōiwi o ngā mātua tūpuna i reira. Nā te hanganga o te parepare i waenga i ngā urupā e rua, i kore ai te iwi e āhei ki te torotoro atu ki Whauwhau. Mai i te hanganga o te parepare kua tīmata te kaikai a ngā waipuketanga awa i te urupā. E noho ana a Ōpera i ngā tahataha o te awa o Waihou, ā, i pērā anō te āhuatanga, nā ngā whakapainga o te awa. E kī ana a Ngāti Tara Tokanui he tiketike tonu te utu ki a rātou mō ēnei whakapainga, i riro atu ai te nuinga o ngā hua i ngā kaiahuwhenua Pākehā.
- 2.57 Nō te taenga ki te tau 1955, he iti noa iho ngā whenua i te toe ki a Ngāti Tara Tokanui e whiwhi painga ai ia i te kaupapa whakamimiti. E ai ki ngā kōrero tuku iho a Ngāti Tara Tokanui nā te whakamimiti i ngā repo me ngā awa i ngaro ai te pātaka kai matua o ēnei hāpori katoa, i tūkinotia ai ngā wāhi tapu maha, nā runga i te hanga rerewē, rori, kōawaawa, me ngā parepare. Mai i te tau 1978 ki te 1990, i tangohia hoki ētehi atu whenua i nohoia i ngā rā o mua e Ngāti Tara Tokanui, i raro i te Public Works Act (1928) hei hanga parepare hei whakaruru mō ngā mahinga, mai i te tau 1991 me te 1995 mō ētehi atu mahi i roto i te kaupapa mahi o te awa o Waihou. I tangohia katoatia ngā whenua mai i te parepare ki te awa. I te tau 1977, kei te maumahara ētehi o ngā tāngata o Ngāti Tara Tokanui i ngana rātou ki te aukati ā-tinana i ngā purutōhia e kerī ana, engari nō whea hoki e taea. Ka noho tonu ēnei maharatanga me ngā pānga kino ki ngā whenua ki te iwi i ēnei rā nei.

NGĀ WĀHI TAPU O ŌHINEMURI I TE NGAHURU TAU MAI I 1970

- 2.58 Hei wāhi o te whakatau a te Kōti Whenua Māori mō te kotikotinga o Ōhinemuri i te tau 1882, e whā ngā urupā i whakawhiwhia ki a Ngāti Koi, engari kāore kau ngā whakawhiwhinga Karauna i āta whakamanaia. I te tau 1973, ka kitea e te Department of Lands and Survey kāore anō kia whakawhiwhia ngā whiwhinga Karauna mō ngā rāhui wāhi tapu e whā, neke atu, i Ōhinemuri, tae atu ki Kōtāngitangi me Rauwharangi, kei reira nei ngā urupā o ngā tūpuna o Ngāti Tara Tokanui. Ko te tikanga o tēnei he whenua Karauna aua rāhui, e ai ki te ture. Ka tonu te Department of Lands and Survey ki te Kōti Whenua Māori hei whakatau i ngā kaupupuru o Rauwharangi, o Kōtāngitangi, o Maungawhio me Wāhi Tapu anō hoki (Block XIII Ōhinemuri SD).
- 2.59 I tīmata te whakawā a te Kōti i ngā tonu i te marama o Hune 1973. I rapu kōrero te Kōti mō te pātai, me tuku ngā rāhui ki a wai, ā, i tonoa hoki he pūrongo mai i te āpiha toko-i-te-ora ā-rohe 'kia kitea ai ko ēhea ngā iwi e noho ana i te rohe.'
- 2.60 I te tau 1975, i whakahoki kōrero te āpiha hāpori ā-rohe he uaua tonu te tautuhi i ngā urupā, me te whakarite tika ki a wai ngā whakawhiwhinga nei. Ka tāpae whakaaro tēnei āpiha me whakawhiwhi ngā rāhui ki tētehi poari kaitiaki, 'hapū' rānei, me whakahoki rānei ngā urupā ki te Karauna, engari ko tāna tohutohu kia whakawhiwhi kōrero ki 'ngā iwi o Pare- Hauraki'. I te whirinaki tēnei āpiha hāpori ā-rohe ki ngā tohutohu a tētehi āpiha ā-hāpori kei Paeroa, me ana tohutohu me whakawhiwhi ngā poraka ki tētehi komiti i raro i tētehi iwi kē atu. I whakaae te Kōti ki tēnei tohutohu ā, i te tau 1978 ka pērātia ngā whakatau whiwhinga e te Kōti. E ai ki a Ngāti Tara Tokanui nā ngā mahi a te Karauna me te Kōti i te tau 1978 rātou i aukati i te whāinga mana me te whakahaerenga o ngā urupā o ō rātou tūpuna.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

TE ĀHUA O NGĀTI TARA TOKANUI I ĒNEI RĀ

- 2.61 He hōhonu tonu ngā tukunga iho o ngā whakahaere a te Kōti Whenua Māori i Ōhinemuri me Waihī mō Ngāti Tara Tokanui. O ngā whenua e 2,500 eka o Ngāti Tara Tokanui i te tau 1896, e 232 noa iho kei te toe i roto i ngā ringaringa o te iwi Māori i ēnei rā. E ai ki a Ngāti Tara Tokanui i whakatupu wehewehe te Karauna nā roto i ngā whakaritenga o te Kōti Whenua Māori, i kino katoa ai te noho a te iwi ki ōna whenua tuku iho, i te taha hoki o ō rātou whanaunga. Ki a rātou, kīhai i tutuki ngā kī taurangi a te Karauna kia tiakina, kia whakahokia ō rātou wāhi tapu ki a Ngāti Tara Tokanui, ā, e kī ana anō hoki rātou ko te tukunga o aua whenua ki roto i tētehi whakahaere e mōhiotia ana he whakahaere nā iwi kē, he takahi i te mana o Ngāti Tara Tokanui i tō rātou rohe.
- 2.62 Ahakoa ēnei kōrero tuku iho, i ū tonu te iwi ki tō rātou mana motuhake, nā te pupuru i te whakapapa, nā te takitaki whakapapa i ngā hui nunui, me te tukutuku iho i te whakapapa i roto i ngā whakatupuranga. Hei whakaatu ēnei whakapapa i te whanaungatanga i waenganui i ētehi atu iwi me Ngāti Tara Tokanui i roto i te hapori e mea nei rātou, kore rawa atu rātou e whakangaromia atu. Ahakoa kua tino rerekē te oranga o te iwi mai o te taenga mai o te Pākehā ki te rohe, kua noho tonu iho ko te whakapapa hei pou herenga, hei whakaahuatanga i te mauri ora o Ngāti Tara Tokanui.
- 2.63 I ngā tau whakamutunga o te rau tau tekau mā iwa, i ngana anō a Te Keepa Raharuhi kia whai wāhi tōna iwi ki ngā whanaketanga ōhanga i tō rātou rohe, ā, i hiahia anō ia kia whakahaeretia e te Karauna me ētehi atu te rapunga manawa whenua i raro i te whenua. Heoi anō, he toitū hoku tana kī kia noho te whenua ki te iwi, kia noho hoki rātou hei kaitiaki mō te whenua.
- 2.64 I ngā tau tuatahi o te rau tau rua tekau, e ai ki ngā kōrero a Ngāti Tara Tokanui he maha tonu te whānau i mate, he maha hoki i heke atu ki wāhi kē nā te uaua o te whai oranga i te wā kāinga. I tino pā nui te wehenga atu o ngā whānau ki te kaha o Ngāti Tara Tokanui ki te hāpai i ōna tikanga, ki te poipoi tonu i te whakamahinga tonutanga o te reo me ngā pūkenga o te iwi kia whai wāhi atu ki ngā hui nunui, te whakamahana hoki i te whanaungatanga ki ngā tini hapū, ki ngā whānau me te whenua. Nā te iti o ngā whenua o te iwi i te rohe e mōhiotia ana e te tangata, ko te oranga nui he kerī manawa whenua, he mahi ahuhenua rānei, he iti noa iho ngā huarahi whai oranga mō te iwi. E ai ki a Ngāti Tara Tokanui i riro ngā wawata o Te Keepa mō tana iwi i te rironga o ō rātou whenua.

3 ACKNOWLEDGEMENTS AND APOLOGY

ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that until now it has failed to deal with the long standing grievances of Ngāti Tara Tokanui in an appropriate way and that recognition of and provision of redress for these grievances is long overdue.
- 3.2 The Crown acknowledges that the Tauranga confiscation/raupatu and the subsequent Tauranga District Lands Acts 1867 and 1868 compulsorily extinguished all customary interests within the confiscation district, including those of Ngāti Tara Tokanui, and this was unjust and breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that it failed to actively protect Ngāti Tara Tokanui interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864, without investigating the rights of Ngāti Tara Tokanui, and this failure was in breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.4 The Crown further acknowledges that:
- 3.4.1 Ngāti Tara Tokanui whānau and hapū had no choice but to participate in the Native Land Court system to protect their land against claims from others and to integrate land into the modern economy;
 - 3.4.2 the native land system caused division between hapū, and the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times led to further alienations of Ngāti Tara Tokanui land;
 - 3.4.3 the operation and impact of the native land laws, in particular the awarding of land to individual Ngāti Tara Tokanui rather than to their iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation;
 - 3.4.4 this contributed to the further erosion of the traditional tribal structures of Ngāti Tara Tokanui which were based on collective tribal and hapū custodianship of land; and the Crown failed to take adequate steps to protect those structures and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.5 The Crown acknowledges that:
- 3.5.1 it sought to purchase Ngāti Tara Tokanui interests in land blocks before title to the land was determined by the Native Land Court by making payments which sometimes took the form of goods from storekeepers charged against Ngāti Tara Tokanui land;
 - 3.5.2 it made these payments despite recognising they created severe divisions among Māori of the area;

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.5.3 it agreed to lease the Ohinemuri block from some of the owners in 1875, and assumed control of the leased land without the consent of all of the owners. All the rents payable to Ngāti Tara Tokanui were used to repay the advances paid before 1875, even though some of the owners had not accepted any of these advances;
- 3.5.4 it resumed purchasing Ohinemuri in 1877, despite its commitment in 1875 to refrain from purchasing Ohinemuri lands;
- 3.5.5 it used monopoly powers in all negotiations to purchase Ngāti Tara Tokanui lands; and
- 3.5.6 the combined effect of these actions was that the Crown failed to actively protect the interests of Ngāti Tara Tokanui, and this was a breach Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that lands of significance to Ngāti Tara Tokanui near Paeroa and elsewhere were acquired by the Crown for the Hauraki Plains Drainage Scheme (1908), including through compulsory takings. The Crown acknowledges that the loss of these lands hindered Ngāti Tara Tokanui access to urupā, kaimoana, and other resources. The Crown also acknowledges that its public works takings are a significant grievance for Ngāti Tara Tokanui.
- 3.7 The Crown acknowledges that the cumulative effect of its actions and omissions left Ngāti Tara Tokanui virtually landless by the 1920s. The Crown's failure to ensure that Ngāti Tara Tokanui retained sufficient lands for its present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.8 The Crown acknowledges that:
- 3.8.1 the alienation of Ngāti Tara Tokanui from their lands has profoundly affected their economic, social, and cultural development;
- 3.8.2 Ngāti Tara Tokanui's virtual landlessness since the 1920s has contributed to high levels of migration of Ngāti Tara Tokanui and that most Ngāti Tara Tokanui now live outside their rōhe; and
- 3.8.3 this has severely affected the way te reo Māori and knowledge of tikanga Māori practices are passed between generations of Ngāti Tara Tokanui.
- 3.9 The Crown acknowledges that it is an ongoing grievance for Ngāti Tara Tokanui that in 1978 their links with important urupā at Kotangitangi and Rauwharangi were destroyed when these urupā were awarded to other iwi.
- 3.10 The Crown acknowledges that environmental changes and pollution since the nineteenth century have been a source of distress and grievance for Ngāti Tara Tokanui. In particular the Crown acknowledges that:

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.10.1 goldmining activities since 1895 have polluted and degraded the Ohinemuri and Waihou Rivers, and this has caused significant harm to the health and wellbeing of Ngāti Tara Tokanui communities that relied upon the rivers for physical and spiritual sustenance; and
- 3.10.2 modifications to the course of the Waihou and Ohinemuri Rivers and their tributaries since the 1890s have drained resource-rich wetlands, destroyed Ngāti Tara Tokanui wāhi tapu, and caused significant harm to kaimonana sources relied on by Ngāti Tara Tokanui.
- 3.11 The Crown further acknowledges that Ngāti Tara Tokanui communities have endured social deprivation for too long.

APOLOGY

- 3.12 The Crown makes this apology to Ngāti Tara Tokanui, your tūpuna and mokopuna.
- 3.13 The Crown has prejudiced you by promoting laws and policies in New Zealand that led to the alienation of your whenua, caused environmental damage to the Waihou and Ohinemuri Rivers, eroded your tribal structures and dislocated your people from your pā and kāinga. The Crown has failed to uphold its obligations under Te Tiriti o Waitangi/the Treaty of Waitangi and caused physical and spiritual hardship that is deeply felt today.
- 3.14 For its actions which have caused Ngāti Tara Tokanui prejudice, and its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles, the Crown is truly sorry.
- 3.15 The Crown hopes that this settlement marks a new beginning in which the relationship that has been damaged can be restored, and that the Crown and Ngāti Tara Tokanui can begin anew in a spirit of mutual respect and partnership, guided by the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.

NGĀ WHAKAAETANGA ME TE WHAKAPĀHATANGA

NGĀ WHAKAAETANGA

- 3.1 E whakaae ana te karauna kāore anō ia kia huri ki te whakatika i ngā nawe tuku iho a Ngāti Tara Tokanui i runga i te tika, me tana whakaae hoki kua tae noa mai te wā mō te whakamana me te tāpae paremata mō aua nawe.
- 3.2 E whakaae ana te Karauna nā te raupatu o Tauranga me ngā Ture e kīa nei ko ngā Tauranga District Lands Act 1867 and 1868 i muru pokanoa ngā whāinga take tuku iho katoa i roto i te rohe raupatu, tae atu ki ērā o Ngāti Tara Tokanui, ā, kāore hoki tērā i tika, e takahi ana i te Tiriti o Waitangi me ōna mātāpono.
- 3.3 E whakaae ana hoki te Karauna kāore i āta tika tana tiaki i ngā pānga tūturu o Ngāti Tara Tokanui i roto i ngā whenua i hiahia rātou ki te pupuru, i tana huringa ki te hoko i ngā poraka o Te Puna me Katikati i te tau 1864, me tāna kore e tūhura i ngā whāinga tika o Ngāti Tara Tokanui, ā, he takahi hoki tēnei i Te Tiriti o Waitangi me ōna mātāpono.
- 3.4 E whakaae ana anō hoki te Karauna;
 - 3.4.1 kāore he huarahi kē atu i wātea ki ngā whānau me ngā hapū o Ngāti Tara Tokanui ki te whai wāhi ki roto i ngā whakawā o te Kōti Whenua Māori, hei tiaki i ō rātou whenua i ngā kerēme a ētehi, kia haumitia hoki ō rātou whenua ki roto i te ōhanga hou;
 - 3.4.2 nā ngā whakaritenga whenua Māori i tupu ai te wehewehe o ngā hapū, ā, nā ngā whakaritenga taitara Kōti Whenua Māori i tau ai ngā nama tino nui ki a rātou, tae atu ki ngā utunga mō te rūri me ngā rā whakawā, ā, nā konei hoki ka ngaro ētehi atu o ngā whenua o Ngāti Tara Tokanui;
 - 3.4.3 nā te mahinga me te pānga o ngā ture whenua Māori; otirā nā te whakawhiwhinga o ngā whenua ki te hunga takitahi o Ngāti Tara Tokanui, kua ki ō rātou iwi me ō rātou hapū, i ngāwari ai te kotikoti i aua poraka, te wāwāhi rānei, te ngaro rawa atu rānei;
 - 3.4.4 nā konei i hohoro ai te waimehatanga o ngā tikanga ā-iwi o Ngāti Tara Tokanui me te kaupapa pupuru whenua i herea ki te mana o te iwi me te hapū; ā, kīhai te Karauna i huri mai ki te whaiwhai i ngā mahi e tika ana hei tiaki i aua whakaritenga, ā, ka noho tēnei hei takahitanga i te Tiriti o Waitangi me ōna mātāpono.
- 3.5 E whakaae ana anō hoki te Karauna;
 - 3.5.1 i tahuri ia ki te hoko mai i ngā pānga o Ngāti Tara Tokanui i ngā poraka whenua i mua i te whakataunga o te taitara e te Kōti Whenua Māori, arā, nā

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

te utu mō aua whenua, ā, i ētehi wā ko aua utunga he rawa, he taonga nā ngā kaipupuru toa hokohoko, i namatia ki ngā whenua o Ngāti Tara Tokanui;

- 3.5.2 i haere āna utunga pēnei ahakoa tana mōhio nā ēnei utunga i wehewehe te iwi Māori o taua rohe;
- 3.5.3 i whakaae ia ki te rīhi i te poraka o Ōhinemuri mai i ētehi o ngā kaipupuru whenua i te tau 1875, me tana whakaae ki te whakahaere i ētehi o aua whenua rīhi, me te kore tonu o ngā kaipupuru katoa e whakaae. Ko ngā rēti katoa i tika kia utua ki a Ngāti Tara Tokanui i riro hei utu i ngā utu tōmua i tukua mai i mua ake i te tau 1875 ahakoa kāore anō ētehi o ngā kaipupuri whenua kia tango i tētehi o aua utunga tōmua;
- 3.5.4 i haere tonu anō tāna hoko i Ōhinemuri i te tau 1877 ahakoa tana kī taurangi i te tau 1875 e kore e hokona e ia ngā whenua o Ōhinemuri;
- 3.5.5 i whakamahia e ia tōna māna tokitoki i ngā whakawhitinga kōrero katoa hei hoko i ngā whenua o Ngāti Tara Tokanui; ka mutu
- 3.5.6 i te haupūtanga o ēnei mahi katoa kīhai te karauna i āta tiaki mārire i ngā pānga o Ngāti Tara Tokanui, ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.6 E whakaae ana te karauna ko ngā whenua i noho hei whenua nui ki a Ngāti Tara Tokanui i te takiwā o Paeroa me ētehi atu wāhi i hokona e te Karauna mō te Hauraki Plains Drainage Scheme (1908), tae atu ki ētehi tangohanga i āta whakahaua. E whakaae ana anō te Karauna nā te ngaromanga o aua whenua i raru ai te uru a Ngāti Tara Tokanui ki ō rātou urupā, ki ā rātou kaimoana, me ērā atu taonga. E whakaae ana hoki te Karauna ko āna tangohanga whenua mō ngā mahi tūmatanui tētehi nawe nui nō Ngāti Tara Tokanui.
- 3.7 E whakaae ana te Karauna nā te haupūtanga o ana mahi katoa me ana hapanga hoki, i noho whenua kore ai a Ngāti Tara Tokanui i te taenga ki te ngahuru tau 1920. Nā te korenga o te Karauna e āta whakarite tikanga kia pupuri tonu a Ngāti Tara Tokanui i ētehi whenua rawaka mō ōna hiahia o nāianeī, mō ngā rā hoki e tū mai nei, i takahia e ia te Tiriti o Waitangi me ōna mātāpono.
- 3.8 E whakaae ana anō hoki te Karauna;
- 3.8.1 nā te rironga atu o ngā whenua i a Ngāti Tara Tokanui i tino raru ai te whanaketanga-ā-ōhanga, ā-pāpori, ā-ahurea hoki o te iwi;
- 3.8.2 nā te tata noho whenua-kore o Ngāti Tara Tokanui mai i te ngahuru tau 1920 i kaha ake ai te heke o te tokomaha o ngā uri o Ngāti Tara Tokanui, ā, ko te nuinga o Ngāti Tara Tokanui kei waho atu o tō rātou rohe e noho ana; ā,
- 3.8.3 i kaha anō te pā o ēnei āhukatanga ki te āhua o te tuku i te reo Māori me ngā tikanga Māori mai i tētehi whakatupuranga o Ngāti Tara Tokanui ki tētehi.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.9 E whakaae ana te Karauna ko tētehi nawe mau tonu mō Ngāti Tara Tokanui i te tau 1978 i whakangaromia ngā hononga ki ētehi urupā mana nui i Kōtangitangi me Rauwharangi i te whakawhiwhinga o aua urupā ki ētehi atu iwi.
- 3.10 E whakaae ana te Karauna i noho ko ngā huringa taiao me ngā whakapokenga mai i te rautau tekau mā iwa hei mamaetanga nui, hei nawe nui hoki mō Ngāti Tara Tokanui. Otirā e whakaae ana anō hoki te Karauna;
- 3.10.1 nā ngā mahinga kerī kōura mai i te tau 1895 i whakapoke, i tūkinō ngā awa o Ōhinemuri me te Waihou, i tau ai te raruraru ki te hauora me te toiora o ngā haporī o Ngāti Tara Tokanui, ā, ko ēnei awa i ngā rā o mua te pātaka kai, ngā awa wairua hoki o te iwi; ā
- 3.10.2 nā ngā huringa i te awa rerenga o ngā awa o Waihou me Ohinemuri me ōna mai i te ngahuru tau 1890 i mimiti ai ngā repo mōmona o taua takiwā, i tūkinotia hoki ngā wāhi tapu o Ngāti Tara Tokanui, i tino raru ai hoki ngā puna kaimoana a Ngāti Tara Tokanui.
- 3.11 E whakaae ana anō hoki te Karauna kua roa rawa a Ngāti Tara Tokanui e noho ana i roto i te korekore me te rawakore.

TE WHAKAPĀHATANGA

- 3.12 E whakapāha ana te Karauna ki a Ngāti Tara Tokanui, ki ōna tūpuna me āna mokopuna
- 3.13 I whakatoiharatia koutou e te Karauna i tana whakatairanga i ngā ture me ngā kaupapa here i Aotearoa i ngaro ai ō koutou whenua, i takoto kino ai ngā awa o Waihou me Ōhinemuri, i horohoro ai ngā tikanga e noho iwi kotahi ai koutou, i rērere ai te uri o te tangata i ō koutou pā, i ō koutou kāinga ki wāhi kē noho ai. Kīhai te Karauna i hautū i ōna kawenga i raro i te Tiriti o Waitangi, ā, ko ngā mamaetanga ā-kikokiko, ā-wairua kei te pākikini tonu i waenga i te iwi i ēnei rā.
- 3.14 Mō ana mahi i whakatoiharatia ai a Ngāti Tara Tokanui, me āna takahitanga i te Tiriti o Waitangi, ka nui te whakapāha a te Karauna.
- 3.15 Ko te tūmanako ia o te Karauna, ka noho tēnei whakataunga hei tohu i tētahi tīmatanga hou kia hoki anō ai te whanaungatanga i huripokina i mua ki te ora, kia tīmata anō hoki te Karauna me Ngāti Tara Tokanui ki te haere whakamua i runga i te whakaaro pai, tētehi ki tētehi, me te mahi ngātahi, i runga anō i te aronga ki ngā mātāpono o te Tiriti o Waitangi.

4 SETTLEMENT

ACKNOWLEDGEMENTS

- 4.1 Each party acknowledges that –
- 4.1.1 the Crown has to set limits on what, and how much, redress is available to settle the historical claims; and
 - 4.1.2 it is not possible to –
 - (a) fully assess the loss and prejudice suffered by Ngāti Tara Tokanui as a result of the events on which the historical claims are based; or
 - (b) fully compensate Ngāti Tara Tokanui for all loss and prejudice suffered; and
 - 4.1.3 the settlement is intended to enhance the ongoing relationship between Ngāti Tara Tokanui and the Crown (in terms of Te Tiriti o Waitangi/the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Ngāti Tara Tokanui acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair, and the best that can be achieved, in the circumstances.

SETTLEMENT

- 4.3 Therefore, on and from the settlement date –
- 4.3.1 the historical claims are settled; and
 - 4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
 - 4.3.3 the settlement is final.
- 4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.
- 4.5 Without limiting clause 4.4, the parties acknowledge, in particular, that the settlement does not affect any rights Ngāti Tara Tokanui may have to obtain recognition in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011, including recognition of the following:
- 4.5.1 protected customary rights (as defined in that Act):

DEED OF SETTLEMENT

4: SETTLEMENT

4.5.2 customary marine title (as defined in that Act).

REDRESS

4.6 The redress, to be provided in settlement of the historical claims –

4.6.1 is intended to benefit Ngāti Tara Tokanui collectively; but

4.6.2 may benefit particular members, or particular groups of members, of Ngāti Tara Tokanui if the governance entity so determines in accordance with the governance entity's procedures.

IMPLEMENTATION

4.7 The settlement legislation will, on the terms provided by sections 15 to 20 of the draft settlement bill –

4.7.1 settle the historical claims; and

4.7.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and

4.7.3 provide that the legislation referred to in section 17 of the draft settlement bill does not apply –

(a) to a cultural redress property, the purchased deferred selection property if settlement of that property has been effected, or the Pouarua Farm property; or

(b) for the benefit of Ngāti Tara Tokanui or a representative entity; and

4.7.4 require any resumptive memorial to be removed from a record of title for a cultural redress property, the purchased deferred selection property if settlement of that property has been effected, or the Pouarua Farm property; and

4.7.5 provide that the maximum duration of a trust pursuant to the Trusts Act 2019 does not –

(a) apply to a settlement document; or

(b) prescribe or restrict the period during which –

(i) the trustees of the Ngāti Tara Tokanui Trust, being the governance entity, may hold or deal with property; and

(ii) the Ngāti Tara Tokanui Trust may exist; and

DEED OF SETTLEMENT

4: SETTLEMENT

- 4.7.6 require the chief executive of the Office for Māori Crown Relations – Te Arawhiti to make copies of this deed publicly available.
- 4.8 Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 CULTURAL REDRESS

CULTURAL REDRESS PROPERTIES VESTED IN THE GOVERNANCE ENTITY

- 5.1 The settlement legislation will, on the terms provided by sections 22 to 48 of the draft settlement bill, vest in the governance entity on the settlement date –

Kepa Place

- 5.1.1 the fee simple estate in Kepa Place; and

Ngā Ure Tara

- 5.1.2 the fee simple estate in Ngā Ure Tara; and

Mimitu Pā

- 5.1.3 the fee simple estate in Mimitu Pā, being part of Coromandel Forest Park, subject to the governance entity providing a registrable conservation covenant in relation to that property in the form set out in part 5.1 of the documents schedule; and

Te Pou o Tiki Te Aroha

- 5.1.4 the fee simple estate in Te Pou o Tiki Te Aroha, being part of Karangahake Scenic Reserve, as a scenic reserve named Te Pou o Tiki Te Aroha Scenic Reserve, with the governance entity as the administering body; and

Tawhitiaraia

- 5.1.5 the fee simple estate in Tawhitiaraia, being part of Orokawa Scenic Reserve, as a scenic reserve named Tawhitiaraia Scenic Reserve, with the governance entity as the administering body, subject to the governance entity providing:

- (a) a registrable right of way easement in gross in relation to that property in the form set out in part 5.2 of the documents schedule; and
- (b) a registrable right of way easement in gross in relation to that property in the form set out in part 5.5 of the documents schedule; and

Ngāmarama

- 5.1.6 the fee simple estate in Ngāmarama, being Mackaytown Recreation Reserve, as a recreation reserve named Ngāmarama Recreation Reserve, with the governance entity as the administering body; and

DEED OF SETTLEMENT

5: CULTURAL REDRESS

Ngāti Koi Domain

- 5.1.7 the fee simple estate in Ngāti Koi Domain as a recreation reserve named Ngāti Koi Domain Recreation Reserve, with a joint management body as the administering body, the members of which will be appointed by the governance entity and the Hauraki District Council.
- 5.2 The settlement legislation will, on the terms provided by section 28 of the draft settlement bill, provide that –
- 5.2.1 despite the vesting of Ngāti Koi Domain, the improvements owned by the Hauraki District Council and attached to Ngāti Koi Domain as at the date of its vesting will remain vested in the Hauraki District Council and section 28 will apply to those improvements; and
- 5.2.2 despite the provisions of section 28, the governance entity is not liable for an improvement for which it would, apart from that section, be liable by reason of its ownership of the property.

JOINT CULTURAL REDRESS PROPERTIES VESTED IN THE GOVERNANCE ENTITY AND OTHER GOVERNANCE ENTITIES

Tanners Point property

- 5.3 The settlement legislation will, on the terms provided by section 25 of the draft settlement bill, provide that, on the settlement date, the fee simple estate in the Tanners Point property, will vest as undivided half shares, with one half share vested in each of the following as tenants in common:
- 5.3.1 the governance entity; and
- 5.3.2 the trustees of the Hako Tūpuna Trust.

Karangahake (Te Tihi o Karangahake Maunga)

- 5.4 The settlement legislation will, on the terms provided by section 31 of the draft settlement bill, provide that,–
- 5.4.1 on the settlement date the fee simple estate in Karangahake, shown on OTS-100-208 as Karangahake (Te Tihi o Karangahake Maunga), being part of Kaimai Mamaku Conservation Park, will vest as undivided third shares, with one third share vested in each of the following as tenants in common:
- (a) the governance entity;
- (b) the trustees of the Hako Tūpuna Trust; and
- (c) the trustees of the Ngāti Tamaterā Treaty Settlement Trust; and

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- 5.4.2 the vesting of Karangahake is subject to the governance entity and the trustees referred to in clause 5.4.1(b) and 5.4.1(c) jointly providing –
- (a) a registrable right of way easement in gross in relation to that property in the form set out in part 5.3 of the documents schedule; and
 - (b) a registrable conservation covenant in relation to that property in the form set out in part 5.4 of the documents schedule.
- 5.5 Despite clauses 5.3 and 5.4, Tanners Point property and Karangahake will vest on the later of the following dates –
- 5.5.1 the settlement date; and
 - 5.5.2 the settlement date under the Hako settlement legislation.

CROWN MINERALS

- 5.6 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide that –
- 5.6.1 despite section 11 of the Crown Minerals Act 1991 (minerals reserved to the Crown), any Crown owned minerals in any cultural redress property vested in the governance entity under the settlement legislation, vest with, and form part of that property; but
 - 5.6.2 that vesting does not –
 - (a) limit section 10 of the Crown Minerals Act 1991 (petroleum, gold, silver and uranium); or
 - (b) affect other existing lawful rights to subsurface minerals.
- 5.7 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide that any minerals in the Tanners Point property or Karangahake that would have been reserved to the Crown by section 11 of the Crown Minerals Act 1991 (but for clause 5.6.1) will be owned by the governance entity in the same proportions in which the fee simple estate is held by it.
- 5.8 Sections 94 to 103 of the draft settlement bill establish a regime for the payment of royalties received by the Crown, in the previous 8 years, in respect of the vested minerals to which clause 5.6 applies.
- 5.9 The Crown acknowledges, to avoid doubt, that it has no property in any minerals existing in their natural condition in Maori customary land (as defined in Te Ture Whenua Maori Act 1993), other than those minerals referred to in section 10 of the Crown Minerals Act 1991 or if provided in any other enactment.

DEED OF SETTLEMENT

5: CULTURAL REDRESS

GENERAL PROVISIONS IN RELATION TO CULTURAL REDRESS PROPERTIES

- 5.10 Each cultural redress property is to be –
- 5.10.1 as described in schedule 1 of the draft settlement bill; and
- 5.10.2 vested on the terms provided by –
- (a) sections 22 to 48 of the draft settlement bill; and
 - (b) part 2 of the property redress schedule; and
- 5.10.3 subject to any encumbrances, or other documentation, in relation to that property –
- (a) required by clauses 5.1 and 5.4 to be provided by the governance entity; or
 - (b) required by the settlement legislation; and
 - (c) in particular, referred to by schedule 1 of the draft settlement bill.

WHENUA RĀHUI

- 5.11 The settlement legislation will, on the terms provided by sections 49 to 63 of the draft settlement bill –
- 5.11.1 declare Karangahake Scenic Reserve (as shown on deed plan OTS-100-220) to be subject to the whenua rāhui:
- 5.11.2 provide the Crown's acknowledgement of the statement of Ngāti Tara Tokanui values in relation to the whenua rāhui area; and
- 5.11.3 require the New Zealand Conservation Authority, or a relevant conservation board –
- (a) when considering a conservation management strategy, a conservation management plan or national park management plan, in relation to the whenua rāhui area, to have particular regard to the statement of Ngāti Tara Tokanui values, and the protection principles, for the whenua rāhui area; and
 - (b) before approving a conservation management strategy, a conservation management plan or national park management plan, in relation to the whenua rāhui area, to –
 - (i) consult with the governance entity; and

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (ii) have particular regard to its views as to the effect of the strategy or plan on the Ngāti Tara Tokanui values, and the protection principles, for the whenua rāhui area; and
 - 5.11.4 require the Director-General of Conservation to take action in relation to the protection principles; and
 - 5.11.5 enable the making of regulations and bylaws in relation to the whenua rāhui area.
- 5.12 The statement of Ngāti Tara Tokanui values, the protection principles, and the Director-General's actions are in part 1 of the documents schedule.

STATUTORY ACKNOWLEDGEMENT

- 5.13 The settlement legislation will, on the terms provided by sections 64 to 76 of the draft settlement bill, –
- 5.13.1 provide the Crown's acknowledgement of the statements by Ngāti Tara Tokanui of their particular cultural, spiritual, historical, and traditional association with the following areas:
 - (a) Aongatete River and its tributaries (as shown on deed plan OTS-100-221);
 - (b) Conservation Area – Waikino (as shown on deed plan OTS-100-218)
 - (c) Karangahake Walkway Conservation Area (as shown on deed plan OTS-100-215);
 - (d) Ohinemuri River and its tributaries (as shown on deed plan OTS-100-210);
 - (e) Opoutere Beach Recreation Reserve (as shown on deed plan OTS-100-214);
 - (f) Owharoa Falls Scenic Reserve (as shown on deed plan OTS-100-216);
 - (g) Taingahue Stream and its tributaries (being Waitengaue Stream and its tributaries) (as shown on deed plan OTS-100-219);
 - (h) Uretara Stream and its tributaries (as shown on deed plan OTS-100-211);
 - (i) Victoria Battery Historic Reserve (as shown on deed plan OTS-100-217);
 - (j) Waiau River and its tributaries (as shown on deed plan OTS-100-222);

DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (k) Waiorongomai (being part of Kaimai Mamaku Conservation Park) (as shown on deed plan OTS-100-212);
 - (l) Waimata Stream and its tributaries (as shown on deed plan OTS-100-223);
 - (m) Wharekawa Burial Ground (as shown on deed plan OTS-100-224); and
 - (n) Coastal Statutory Acknowledgement Area (as shown on deed plan OTS-100-213); and
- 5.13.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements; and
- 5.13.3 require relevant consent authorities to forward to the governance entity –
- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and
 - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- 5.13.4 enable the governance entity, and any member of Ngāti Tara Tokanui, to cite the statutory acknowledgement as evidence of Ngāti Tara Tokanui association with a statutory area.
- 5.14 The statements of association are in part 2 of the documents schedule.

PROTOCOLS

- 5.15 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister or that Minister's delegated representative –
- 5.15.1 the taonga tūturu protocol:
 - 5.15.2 the primary industries protocol.
- 5.16 The protocols set out how the Crown will interact with the governance entity with regard to the matters specified in them.

DEED OF SETTLEMENT

5: CULTURAL REDRESS

FORM AND EFFECT OF PROTOCOLS

- 5.17 Each protocol will be –
- 5.17.1 in the form in part 4 of the documents schedule; and
 - 5.17.2 issued under, and subject to, the terms provided by sections 77 to 82 of the draft settlement bill.
- 5.18 A failure by the Crown to comply with a protocol is not a breach of this deed.

CONSERVATION RELATIONSHIP AGREEMENT

- 5.19 The parties must use reasonable endeavours to agree, and enter into, a conservation relationship agreement by the settlement date.
- 5.20 The conservation relationship agreement must be entered into by the governance entity and the Minister of Conservation and the Director-General of Conservation.
- 5.21 A party is not in breach of this deed if the conservation relationship agreement has not been entered into by the settlement date if, on that date, the party is negotiating in good faith in an attempt to enter into it.
- 5.22 A failure by the Crown to comply with the conservation relationship agreement is not a breach of this deed.

PROMOTION OF RELATIONSHIPS

Local authorities

- 5.23 By not later than six months after the settlement date, the Minister for Treaty of Waitangi Negotiations will write a letter (**letter of facilitation**), in the form set out in part 7 of the documents schedule, to the Mayor of each local authority listed in clause 5.25.
- 5.24 The purpose of a letter of facilitation is to:
- 5.24.1 raise the profile of Ngāti Tara Tokanui with the local authority receiving it; and
 - 5.24.2 advise the local authority of matters of particular importance to Ngāti Tara Tokanui relevant to that local authority.
- 5.25 The local authorities referred to in clause 5.23 are:
- 5.25.1 Hauraki District Council;
 - 5.25.2 Thames-Coromandel District Council; and

DEED OF SETTLEMENT

5: CULTURAL REDRESS

5.25.3 Western Bay of Plenty District Council.

Crown agencies and entities

5.26 By not later than six months after the settlement date, the Tumu Whakarae – Chief Executive of the Office for Māori Crown Relations – Te Arawhiti will write a letter (**letter of introduction**), in the form set out in part 8 of the documents schedule, to the Chief Executives of each Crown agency and entity listed in clause 5.28, introducing Ngāti Tara Tokanui and the governance entity.

5.27 The purpose of a letter of introduction is to –

5.27.1 raise the profile of Ngāti Tara Tokanui with each Crown agency and entity receiving it; and

5.27.2 provide a platform for better engagement between Ngāti Tara Tokanui and each Crown agency and entity.

5.28 The Crown agencies and entities referred to in clause 5.26 are –

5.28.1 Manukau Institute of Technology;

5.28.2 Massey University;

5.28.3 Ministry of Business, Innovation and Employment;

5.28.4 Ministry of Education;

5.28.5 Ministry for the Environment;

5.28.6 Ministry for Primary Industries;

5.28.7 Ministry for Social Development;

5.28.8 Ngā Taonga Sound and Vision;

5.28.9 Te Māngai Pāho;

5.28.10 Te Taura Whiri i te Reo;

5.28.11 Te Whare Wānanga o Awanuiārangi;

5.28.12 Te Wānanga o Aotearoa;

5.28.13 The University of Waikato; and

5.28.14 Waikato Institute of Technology.

DEED OF SETTLEMENT

5: CULTURAL REDRESS

STATEMENTS OF ASSOCIATION WITH MOEHAU AND TE AROHA

5.29 The Crown acknowledges that Ngāti Tara Tokanui have associations with, and asserts certain spiritual, cultural, historical and traditional values in relation to the following -

5.29.1 Moehau maunga; and

5.29.2 Te Aroha maunga.

5.30 The statements by Ngāti Tara Tokanui of the associations and values are set out in part 3 of the documents schedule.

5.31 The parties acknowledge that these statements are not intended to give rise to any rights or obligations.

CULTURAL REDRESS PAYMENT

5.32 The Crown must pay the governance entity on the settlement date –

5.32.1 \$100,000, and the governance entity may, at its discretion, apply all or some of that amount towards the cultural revitalisation and a property of cultural significance; and

5.32.2 \$344,166, to enable the purchase by the governance entity of the properties called 6 Albert Street, Mackaytown, Sub Station Lane, Waikino and 69 Broadway Road, Waihi Beach, from the Pare Hauraki collective commercial entity as set out at clause 7.3.

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

5.33 The Crown may do anything that is consistent with the cultural redress including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.

5.34 However, the Crown must not enter into another settlement that provides for the same redress as set out in clause 5.1 and clauses 5.6 to 5.9 as they relate to clause 5.1.

6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 6.1 The Crown must pay the governance entity, on the settlement date \$1,930,787.70, being the financial and commercial redress amount of \$6,000,000 less –
- 6.1.1 \$20,000, being the amount that the Iwi Representative elected to spend in the government share offer programme in relation to Mighty River Power Limited that was paid by way of share transfer on 14 May 2013 on account of the settlement; and
 - 6.1.2 \$2,710,000 (**Pouarua on-account payment**), being that part of the on-account payment that was paid on 15 November 2013 to the Pouarua Farm Limited Partnership attributable to Ngāti Tara Tokanui on account of the settlement; and
 - 6.1.3 \$39,999.30, being the amount that the Iwi Representative elected to spend in the government share offer programme in relation to Genesis Energy Limited that was paid by way of share transfer on 22 April 2014 on account of the settlement; and
 - 6.1.4 \$500,000 (**cash on-account payment**), being the further on-account payment that was paid on 18 August 2014 to the governance entity on account of the settlement; and
 - 6.1.5 \$495,180, being the agreed transfer value of the properties referred to in clauses 7.3.1 to 7.3.6, or an agreed portion of the agreed transfer value if the property is being jointly transferred on account of the settlement; and
 - 6.1.6 \$304,033, being the agreed portion of the agreed transfer value of the properties referred to in clauses 7.3.7 and 7.3.8.

GOVERNMENT SHARE OFFER PROGRAMME

- 6.2 The parties agree –
- 6.2.1 the Iwi Representative elected to participate in the government share offer programme in relation to Mighty River Power Limited and Genesis Energy Limited;
 - 6.2.2 the Crown and the Iwi Representative entered into the –
 - (a) Mighty River Power deed recording on account arrangements to record the transfer of the Mighty River Power nominated shares to the

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

Public Trust to hold on trust for the benefit of the Iwi Representative, having the share value amount of \$20,000; and

- (b) Genesis Energy deed recording on account arrangements to record the transfer of the Genesis Energy nominated shares to the Public Trust to hold on trust for the benefit of the Iwi Representative, having the share value amount of \$39,999.30.

DEFERRED SELECTION PROPERTY

- 6.3 The governance entity may, during the deferred selection period for the deferred selection property (being Paeroa College site (land only)), give the Crown a written notice of interest in accordance with paragraph 4.1 of the property redress schedule.
- 6.4 Part 4 of the property redress schedule provides for the effect of the notice and sets out a process where the property is valued and may be acquired by the governance entity.
- 6.5 The Paeroa College site (land only) is to be leased back to the Crown, immediately after purchase by the governance entity, on the terms and conditions provided by the lease for the property in part 6 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase).

WITHDRAWAL OF PAEROA COLLEGE SITE (LAND ONLY)

- 6.6 In the event that Paeroa College site (land only) becomes surplus to the land holding agency's requirements, then the Crown may, at any time before the governance entity has given notice of its interest in accordance with paragraph 4.1 of the property redress schedule in respect of the school site give written notice to the governance entity advising it that the school site is no longer available for selection by the governance entity in accordance with clause 6.3. The right under clause 6.3 ceases in respect of the school site on the date of receipt of the notice by the governance entity under this clause. If the right under clause 6.3 ceases in respect of the school site, the RFR provisions in the Pare Hauraki Collective Redress Deed will apply in relation to the school site.

SETTLEMENT LEGISLATION

- 6.7 The settlement legislation will, on the terms provided by sections 83 to 87 of the draft settlement bill, enable the transfer of the deferred selection property.

APPLICATION OF CROWN MINERALS ACT 1991

- 6.8 The settlement legislation will, on the terms provided by subpart 2 of part 3 of the draft settlement bill, provide that, –
 - 6.8.1 despite section 11 of the Crown Minerals Act 1991 (minerals reserved to the Crown), any Crown owned minerals in –

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

(a) the purchased deferred selection property transferred to the governance entity under this deed; or

(b) the Pouarua Farm property,

transfer with, and form part of, that property; but

6.8.2 that transfer does not –

(a) limit section 10 of the Crown Minerals Act 1991 (petroleum, gold, silver and uranium); or

(b) affect other existing lawful rights to subsurface minerals.

6.9 Sections 94 to 103 of the draft settlement bill establish a regime for the payment of royalties received by the Crown, in the previous 8 years, in respect of the vested minerals to which clause 6.8 applies.

6.10 The Crown acknowledges, to avoid doubt, that it has no property in any minerals existing in their natural condition in Maori customary land (as defined in Te Ture Whenua Maori Act 1993), other than those minerals referred to in section 10 of the Crown Minerals Act 1991 or if provided in any other enactment.

7 COLLECTIVE REDRESS

DEED PROVIDING COLLECTIVE REDRESS

- 7.1 Ngāti Tara Tokanui is –
- 7.1.1 one of the 12 Iwi of Hauraki; and
 - 7.1.2 a party to the Pare Hauraki Collective Redress Deed between the Crown and the Iwi of Hauraki.

PARE HAURAKI COLLECTIVE REDRESS

- 7.2 The parties record the following summary of redress intended to be provided for in the Pare Hauraki Collective Redress Deed. The summary is non-comprehensive and provided for reference only; in the event of any conflict between the terms of the summary and the Pare Hauraki Collective Redress Deed, the Pare Hauraki Collective Redress Deed prevails; –

Cultural redress

- 7.2.1 vesting of 1,000 hectares at Moehau maunga in fee simple subject to government purpose (Pare Hauraki whenua kura and ecological sanctuary) reserve status, and co-governance and other arrangements over the entire 3,600 hectare Moehau Ecological Area, including the ability to undertake specified cultural activities as permitted activities:
- 7.2.2 vesting of 1,000 hectares at Te Aroha maunga in fee simple subject to local purpose (Pare Hauraki whenua kura) reserve status being administered by the Pare Hauraki collective cultural entity:
- 7.2.3 governance arrangements in relation to public conservation land, including a decision-making framework (which encompasses a regime for consideration of iwi interests including in relation to concession applications), recognition of the Pare Hauraki World View, and other arrangements including the joint preparation and approval of a Conservation Management Plan covering the Coromandel Peninsula, motu⁴ and wetlands⁵:
- 7.2.4 transfer of specific decision-making powers from the Department of Conservation to iwi, including in relation to customary materials and possession of dead protected fauna; a wāhi tapu management framework;

⁴ Including Motutapere Island, Cuvier Island (Repanga), Mercury Islands, Rabbit Island, and the Aldermen Islands (Ruamaahua).

⁵ Including Kopuatai, Torehape, and Taramaire wetlands.

DEED OF SETTLEMENT

7: COLLECTIVE REDRESS

and review of the Conservation Management Strategy to ensure the Pare Hauraki values and interests are provided for:

- 7.2.5 natural resource management and governance arrangements over the Waihou and Piako Rivers, the Coromandel Peninsula catchment, the Mangatangi and Mangatawhiri waterway catchments, the Whangamarino wetland and the Tauranga Moana catchments and coastal marine area:
- 7.2.6 a statutory acknowledgement over the Kaimai Mamaku Range:
- 7.2.7 \$3,000,000 funding and other support for te reo revitalisation:
- 7.2.8 Ministry for Primary Industries redress including a right of first refusal over fisheries quota for a period of 178 years from the date the right becomes operative, and recognition of the Pare Hauraki World View by the three principal Acts administered by the Ministry for Primary Industries:
- 7.2.9 changing the geographic names of specified areas of significance:
- 7.2.10 a letter of introduction to the responsible Ministers under the Overseas Investment Act 2005 in relation to sensitive land sales:
- 7.2.11 \$500,000 towards the Pare Hauraki collective cultural entity:

Commercial redress

- 7.2.12 the transfer of the Kauaeranga, Tairua, Whangamata and Whangapoua Forests, the Hauraki Athenree Forest and Hauraki Waihou Forest (being licensed land as defined in the Pare Hauraki Collective Redress Deed):
- 7.2.13 the early release of certain landbank properties and transfer of other landbank properties on the settlement date:
- 7.2.14 the right to purchase specific parcels of land administered by the Department of Conservation on a deferred selection basis:
- 7.2.15 a right of first refusal over RFR land (as defined in the Pare Hauraki Collective Redress Deed), including land held by Crown entities and Kāinga Ora—Homes and Communities, and the Cuvier Island lighthouse, for a period of 178 years from the date the right becomes operative:
- 7.2.16 additional rights of refusal over land in Tauranga (for a period of 178 years) and Waikato (as defined in the Pare Hauraki Collective Redress Deed):

Minerals

- 7.2.17 the transfer of certain Crown-owned minerals in land vested or transferred under the Pare Hauraki Collective Redress Deed:

DEED OF SETTLEMENT

7: COLLECTIVE REDRESS

- 7.2.18 involvement in any review of ownership of gold and silver:
- 7.2.19 a relationship agreement with the Ministry of Business, Innovation and Employment.

Pare Hauraki Landbank Properties

- 7.3 The parties acknowledge that it is intended that the following properties must be transferred by the Pare Hauraki collective commercial entity to the governance entity, either solely, or jointly with other iwi, as the case may be, as referred to in the Pare Hauraki Collective Redress Deed:

Early release commercial redress properties

- 7.3.1 6 Albert Street, Mackaytown:
- 7.3.2 Sub Station Lane, Waikino:
- 7.3.3 107 Ajax Road, Whangamata (jointly with Ngāti Maru Rūnanga Trust, Ngāti Tamaterā Treaty Settlement Trust, Ngaati Whanaunga Ruunanga Trust and Hako Tūpuna Trust):
- 7.3.4 179 Normanby Road, Paeroa (jointly with Ngāti Tamaterā Treaty Settlement Trust and Hako Tūpuna Trust):
- 7.3.5 Seddon Avenue/Waitete Road/Orchard Road, Waihi (jointly with Ngāti Tamaterā Treaty Settlement Trust and Hako Tūpuna Trust):
- 7.3.6 28 Waimarei Avenue, Paeroa (jointly with Ngāti Tamaterā Treaty Settlement Trust):

Commercial redress properties

- 7.3.7 1679 State Highway 2, Athenree (jointly with Ngāti Tamaterā Treaty Settlement Trust):
- 7.3.8 69 Broadway Road, Waihi Beach (jointly with Hako Tūpuna Trust):

Kāinga Ora—Homes and Communities RFR

- 7.4 The parties acknowledge that the governance entity will be entitled to receive any right of first refusal offer received by the Pare Hauraki collective commercial entity, under the Pare Hauraki Collective Redress Deed, in respect of the following properties:

DEED OF SETTLEMENT

7: COLLECTIVE REDRESS

Land Holding Agency	Kāinga Ora—Homes and Communities	
Property ID	Address	Legal Description
HSS0031727	Waihi	0.1011 hectares, more or less, being Section 150B Town of Waihi. All record of title SA26B/892 for the fee simple estate.
HSS0033407	Waihi	0.1012 hectares, more or less, being Lot 1 DPS 6920. All record of title SA1790/82 for the fee simple estate.
HSS0032128	Waihi	0.1133 hectares, more or less, being Lot 3 DPS 6920. All record of title SA13A/113 for the fee simple estate.
HSS0030253	Waihi	0.0890 hectares, more or less, being Lot 5 DPS 6920. All record of title SA58C/247 for the fee simple estate.
HSS0030254	Waihi	0.1131 hectares, more or less, being Lot 10 DPS 6920. All record of title SA58D/832 for the fee simple estate.
HSS0030328	Paeroa	0.0716 hectares, more or less, being Lot 18 DPS 11047. All record of title SA13A/1398 for the fee simple estate.
HSS0030901	Paeroa	0.0684 hectares, more or less, being Lot 16 DPS 32720. All record of title SA29A/409 for the fee simple estate.
HSS0030988	Paeroa	0.0466 hectares, more or less, being Lot 1 DPS 79221. All record of title SA63A/894 for the fee simple estate.
TUS0007142	Paeroa	0.0738 hectares, more or less, being Lot 3 DPS 83703. All record of title SA66C/211 for the fee simple estate.
TUS0007143	Paeroa	0.0638 hectares, more or less, being Lot 4 DPS 83703. All record of title SA66C/212 for the fee simple estate.
HSS0028355	Paeroa	0.0706 hectares, more or less, being Lot 5 DPS 681. All record of title SA9A/564 for the fee simple estate.

8 HARBOURS

- 8.1 The Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine /Te Moananui a Toi (and the harbours in those water bodies) are of great ancestral, spiritual, cultural, customary and historical significance to Ngāti Tara Tokanui.
- 8.2 Ngāti Tara Tokanui and the Crown acknowledge and agree that this deed does not provide for cultural redress in relation to Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi as that is to be developed in separate negotiations between the Crown and Ngāti Tara Tokanui.
- 8.3 Ngāti Tara Tokanui consider, but without in any way derogating from clause 8.2, negotiations with the Crown will not be complete until they receive cultural redress in relation to the Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi.
- 8.4 The Crown recognises:
- 8.4.1 the significant and longstanding history of protest and grievance on the Crown's actions in relation to Tīkapa Moana, including the 1869 petition of Tanumeha Te Moananui and other Pare Hauraki rangatira and the Kauaeranga Judgment; and
 - 8.4.2 Ngāti Tara Tokanui have long sought co-governance and integrated management of Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi.
- 8.5 The Crown acknowledges that the aspirations of Ngāti Tara Tokanui for Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi include co-governance with relevant agencies in order to:
- 8.5.1 restore and enhance the ability of those water bodies to provide nourishment and spiritual sustenance;
 - 8.5.2 recognise the significance of those water bodies as maritime pathways (aramoana) to settlements throughout the Pare Hauraki rohe; and
 - 8.5.3 facilitate the exercise by Ngāti Tara Tokanui of kaitiakitanga, rangatiratanga and tikanga manaakitanga.
- 8.6 The Crown and iwi share many goals for natural resource management, including environmental integrity, the sustainable use of natural resources to promote economic development, and community and cultural well-being for all New Zealanders. The Crown recognises the relationships Ngāti Tara Tokanui have with natural resources, and that the iwi have an important role in their care.
- 8.7 The Crown agrees to negotiate redress in relation to Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi as soon as practicable, and will seek sustainable and durable arrangements involving Ngāti Tara Tokanui in the natural resource

DEED OF SETTLEMENT

8: HARBOURS

management of Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi that are based on Te Tiriti o Waitangi/the Treaty of Waitangi.

- 8.8 This deed does not address the realignment of the representation of iwi on the Hauraki Gulf Forum under the Hauraki Gulf Marine Park Act 2000. This matter will be explored in the negotiations over Hauraki Gulf / Tīkapa Moana.
- 8.9 The Crown owes iwi a duty consistent with the principles of Te Tiriti o Waitangi/the Treaty of Waitangi to negotiate redress for Hauraki Gulf / Tīkapa Moana and Te Tai Tamahine/Te Moananui a Toi in good faith.
- 8.10 Ngāti Tara Tokanui are not precluded from making a claim to the Waitangi Tribunal in respect of the process referred to in clause 8.7.

9 SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

SETTLEMENT LEGISLATION

- 9.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 9.2 The settlement legislation must provide for all matters for which legislation is required to give effect to this deed of settlement.
- 9.3 The draft settlement bill proposed for introduction to the House of Representatives –
- 9.3.1 may be in the form of an omnibus bill that includes bills settling the claims of the Iwi of Hauraki; and
 - 9.3.2 must comply with the relevant drafting conventions for a government bill; and
 - 9.3.3 must be in a form that is satisfactory to Ngāti Tara Tokanui and the Crown.
- 9.4 The Crown must not after introduction to the House of Representatives propose changes to the draft settlement bill other than changes agreed in writing by Ngāti Tara Tokanui and the Crown.
- 9.5 Ngāti Tara Tokanui and the governance entity must support the passage of the draft settlement bill through Parliament.

SETTLEMENT CONDITIONAL

- 9.6 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 9.7 However, the following provisions of this deed are binding on its signing:
- 9.7.1 clauses 6.6 and 9.4 to 9.11; and
 - 9.7.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

EFFECT OF THIS DEED

- 9.8 This deed –
- 9.8.1 is “without prejudice” until it becomes unconditional; and

DEED OF SETTLEMENT

9: SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

- 9.8.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 9.9 Clause 9.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

TERMINATION

- 9.10 The Crown or the governance entity may terminate this deed by notice to the other, if –
- 9.10.1 the settlement legislation has not come into force within 36 months after the date of this deed; and
- 9.10.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 9.11 If this deed is terminated in accordance with its provisions –
- 9.11.1 this deed (and the settlement) are at an end; and
- 9.11.2 subject to this clause, this deed does not give rise to any rights or obligations; and
- 9.11.3 this deed remains “without prejudice”; but
- 9.11.4 the parties intend that –
- (a) the on-account payments; and
- (b) any property listed in clauses 7.3.1 to 7.3.6, if that property is transferred pursuant to the Pare Hauraki Collective Redress Deed,
- are taken into account in any future settlement of the historical claims.

10 GENERAL, DEFINITIONS AND INTERPRETATION

GENERAL

- 10.1 The general matters schedule includes provisions in relation to –
- 10.1.1 the implementation of the settlement; and
 - 10.1.2 the Crown's –
 - (a) payment of interest in relation to the settlement; and
 - (b) tax indemnities in relation to redress; and
 - 10.1.3 giving notice under this deed or a settlement document; and
 - 10.1.4 amending this deed.

HISTORICAL CLAIMS

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

DEED OF SETTLEMENT

10: GENERAL, DEFINITIONS AND INTERPRETATION

- (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation; and
- 10.2.2 includes every claim to the Waitangi Tribunal to which clause 10.2.1 applies, that relates exclusively to Ngāti Tara Tokanui or a representative entity, including the following claims:
 - (a) Wai 714 – Hone Tiwaewae Williams claim;
- 10.2.3 includes every claim to the Waitangi Tribunal to which clause 10.2.1 applies, so far as it relates to Ngāti Tara Tokanui or a representative entity, including the following claims:
 - (a) Wai 100 – Hauraki Māori Trust Board claim;
 - (b) Wai 373 – Maramarua State Forest claim;
 - (c) Wai 374 – Auckland Central Railways Land claim;
 - (d) Wai 650 – Athenree Forest & Surrounding Lands claim; and
 - (e) Wai 865 - Waihou Railway Land claim.
- 10.3 However, **historical claims** does not include the following claims:
 - 10.3.1 a claim that a member of Ngāti Tara Tokanui, or a whānau, hapū, or group referred to in clause 10.5.2 may have that is, or is founded on, a right arising as a result of being descended from a tupuna or ancestor who is not referred to in clause 10.5.1:
 - 10.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 10.3.1.
- 10.4 To avoid doubt, clause 10.2.1 is not limited by clauses 10.2.2 or 10.2.3.

NGĀTI TARA TOKANUI

- 10.5 In this deed, **Ngāti Tara Tokanui** means –
 - 10.5.1 the collective group composed of individuals who descend from a Ngāti Tara Tokanui tupuna or ancestor; and
 - 10.5.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 10.5.1, including the following Ngāti Tara Tokanui groups –

DEED OF SETTLEMENT

10: GENERAL, DEFINITIONS AND INTERPRETATION

- (a) Ngāti Tara;
- (b) Ngāti Koi; and
- (c) Ngāti Tokanui;

10.5.3 every individual referred to in clause 10.5.1.

10.6 For the purposes of clauses 10.3.1 and 10.5.1 –

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

- (a) birth; or
- (b) legal adoption; or
- (c) whāngai (Māori customary adoption) in accordance with Ngāti Tara Tokanui tikanga (Māori customary values and practices of Ngāti Tara Tokanui); and

10.6.2 **Ngāti Tara Tokanui tupuna or ancestor** means an individual who –

- (a) exercised customary rights by virtue of being descended from –
 - (i) Tara; or
 - (ii) a recognised tupuna or ancestor of any of the groups referred to in clause 10.5.2; and
- (b) exercised customary rights predominantly in relation to the area of interest after 6 February 1840; and

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

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources.

MANDATED NEGOTIATORS

10.7 In this deed, **mandated negotiators** means the following individuals -

10.7.1 Dr Amelia Amy Tuihana Williams, Paeroa, Treaty Negotiator and Ngāti Tara Tokanui Trust trustee; and

DEED OF SETTLEMENT

10: GENERAL, DEFINITIONS AND INTERPRETATION

10.7.2 Russell Charles Karu, Auckland, Treaty Negotiator and Ngāti Tara Tokanui Trust trustee.

ADDITIONAL DEFINITIONS

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

INTERPRETATION

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

DEED OF SETTLEMENT

SIGNED as a deed on 28 July 2022

SIGNED for and on behalf
of **NGĀTI TARA TOKANUI** by
the mandated negotiators in the
presence of –



Dr Amelia Amy Tuihana Williams



Russell Charles Karu

WITNESS




Name: Tuhiao - Rose Annie Akiniki Williams

Occupation: Digital Innovation Partner - On Farm Excellence

Address: 1 Menzies Pl, Paeroa

DEED OF SETTLEMENT

SIGNED by THE TRUSTEES OF
THE NGĀTI TARA TOKANUI TRUST
in the presence of –



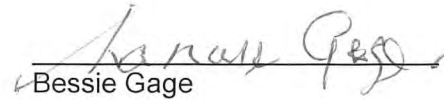
Dr Amelia Amy Tuihana Williams



Russell Charles Karu



Kerry Patricia Karu




Bessie Gage



Phyllis Mott

WITNESS



Name: Sonny Te Karu


Occupation:

Address: 14 Chesterman Rd, Hamilton


DEED OF SETTLEMENT

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

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



Hon Andrew James Little



Hon Grant Murray Robertson

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

WITNESS



Name: Nanaia Mahuta
Occupation: Haunakei - Waikato MP.
Address: Waikato

WITNESS (for Minister of Finance)



Name: Ivan Esler
Occupation: Private Secretary (Finance)
Address: Parliament Buildings, Wellington.