

TE KAWERAU Ā MAKI
and
THE TRUSTEES OF TE KAWERAU IWI SETTLEMENT TRUST
and
THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

22 FEBRUARY 2014

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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 Te Kawerau ā Maki and breached the Treaty of Waitangi and its principles; and
- provides an acknowledgment by the Crown of the Treaty breaches and an apology; and
- settles the historical claims of Te Kawerau ā Maki; 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 Te Kawerau ā Maki to receive the redress; and
- includes definitions of –
 - the historical claims; and
 - Te Kawerau ā Maki; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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DEED OF SETTLEMENT

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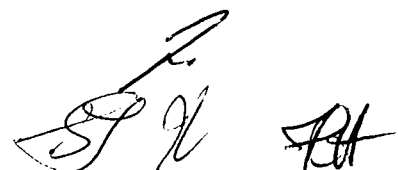
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DEED OF SETTLEMENT

DEED OF SETTLEMENT

THIS DEED is made between

TE KAWERAU Ā MAKI

and

THE TRUSTEES OF TE KAWERAU IWI SETTLEMENT TRUST

and

THE CROWN

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DEED OF SETTLEMENT

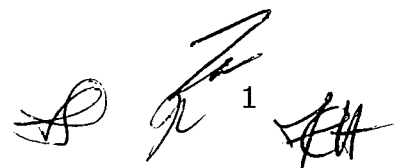
1 BACKGROUND

NEGOTIATIONS

- 1.1 Te Kawerau ā Maki gave the mandated negotiators a mandate to negotiate a deed of settlement with the Crown and submitted a deed of mandate to the Crown in October 2008.
- 1.2 The Crown recognised the mandate on 29 October 2008.
- 1.3 The mandated negotiators and the Crown –
 - 1.3.1 by terms of negotiation dated 7 August 2008, agreed the scope, objectives, and general procedures for the negotiations; and
 - 1.3.2 by agreement dated 12 February 2010, agreed, in principle, that Te Kawerau ā Maki and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
 - 1.3.3 since the agreement in principle, have –
 - (a) had extensive negotiations conducted in good faith; and
 - (b) negotiated and initialled a deed of settlement.

RATIFICATION AND APPROVALS

- 1.4 Te Kawerau ā Maki have, since the initialling of the deed of settlement, by a majority of –
 - 1.4.1 99%, ratified this deed and approved its signing on their behalf by the trustees of Te Kawerau Iwi Settlement Trust; and
 - 1.4.2 99%, approved the governance entity receiving the redress.
- 1.5 Each majority referred to in clause 1.4 is of valid votes cast in a ballot by eligible members of Te Kawerau ā Maki.
- 1.6 The governance entity approved entering into, and complying with, this deed by resolution on 21 February 2014.
- 1.7 The Crown is satisfied –
 - 1.7.1 with the ratification and approvals of Te Kawerau ā Maki referred to in clause 1.4; and
 - 1.7.2 with the governance entity's approval referred to in clause 1.6; and



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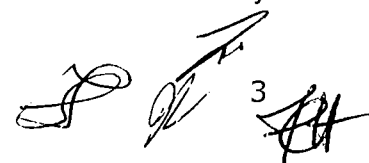
2 HISTORICAL ACCOUNT

INTRODUCTION

- 2.1. This historical account describes the colonial experience of Te Kawerau ā Maki and their relationship with the Crown since 1840. It identifies Crown actions and omissions which have impacted negatively on Te Kawerau ā Maki over the generations and are at the heart of their historical claims. It provides context for the Crown's acknowledgements of its historical Treaty breaches against Te Kawerau ā Maki, the Crown's offer of an apology to Te Kawerau ā Maki, and the redress provided in settlement of the Te Kawerau ā Maki historical Treaty claims.

TE KAWERAU Ā MAKI

- 2.2. The tribal origins of Te Kawerau ā Maki lie in the district between Tāmaki Makaurau (the Auckland isthmus) and the northern Taranaki-Kāwhia area. Te Kawerau ā Maki are the descendants of the famous warrior chieftain Maki and his wife Rotu who, in the early seventeenth century, migrated with their family and a large group of followers from Kāwhia to what is now the Tāmaki (Auckland) region. They initially named and occupied Tāmaki, and later settled in the southern Kaipara, Waitākere, Whenua roa o Kahu (North Shore) and Mahurangi districts.
- 2.3. When Maki and his people arrived in Tāmaki, they were returning to an ancestral home that had been explored, named, and settled by their tūpuna (ancestors). Maki descended from famous Tainui ancestors associated with Tāmaki, including Hoturoa, Rakataura and Poutukeka. He was thus related to the Tainui hapū (sub-tribes), collectively known as Ngāoho, who then occupied the Tāmaki region. Maki was specifically associated with the tribal grouping known as Ngāiwi, who resided across the Tāmaki isthmus and the area to the south-west between Te Pane o Matāoho (Māngere Mountain) and Te Manurewa o Tamapāhore.
- 2.4. While living at Manurewa and Rarotonga / Mount Smart, Maki received visits from many rangatira who sought his assistance in local disputes. A rangatira from south Kaipara invited Maki and his people to visit his district. Maki accepted this offer and resided for a while at Maramatawhana near present day Reweti. During this visit Maki was insulted in an incident known as "Te Kawe rau ā Maki" – "the carrying strap of Maki". As a result he and his force defeated local hapū in several battles, and ultimately took control of a large part of south Kaipara. Maki initially settled at Mimihānui near Parakai where his wife Rotu gave birth to a son. This child, Tawhiakiterangi, also known as Te Kawerau ā Maki, became the eponymous ancestor of Te Kawerau ā Maki.
- 2.5. In time the children of Maki and his followers dispersed throughout southern Kaipara, Te Whenua roa o Kahu (the North Shore), Hikurangi (West Auckland), Whangapāroa, Mahurangi, Matakanakana, Pākiri, Aotea (Great Barrier Island), and Te Hauturu o Toi / Little Barrier Island. Together they are known today as the "Te Kawerau confederation". Maki and Rotu finally settled at Te Korotangi, a pā near the mouth of Waihē (Mahurangi River).
- 2.6. Descendants of Tawhiakiterangi later intermarried with descendants of Maki's other children. Through these connections Te Kawerau ā Maki hold treasured customary

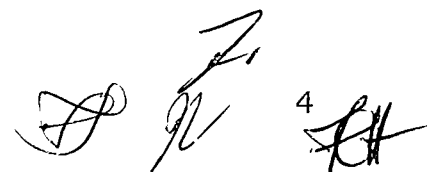
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2: HISTORICAL ACCOUNT

relationships with places of ancestral significance throughout this wider area. As the descendants of Maki's only Kaipara-born child, Tawhiakiterangi, Te Kawerau ā Maki developed a distinct identity in south-western Kaipara and particularly in the Hikurangi (West Auckland) area. Te Kawerau ā Maki also occupied the northern and north-eastern shores of the Manukau Harbour and continued to maintain important customary relationships with the Tāmaki isthmus.

- 2.7 Te Kawerau ā Maki held their land and resources under collective tribal custodianship, with their rangatira (chiefs) exercising authority over their tribal domain and the seas that surrounded it. By the end of the seventeenth century Te Kawerau ā Maki exercised customary rights through south-western Kaipara area, West Auckland and the shores of the upper Waitematā Harbour. They enjoyed a highly mobile life style, based on a cycle of seasonal resource gathering and, with ongoing intermarriages, had interests through the wider area settled by the Te Kawerau confederation. In time other tribal groups moved into this region and took up occupation. While there was conflict between groups there were also peace-making arrangements and ongoing intermarriages.
- 2.8 European contact in the late eighteenth and early nineteenth centuries brought rewharewha or epidemic disease, which had a significant impact on Te Kawerau ā Maki and all other iwi in the region. From 1821 raids by northern taua (war parties) armed with muskets began to impact on Te Kawerau ā Maki. In 1825 Te Kawerau ā Maki suffered major losses and, with other resident groups, were forced into exile to the Waikato. Here Te Kawerau ā Maki remained until 1835 when they returned to the Waitākere and subsequently south Kaipara area under the protection of the Tainui ariki Te Wherowhero. This is the origin of the long-held and enduring Te Kawerau ā Maki affiliation with the Kīngitanga (Māori King Movement).
- 2.9 From 1836 Te Kawerau ā Maki had regular contact with Christian missionaries, and from this time were increasingly influenced by social, economic, and technological change resulting from European contact. At 1840 Te Kawerau ā Maki, although reduced in numbers like other tribes of the region, were resident on their ancestral land. They continued to exercise kaitiakitanga over its vast natural resources, although their lifestyle was becoming increasingly sedentary and focused on the Waitākere coastline between Piha and Muriwai.
- 2.10 The Treaty of Waitangi was not brought into southern Kaipara or the Waitākere area to be signed. However, Te Kawerau ā Maki likely attended meetings convened by Crown officials at Māngere and Āwhitu in March 1840, and through these became aware of the nature of the Treaty.
- 2.11 The establishment of the new colonial capital of Auckland brought those Te Kawerau ā Maki resident at Te Matarae o Manaōterangi (Kauri Point) and Ōrākei into contact with Crown officials. Most Te Kawerau ā Maki, though, were to remain physically isolated from direct contact with Crown in the 1840s. This was to have significant consequences for the iwi, in particular in relation to the negotiation of the Crown land purchases of the 1840s, and the Crown investigation of the pre-Treaty and pre-emption waiver land transactions. The Crown land purchases of the early to mid 1850s brought Te Kawerau ā Maki into direct contact with Crown officials with serious consequences for the tribe.



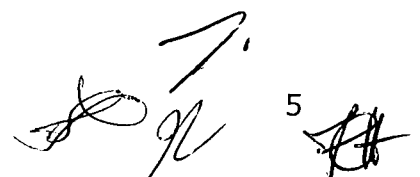
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2: HISTORICAL ACCOUNT

EARLY LAND TRANSACTIONS

- 2.12 Before 1840 Europeans and Māori entered into transactions affecting the Te Kawerau ā Maki homelands in West Auckland, and in the Mahurangi region where Te Kawerau ā Maki held shared interests both in their own right and through their affiliation with the wider Kawerau confederation. Te Kawerau ā Maki were not involved in these transactions.
- 2.13 The Crown undertook to investigate these early private transactions ('old land claims') to determine which transactions merited the award of a Crown grant of land to a settler. The Crown appointed its Land Claims Commission in 1840 and hearings in the Auckland region commenced in 1841.
- 2.14 The Commission inquired whether a transaction had been completed before mid January 1840. It generally validated claims where Māori supported the transaction. It did not inquire into the customary rights of Māori who entered into transactions, or what they understood when they did so. Nor did the Crown provide a formal mechanism for Māori to appeal decisions if they believed their interests had not been recognised. Once a sale was confirmed by the Commission, the Crown retained any land not granted to settlers as 'surplus land'.
- 2.15 The Europeans involved in the pre-Treaty transactions around West Auckland and the Mahurangi region were mainly interested in the vast timber resources of these areas which were easily accessed from sheltered harbours and estuaries. In January 1836, a New South Wales timber merchant purported to transact a deed for a large tract of land from three rangatira of another iwi. The boundaries described in the deed included much of West Auckland, north-western Manukau, and most of the Tāmaki isthmus. In 1843 the Land Claims Commission investigated the transaction. It found no evidence for the purchase alleged by the European claimant and recommended that no Crown grant be issued. Governor Fitzroy nevertheless issued scrip to settlers to the value of £4,844, which the claimants could use to purchase freehold grants of Crown land elsewhere in the colony. After further inquiry, in 1846, a Crown grant for 1,927 acres at Karangāhape (Cornwallis) was issued. As a result Te Kawerau ā Maki lost ownership of wāhi tapu and places of historical and cultural significance at Karangāhape, Te Pūponga and Kakamātua.
- 2.16 Timber felling operation and the subsequent construction of steam-powered mills at Cornwallis in 1842 led to the extensive extraction of timber from the northern shores of the Manukau Harbour. As far as can be established Te Kawerau ā Maki did not receive any income from these operations.
- 2.17 In 1839 several private land transactions took place on the eastern coastline of the Auckland region between Whāngaparāoa and Mahurangi. The 'Point Rodney' (Whāngateau) deed covered approximately 10,000 acres extending between Matakana and Ōmaha (Leigh) for the sum of £421. It encompassed places of shared ancestral and customary significance to Te Kawerau ā Maki, in particular on the Tāwharanui Peninsula. No Te Kawerau-affiliated hapū knew of the transaction. Following investigation of the claim, the Crown issued a grant of 1,944 acres to the European claimant. In 1860 the claim was re-investigated. The Commissioner found the land had



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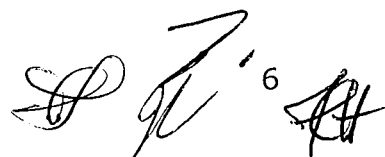
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been sold by Māori, and again to the Crown as part of the Pakiri purchase. The European's grant was eventually exchanged for scrip land.

- 2.18 The 1839 Te Weiti deed included an estimated 20,000 acres located between Te Oneroa ō Kahu (Long Bay), Ōkura and Te Weiti (Wade River). The deed was negotiated by a European timber merchant with representatives of other iwi. Te Kawerau ā Maki had no knowledge of the transaction or its subsequent investigation by the Land Claims Commissioner. The Crown ultimately granted 5569 acres to European settlers. The alienated land included the important kāinga of Ōtaimaro (Karepiro Bay), occupied seasonally by Te Kawerau ā Maki, and sacred places of considerable significance to the iwi, including Te Ringa Kaha o Manu (Weiti Spit). The balance of land in the 'Point Rodney' and 'Te Weiti' transactions were retained by the Crown as surplus and overlapped with the Mahurangi and Omaha purchase discussed below.

1841 MAHURANGI AND ŌMAHA PURCHASE

- 2.19 On 13 April 1841, the Crown entered into a purchase deed over an approximately 110,000 acre area called 'Mahurangi and Ōmaha', which extended from Maungauika (North Head) on the Waitematā Harbour northwards along the east coast to Te Ārai ō Tāhuhu (Te Ārai Point). Te Kawerau ā Maki held shared customary interests in parts of this land. The purchase overlapped with a number of pre-Treaty private transactions and the description of the block in the deed was vague in some respects with no plan attached to it. The Crown also entered into the transaction without a systematic investigation of customary rights in the district affected, apparently relying instead on claims made by the vendors. Nor was the entire boundary publicly traversed and marked by the vendors and purchasers together.
- 2.20 From 1841 the Crown began a process of extinguishing other customary interests in the block. In June and December that year the Crown made payments to another iwi for a large area in the south-eastern portion of the block to settle their claims there. No payment is recorded as being made to Te Kawerau ā Maki.
- 2.21 As a result of the Mahurangi and Omaha transaction, Te Kawerau ā Maki lost land, kāinga and wāhi tapu on the north-eastern shores of the Waitematā Harbour and along on the eastern coastline between Te Oneroa ō Kahu (Long Bay) and the Whāngateau Harbour. Of particular significance to Te Kawerau ā Maki was the loss of Tiritiri Matangi Island, along with the other offshore islands off the eastern coastline, where their interests overlapped with the interests of other iwi.
- 2.22 In the early 1850s the Crown realised there were people still residing on the Mahurangi and Omaha block. The Crown set out to extinguish these remaining interests and, in 1853, the Te Kawerau ā Maki chief Apiata Te Aitu was included as one of the signatories to a deed of sale. In 1854 a Crown official concluded that the Kawerau groups were among the "roots of the soil" who had been omitted from the original transaction. He also conceded that, in respect of rights of part of Mahurangi, the 1841 sale had only extinguished the rights of the vendors.
- 2.23 By the mid 1850s settlers had taken up land across all of the North Shore and Whāngaparāoa area. No reserves were created in that area for Kawerau-affiliated iwi. After significant Māori representation to the Governor in the 1850s the Crown recognised

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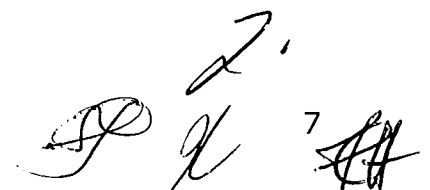
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the need to provide reserves for Māori on the Mahurangi coastline north of Whāngaparāoa and set aside land for this purposes. The Native Land Court later investigated the customary title to these lands and Kawerau-affiliated rights were recognised within reserves at Mahurangi in 1866, and at Mangatāwhiri and Tāwharanui in 1873.

PRE-EMPTION WAIVER CLAIMS

- 2.24 In 1844 the Crown waived its right to be a monopoly purchaser of Māori customary land and allowed private individuals to negotiate directly with Māori. These 'pre-emption waiver purchases' were subject to various conditions, such as the exclusion of pā and urupā from the lands alienated. All applications for sales had to be assessed by the Crown before a 'waiver certificate' was issued which would allow the transaction to be finalised. The pre-emption waiver purchases ceased late in 1845 after Governor Grey's arrival, and those which had taken place were investigated. In many cases the Crown declined to award the full amount of the land claimed by European buyers, and the balance was taken by the Crown as 'surplus land'. Several pre-emption waiver purchases that affected Te Kawerau ā Maki were made in West Auckland, the upper Waitematā Harbour and North Shore-Mahurangi areas. Typically these areas were later re-purchased by the Crown and particularly if the Crown had retained a 'surplus'.
- 2.25 The transaction with the greatest impact on Te Kawerau ā Maki at this time covered the Henderson and Massey areas. It was initiated in 1844, immediately prior to the Crown's waiver of pre-emption, by two Auckland-based timber millers and traders and was surveyed at 17,784 acres. Te Kawerau ā Maki were not party to the transaction or the subsequent investigation by the Land Claims Commission. The Crown nevertheless granted approximately 5,000 acres to the purchasers and acquired the remainder as 'surplus land'. No reserves were created for Māori and no pā or urupā were set aside from the sale. This early private transaction alienated many places of social, economic, cultural and spiritual significance to Te Kawerau ā Maki.
- 2.26 In 1845 private individuals entered four pre-emption waiver transactions with another iwi for approximately 8,600 acres of timber-rich land extending between the Whau portage and Tītīrangi. The land involved lay on the south-eastern edge of the Te Kawerau ā Maki heartland of Hikurangi (the Waitākere Ranges). It contained numerous places of ancestral significance to Te Kawerau ā Maki, including Te Tōangawaka (the Whau Portage, between present day New Lynn and Green Bay), Te Kotuitanga (an important canoe building site), Waitahurangi (a stream associated with the Tūrehu), Motu Karaka (an old kāinga), and Tītīrangi, the sacred hill named by the famous Tainui ancestor Rakataura, from whom Te Kawerau ā Maki descend. After investigation of these claims by the Land Claims Commission the Crown retained a surplus totalling 6,198 acres.
- 2.27 Other 1845 pre-emption waiver transactions concerned land of significance to Te Kawerau ā Maki on the southern edge of the Waitākere Ranges. In early 1845 the Crown issued a pre-emption waiver certificate to a settler for the purchase of 50 acres at Big Muddy Creek (Paruroa). Te Kawerau ā Maki did not sign this deed, which included the Te Kawerau ā Maki kāinga Nihotupu and Ngāmoko. The claim was subsequently cancelled by the Land Claims Commission in 1848 and, at the same time, was acquired through the Crown purchase of the Nihotupu block.



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- 2.28 In February 1845 Te Kawerau ā Maki rangatira Te Watarauhi Tawhia and two related rangatira, entered into a transaction with Auckland timber merchant through the pre-emption waiver scheme for 700 acres at Huia Bay (Te Rau ō Te Huia) on the south-western edge of the Waitākere Ranges. The transaction involved mature kauri forest on the western side of Huia Bay, with sites of particular historical and spiritual significance being reserved for Māori. In 1856 the Land Claims Commission deemed the claim to have been included in a subsequent Crown purchase. Only a small portion of the area was retained as a reserve and it was soon alienated.
- 2.29 Further pre-emption waiver transactions took place over approximately 30,000 acres of timber-rich land surrounding the upper Waitematā Harbour across to Rangitōpuni (Riverhead) and Kumeū. Te Kawerau ā Maki held significant customary interests in that area, overlapped with the interests of another iwi. After investigation by the Land Claims Commission approximately 6000 acres was granted to settlers. The balance of around 24,000 acres was retained by the Crown as surplus.

CROWN PURCHASES, 1848-1865

- 2.30 From 1848 the Crown commenced a systematic programme of land purchasing to the west and immediate north of Auckland. Purchasing took place in three phases – first in 1848, then from 1851 to 1856 in the West Auckland and Waitākere region, and thirdly in southern Kaipara from 1854. A number of the purchases overlapped with pre-Treaty land transactions, earlier Crown purchases, and purchases conducted under the pre-emption waiver regime. In purchasing the land twice, or in some cases three times, the Crown sought to resolve confusion around earlier transactions. In the 1848 purchases the Crown was particularly concerned to ensure Māori title was extinguished over 'surplus land' that had been retained by the Crown. The 1848 purchases also secured for the Crown extensive stands of kauri timber. Te Kawerau ā Maki held customary interests in these lands.
- 2.31 In March 1848 the Crown entered a deed of purchase for the Hanakora (Ana Kororā) and Kairiparaua Blocks in what is now the Greenhithe area beside the upper Waitematā Harbour. This land had originally been included in the 1841 Mahurangi and Ōmaha purchase. Te Kawerau ā Maki held an ancestral interest in this land along with other Te Kawerau groups and another iwi, but did not sign the purchase deed for the transaction. As a result of these transactions Te Kawerau ā Maki lost ownership of lands on the North Shore in which they had an interest. No reserves were created for Māori in this area.
- 2.32 The Crown also moved to acquire lands extending west from the Whau Portage along the timber-rich northern shores of the Manukau Harbour to Tītīrangī, Waikūmete (Little Muddy Creek) and Nihotupu (Parau). These purchases included the Whau Portage, Nihotupu, Pukeatua (Waikomiti Bay) and Tītīrangī. Although sketch plans accompanied the deeds, none of these blocks were surveyed or properly defined and they were later absorbed into the Crown's Hikurangi purchases of 1853-1856, discussed below.
- 2.33 There is no evidence the Crown obtained Te Kawerau ā Maki agreement in any of the 1848 negotiations for purchases of land in West Auckland and the Upper Waitematā Harbour area. No reserves were retained in association with these transactions. The land alienated included kāinga then occupied by Te Kawerau ā Maki at Nihotupu (Big

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Muddy Creek) and Waikūmete (Little Muddy Creek), significant historic places such as Te Kotuitanga at the Whau Portage, and wāhi tapu at Pukeatua, Muri ō Hikurangi and Tītīrangī. Also included at Pukeatua were the important canoe building areas Te To ō Parahiku and Maramara-tōtara that remained in use until the 1860s.

- 2.34 Between 1851 and 1856 the Crown purchased extensive areas in the west and north-west of Auckland from the Whau Portage to the Kaipara portage between Rangitōpuni (Riverhead) and Kumeū. These purchases reflected the Crown policy of acquiring land for settlement in the vicinity of Auckland, and of gaining control of the timber resources in the area. The land blocks acquired included: Matarakā, Pukeharakeke, Waikoukou, Te Rarawaru, Berry's Claim, Papakoura, Waipārera, Te Kauri, Kaiakeake, Kumeū and Mangatoetoe. Again some purchases overlapped with early private land transactions and pre-emption waiver purchases. Te Kawerau ā Maki held customary interests throughout this area. The only purchase the Crown obtained their agreement for was the 4,500 acres Mangatoetoe block in 1853.
- 2.35 Following these purchases, the Crown turned its attention to the acquisition of the heavily forested land of the Waitākere Ranges. In less than a year the Crown acquired around 100,000 acres in the centre of the Te Kawerau ā Maki rohe. These purchases included the Hikurangi (1853-1854), Taitomo (1854), Paeōterangi (1854) and Puatainga (Pu-o-Tahinga, 1854) blocks.
- 2.36 Crown officials negotiated the purchase of the heavily forested Hikurangi block on 10 November 1853 for £1100. The block was estimated to include 12,000 acres but was not surveyed at the time. It was later found to include 54,141 acres. The deed was not signed by any leading Te Kawerau ā Maki rangatira.
- 2.37 In 1856 the Crown realised Te Kawerau ā Maki had interests in the area covered by the Hikurangi deed. By then most of the block had been surveyed into allotments and European settlement and timber extraction was well underway. Te Kawerau ā Maki thus had little choice but to enter their own arrangement with the Crown and, on 27 December 1856, the Crown transacted a second Hikurangi deed with them. Te Kawerau ā Maki received £50 as a 'final payment' for Hikurangi, as well as for the neighbouring Paeōterangi and Puatainga blocks.
- 2.38 As a result of the 1853 and 1856 Hikurangi purchases a significant proportion of the Te Kawerau ā Maki rohe, including many kāinga, wāhi tapu and numerous places of major historical and cultural significance, were lost to the iwi. Te Kawerau ā Maki also lost ready access to the treasured resources of the Manukau and Waitematā Harbours. No reserves were set aside for Māori within the Hikurangi block.
- 2.39 In March 1854 Crown officials purchased the Paeōterangi Block in the northern Waitākere Ranges from Te Kawerau ā Maki. It was not surveyed but estimated to include 25,000 acres. Two reserves were created – the Piha Native Reserve of 1,860 acres and the Waitākere Native Reserve of 2,918 acres. No restriction was placed on the future alienation of the reserves.
- 2.40 On survey of the Hikurangi and Paeōterangi blocks it was found that a triangular piece of precipitous land between Piha and Karekare, called Taitomo, had not been acquired by the Crown. A lack of clarity over the boundaries of the Hikurangi and Paeōterangi blocks

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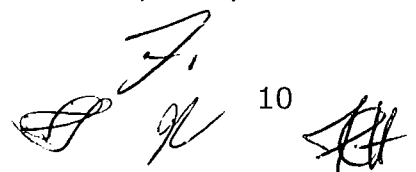
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led to a "disputed claim". In 1854 Taitomo was purchased by Land Commissioner Donald McLean from Te Kawerau ā Maki rangatira.

- 2.41 The purchase of the Puatainga block in the lower Waitākere River valley, estimated at 25,000 acres, was also undertaken by Crown officials in 1854. The block was ill-defined and not surveyed during negotiations for sale. This meant part of the Waitākere Native Reserve, where Te Kawerau ā Maki resided, was included in the portion transacted. Confusion over boundaries contributed to an armed standoff between the iwi that initiated the transaction and another iwi that had interests in the land. Te Kawerau ā Maki found themselves in the middle of this conflict. A compromise was reached when Governor George Grey proposed the land be placed under the protection of a rangatira who was related to all parties involved.
- 2.42 After survey some of the Puatainga block was found to be located within both the Paeōterangi Crown purchase and the Waitākere Native Reserve. The north-western edge of the Puatainga block was deemed to be Crown land until the 1920s. These poorly defined boundaries caused ongoing confusion and animosity between all iwi involved.
- 2.43 Between 1854 and 1865 the Crown made a number of purchases covering an extensive tract of land located to the south-east and east of the Kaipara Harbour extending between Riverhead in the south to Hōteu River in the north. Te Kawerau ā Maki held customary interests in parts of this land, overlapped with the interests of other iwi. As far as can be ascertained, Te Kawerau ā Maki were only involved in one of these transactions.
- 2.44 The prices paid by the Crown for land in New Zealand at this time varied but were generally low. It is estimated Te Kawerau ā Maki received £950 for the alienation of their interests in land in their heartland of West Auckland covering in excess of 100,000 acres. This equated to just over two shillings per acre. The Crown justified the low price on the basis that Māori were expected to benefit from the associated infrastructure and economic development that would follow from land sales and subsequent European settlement. This assumption relied on those developments occurring while Māori retained enough land to benefit from them.
- 2.45 The Hikurangi, Paeōterangi and Puatainga deeds included a provision that ten per cent of the proceeds of the sale of the blocks would be expended for the benefit of Māori and particularly the vendors. The intention of these provisions was to provide a mix of benefits, such as those stated in the Paeōterangi purchased deed:

for the Founding of Schools in which people of our race may be taught, the Construction of Hospitals in which persons of our race may be tended for the payment of Medical Attendance for us for the Construction of Mills for us for Annuities for our Chiefs or for other purposes of a like nature of which the Natives of this Country are interested ...

- 2.46 No mechanism was set for the expenditure or distribution of this money and no mills were constructed. In 1874 a Crown official distributed the accumulated funds from these sales, partly to institutions and partly to individual vendors and their heirs. Te Kawerau ā Maki were not consulted about this. After 1874 the Crown failed to keep adequate

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records and Te Kawerau ā Maki vendors received no further identifiable benefit from the ten per cent provisions of the deeds.

- 2.47 Te Kawerau ā Maki later sought payment of monies owing and petitioned the Crown. In 1927 the Sim Commission investigated the issue and decided that the ten per cent clauses in the Auckland deeds were intended to benefit Māori in general rather than the particular owners of blocks such as Hikurangi, Paeōterangi and Taitomo. The Commission also found the Crown had satisfied the historical obligations created by the ten per cent clauses through its general expenditure on social and educational services. Te Kawerau ā Maki, though, did not have ready access to schooling or health services until the early decades of the twentieth century. The lack of direct benefit from the ten percent clauses of these deeds has remained a grievance for Te Kawerau ā Maki.
- 2.48 By 1856 the alienation of most of their traditional land meant Te Kawerau ā Maki could no longer enjoy their traditional way of life without restriction. Te Kawerau ā Maki resided mainly on the isolated and inaccessible Waitākere and Piha reserves on the Waitākere coastline. These reserves contained very little land suitable for either pastoral farming or cropping and meant Te Kawerau ā Maki could not easily engage with the Auckland district economy. The loss of their land base was a significant factor in the progressive disintegration of the Te Kawerau ā Maki tribal identity.
- 2.49 Following the British invasion of the Waikato in 1863, Te Kawerau ā Maki remained mainly in the Waitākere region. In response to the war they expressed loyalty to the Crown and reassured local settlers of their safety. However, Te Kawerau ā Maki considered that during this period they “lived in a furnace” and, although remaining at peace with the Crown, they were not “of one thought.” Te Kawerau ā Maki retained ties to their Waikato relatives and close affiliations to the Kīngitanga. A number of Te Kawerau ā Maki became adherents to the Pai Mārire faith. This, combined with their geographical isolation and increasing disillusionment with the Crown, contributed to the marginalisation of Te Kawerau ā Maki from the settler community.

THE OPERATION OF THE NATIVE LAND COURT AND LAND ALIENATION IN THE NINETEENTH CENTURY

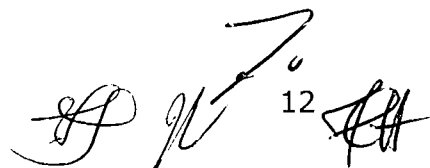
- 2.50 Growing opposition from Māori to sell their lands to the Crown under the pre-emption system, and the desire to allow settlers to deal directly with Māori, led the Crown to introduce the Native Land Acts of 1862 and 1865. These Acts established the Native Land Court. The Court was to determine the ownership of Māori land “according to native custom”, and issue the owners identified with title derived from the Crown. The Crown also waived pre-emption in 1862, allowing Māori who had obtained title through the Court to sell their land directly to Europeans.
- 2.51 Customary tenure had been able to accommodate multiple and overlapping interests to the same land or resource and was often collective rather than individual. These types of arrangements could not be accommodated within the scope of the new native land laws. The outcome of a title investigation was intended to be a clearly defined area of land, with an individual owner or set of individual owners. The Crown expected that the native land laws would encourage Māori to abandon their traditional complex and collective form of land tenure in favour of individualised and simplified title through the Native Land Court. The Crown saw this as key to effective Māori participation in the colonial

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economy. The Crown also sought to detribalise Māori and in so doing promote their gradual assimilation into European culture.

- 2.52 Māori were not represented in Parliament when the 1862 and 1865 Native Land Acts were enacted. Franchise qualifications based on Crown titles denied most Māori men the right to vote until the establishment of four Māori seats in the House of Representatives in 1867. The Crown did not consult Te Kawerau ā Maki about the native land laws before their enactment. Nor were Te Kawerau ā Maki informed of the full impact of the legislation.
- 2.53 In establishing the Court, the native land laws created an adversarial forum for the investigation of customary rights, which had the potential to create divisions among closely related rangatira, hapū and iwi. Te Kawerau ā Maki rangatira were often at odds with the Court. Te Kawerau ā Maki today believe their customary interests were never sufficiently recognised or provided for by the Court.
- 2.54 From 1866 the Native Land Court investigated title to Te Kawerau ā Maki reserve land on the Waitākere coastline. Hearings were held at Auckland and Te Awaroa (Helensville). The significant impact of the native land laws on Te Kawerau ā Maki is demonstrated by the partition and alienation of large portions of this land by the twentieth century.
- 2.55 The first Te Kawerau ā Maki block investigated by the Native Land Court was the small Puketōtara block, a portion of the original Waitākere reserve of 2918 acres, which had been set aside from the Paeōterangi purchase of 1854. Te Kawerau ā Maki rangatira Te Watarauhi applied for title in November 1866. The Court found in his favour and Te Watarauhi and four others named by him were included in the Crown grant.
- 2.56 The rest of the Waitākere Reserve came before the Native Land Court in 1871. Te Watarauhi appeared and named the block's owners. The Court found that the land belonged to those named, but Te Watarauhi requested that no certificate of title be issued at that stage, because the claimants intended to subdivide the land into three pieces and get separate grants. The intended subdivision and grants were never arranged.
- 2.57 The Court eventually granted certificate of title to the Waitākere reserve in 1885 in response to application for title from another applicant for a block named Puketōtara No. 2. On finding that this block was the same as the Waitākere reserve it had investigated in 1871, the Court sought evidence from Eruena Paerimu, one of those named by Te Watarauhi in the 1871 hearing. Paerimu admitted the rights of the applicant and those named by him in addition to those named in 1871. The Court then issued a grant in favour of fifteen individual owners. This list did not include Te Watarauhi. Title was issued under the 1873 Act which allowed each named owner to sell his or her interest without reference to the other owners. No legal mechanism was made generally available for Māori owners to act as a corporate body until 1894.
- 2.58 No restriction on alienation was placed on the title issued for Waitākere (Puketōtara No. 2). Subdivision and alienation of the reserve began almost immediately. In 1886 a non-resident owner made an application for subdivision in order to sell a portion of the land. Te Watarauhi objected to the application and opposed the subdivision of the reserve. He

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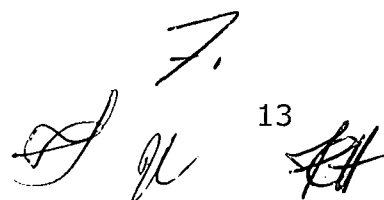
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was told by the Court that “he had no standing as his name did not appear in the Grant.” As a result Te Watarauhi could only appear as a supporting witness to Eruena Paerimu’s counter-claim opposing subdivision. The Court found in favour of the applicant, subdivided the block, and awarded the claimant Waitākere No.2 (476 acres at the north western end of the block). The remainder of the reserve, Waitākere No.1 (2138 acres), was awarded to the other existing grantees. Waitākere No. 2 was sold to a European soon after the subdivision hearing. This began the process of fragmentation and alienation of the largest remaining Te Kawerau ā Maki reserve.

- 2.59 Waitākere No. 2 contained cultivations and urupā that Te Kawerau ā Maki wished to retain. In 1887 an arrangement was made between Māori and a European owner through which Waitākere No. 1 was subdivided into Waitākere No 1A and Waitākere No 1B. Waitākere 1A was alienated to the European in exchange for Waitākere No 2. Te Kawerau ā Maki retained Waitākere 1B. By the early 1900s Waitākere 1B had been further subdivided into eleven smaller blocks with owners being awarded individual shares in the remaining land. Much of this land was then alienated. By 1914 the small Waitākere No. 1B2C2 block (297 acres) was the only accessible portion remaining in Māori hands. It included the old kāinga and pā, Parawai, but also encompassed nearly 100 acres of wetland.
- 2.60 The Piha reserve, comprising the South Piha and Wekatahi Blocks had been set aside from the Paeōterangi Crown purchase of 1854. Te Watarauhi applied for title to the South Piha Reserve in 1876. This application was made following the approach from an Auckland businessman interested in kauri timber on the land. The Court granted a certificate of title to Te Watarauhi and four others of Te Kawerau ā Maki.
- 2.61 The adjoining Wekatahi Reserve (904 acres) in north Piha was investigated by the Court in 1880. Te Watarauhi claimed the land through descent from Te Au o Te Whenua, as he had done for the Waitākere block. A memorial for Wekatahi was issued to the same grantees as the Piha Reserve. Piha was leased from 1876, as was Wekatahi following its title hearing. Both reserves were sold to the lessee in 1886. The alienation of their reserve land was not an outcome Te Kawerau a Maki anticipated when the reserves were established.
- 2.62 Te Kawerau ā Maki rangatira were often at odds with the Native Land Court. Court hearings, such as for Hauturu, Ruarangihaere and Taupaki, could be adversarial and resulted in conflict between Te Kawerau ā Maki and other closely related rangatira, hapū and iwi. Te Kawerau ā Maki dissatisfaction with the Court, the individualisation of title to Māori land, and the alienation of their reserve land is well illustrated by the statements made by the Te Kawerau ā Maki spokesman Eruena Paerimu at Ōrākei during the 1879 ‘Māori Parliament’. While reflecting on the benefits of the Treaty, such as peace and protection, Paerimu was also conscious of disadvantages:

The Queen stipulated in that Treaty (the Treaty of Waitangi) that we should retain the mana of our lands, the mana of our forest, fisheries, pipi-grounds, and other things should be retained by the Maoris; but now those words have been overlooked ... Another disadvantage is the Native Land Court and the Crown grants. By those Crown grants we are deprived of our mana. I say those evils arose from the Treaty of Waitangi. First came the Treaty, then the Native Land Courts...

Handwritten signatures and initials, including a large 'F.' and a signature that appears to be 'A. H.'.

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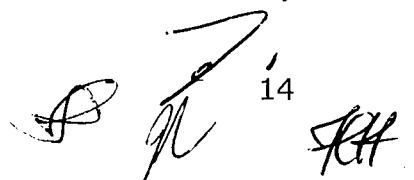
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I think that the Maoris only should have authority over the lands that have been reserved for the tribes. The mana of the land has been taken by the Crown grants. I thought that the Crown grants would bind the land, but I see that the Maoris are selling the lands under those grants; and therefore I think that the Crown grants are of no use. They do not prevent the sale of land. I agree that the sale of land should cease ...

- 2.63 Te Kawerau ā Maki were also included in title to some blocks with grantees from other iwi. Te Watarauhi was one of four grantees following the January 1867 title investigation of the Taupaki block. Some Te Kawerau ā Maki names appeared in the grant for the Kōpironui block, heard in February 1871. For the Ruarangihaere block, Te Watarauhi appeared as one of the counter-claimants, but was not included on the title.
- 2.64 In addition, Te Kawerau ā Maki rangatira took part in several Native Land Court title investigations by claiming through whakapapa to other Te Kawerau-affiliated hapū. In 1874 Te Watarauhi claimed through the ancestor Maeaeariki for rights in the Mangatāwhiri block. In the original hearing to Te Hauturu o Toi (Little Barrier Island), Te Watarauhi was listed as a Te Kawerau-affiliated owner. He subsequently appeared in the 1881 re-hearing claiming through Maki. Ultimately the court did not recognise Te Kawerau interests in the island.
- 2.65 In order to participate in Native Land Court investigations, Te Kawerau ā Maki rangatira incurred significant financial costs. They had to travel some distance from their dwellings at Te Henga, Piha, Muriwai and Kōpironui to Court hearings in Auckland and at Helensville. In addition they had to fund accommodation, and bore the costs of surveys, court fees and in some cases legal fees.
- 2.66 The nineteenth century land legislation led to the remaining Te Kawerau ā Maki land becoming increasingly fragmented in uneconomic blocks. This contributed to the progressive alienation of individual interests, particularly those held by non-resident owners. This process continued throughout the twentieth century.

TE KAWERAU Ā MAKI LAND AND RESOURCES IN THE TWENTIETH CENTURY

- 2.67 At the beginning of the twentieth century Te Kawerau ā Maki retained title to about 1,500 acres comprising parts of Waitākere and the Puketōtara block. They also held shared interests with another iwi in the Kōpironui block, the exposed Tirikōhua coastal block between Te Henga and Muriwai, and in parts of the then un-investigated dune-lands of the Puketapu block adjoining Muriwai beach. These remaining lands were of poor agricultural quality and included a significant portion of dune-land and wetland.
- 2.68 From 1905 the Crown instituted a new system of Māori land management through Māori Land Boards. The system had been introduced with the intention of rationalising land management stemming from the multiple ownership of Māori land. From that time transactions relating to Te Kawerau ā Maki lands at Waitākere, Tirikōhua, Puketapu (Woodhill Forest) and Kōpironui were supervised by the Tokerau Māori Land Board.
- 2.69 The Board vetted transactions Māori owners entered into with private parties, such as leases or sales. It also received and distributed monies raised through the lease or sale of land, as well as compensation received for land required for public works. For many

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years Te Kawerau ā Maki owners had to go through the complicated process of applying to the Board and its successors for payments of what were their own funds. This denied Te Kawerau ā Maki the rights of full ownership. The Board was also meant to prevent owners from becoming 'landless', although the checks it performed were often perfunctory.

- 2.70 In 1907 the Crown established the Stout-Ngata Native Lands Commission to investigate what Māori land could be opened to European settlement and what areas should be retained for Māori use. In 1908 the Commission investigated the Puketapu and Kōpironui B2 blocks where Te Kawerau ā Maki shared title with another iwi. The Commission recommended the Kōpironui blocks remain in Māori ownership. It did not, however, investigate the remaining Te Kawerau ā Maki reserve land at Waitākere.
- 2.71 In 1910 the Te Kawerau ā Maki community of Waitākere was living a marginal subsistence lifestyle, still largely isolated from the mainstream settler economy and society. At this time the Auckland City Council constructed the Waitākere Dam. The dam disrupted the flow of the Waitākere River, with the result that the main Te Kawerau ā Maki kāinga and cultivations at Waitī became subject to regular flooding.
- 2.72 Between 1920 and 1951 the Crown acquired interests that Te Kawerau ā Maki had retained in Kōpironui and Puketapu by compulsory purchases and Public Works Act takings for sand-dune reclamation along South Head. The reclamation scheme eventually resulted in the creation of the Woodhill Forest. Te Kawerau ā Maki owners of Kōpironui made it clear to the Crown that they did not wish to part with their interests in the block. They petitioned Parliament in 1934 and wrote directly to the Prime Minister in 1945. Despite these protests the Crown took most of the remaining Kōpironui land. Only after repeated representations concerning the retention of the Kōpironui B2D2 block, did the Crown allow Te Kawerau ā Maki to retain ownership of a five acre 'residue', which included two urupā but not the papakāinga.
- 2.73 The interests Te Kawerau ā Maki shared with another iwi in Puketapu were also alienated, with limited access to significant urupā within Woodhill Forest allowed. Te Kawerau ā Maki also lost legal access to the kaimoana resources of One Rangatira (Muriwai Beach). The Crown offered compensation to the owners of the lands taken, including some Te Kawerau ā Maki. This money was held and later distributed by the Tokerau Māori Land Board.
- 2.74 Between 1939 and 1953 the Māori Land Court investigated several islands and islets on the Waitākere coastline. These included Te Piha (Lion Rock), Taitomo (Goat Island) at Piha, Ihumoana at Te Henga (Bethells Beach), and Kauwahaia at Awa Kauwahaia (O'Neills Bay). Certificates of title to all of the islands were issued to Te Kawerau ā Maki exclusively. All islands except Taitomo Island, an inaccessible rocky island at south Piha, were sold to European applicants immediately after the hearings, as the sale money was desperately needed by Te Kawerau ā Maki owners. Taitomo Island is the only area of land remaining in Te Kawerau ā Maki ownership in the Waitākere district today.
- 2.75 In the 1950s and 1960s Te Kawerau ā Maki were encouraged by the Department of Māori Affairs to sell their remaining multiply-owned land interests at Waitākere to fund the construction of homes within Auckland suburbs. At this stage Te Kawerau ā Maki were no longer permanently resident in the Waitākere area and were experiencing

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difficult economic circumstances. The movement of rural Māori to urban areas and their 'integration' into mainstream society was actively encouraged by Crown policies in this period as expressed in the Hunn Report of 1960. At 1962 the residue Te Kawerau ā Maki lands at Waitākere and Puketōtara were held by 28 non-resident shareholders with 300 uneconomic shares distributed between them. The land was sold to a private European purchaser in May 1965.

- 2.76 Te Kawerau ā Maki's residual land in the south Kaipara, Part Kōpironui B2D2, was only accessible through the headquarters and nursery of Woodhill Forest. In the 1980s the Crown restructured the New Zealand Forest Service, including operations at Woodhill, without consulting Te Kawerau ā Maki. Cutting rights to Woodhill Forest were sold to a private party. Te Kawerau ā Maki faced ongoing difficulties accessing the 5 acre residue of the Kōpironui block.
- 2.77 Te Kawerau ā Maki also faced confusion throughout the twentieth century over the status of an area of land they considered they retained ownership of, known as Parihoa. This small coastal area was highly valued by generations of Te Kawerau ā Maki because it provided access to a source of tītī (mutton-birds) and a range of rocky shore kaimoana species. Parihoa appears to have been included in the Crown's purchase of Te Puatainga block in 1854. Later, however, it was identified on survey plans as a 'native reserve' but title does not appear to have been granted. Nor did Te Kawerau ā Maki seek to have title determined by the Native Land Court in the nineteenth century. From the 1920s it appears that Parihoa was treated by the Crown as a foreshore reserve, and was later assumed to be part of the Muriwai Marginal Strip. Throughout this time Te Kawerau ā Maki accessed Parihoa to gather kaimoana.

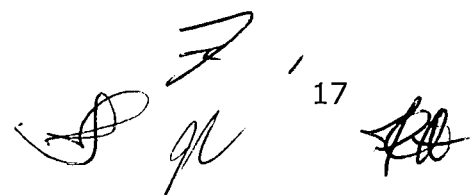
SOCIO-ECONOMIC CONSEQUENCES OF LANDLESSNESS AND ISOLATION 1850s-1960s

- 2.78 At around 1840 Te Kawerau ā Maki held customary interests focused on the heavily forested Waitākere Ranges. Te Kawerau ā Maki also held customary interests in areas shared with other groups, including through parts of the upper Waitematā Harbour, southern Kaipara, the North Shore and Mahurangi. Today Te Kawerau ā Maki are effectively landless, holding title only to the inaccessible Taitomo Island at Piha, and a five acre 'residue' at Kōpironui, Woodhill. Some Te Kawerau ā Maki families live at Ihumātao, Māngere, but the majority are scattered throughout the Auckland region and beyond. Te Kawerau ā Maki currently have no marae of their own, or exclusive control of an urupā in which to bury their dead.
- 2.79 From the 1850s Te Kawerau ā Maki became economically and socially dislocated from the settler society that developed around Auckland. Settlers were slow to take up the heavily forested land in the district and few roads were built there during the nineteenth century. Those settlers who resided in the Te Kawerau ā Maki rohe did not bring the benefits Te Kawerau ā Maki expected.
- 2.80 In the 1880s, as the alienation of their land continued, a number of Te Kawerau ā Maki families moved to Parihaka, in Taranaki, to be with the prophet and leader Te Whiti o Rongomai. Some of these families never returned.

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- 2.81 Those Te Kawerau ā Maki that remained on their ancestral lands lived at Waitākere, Muriwai and Kōpironui. They were reliant on subsistence agriculture and entered the cash economy through gum-digging or through work in local timber and flax milling enterprises. At the end of the nineteenth century they were living in poorer conditions than settlers in the surrounding European communities.
- 2.82 In the first decades of the twentieth century Te Kawerau ā Maki began to disperse and settle elsewhere. In order to find work and to access schooling for their children, most of the tribe left their remaining lands, and resettled at Ōrākei, Ihumātao and Pūkaki on the shores of the Manukau Harbour. By the time schools were established at Waitākere in 1921 and at Te Henga in 1933, the Te Kawerau ā Maki community was no longer permanently resident there. Te Kawerau ā Maki people also, at times, moved to live near former ancestral kāinga, albeit on what was now privately owned European land, including at Marae ō Hine, Pāremoremo, and Awataha (Northcote).
- 2.83 Te Kawerau ā Maki, like Māori communities elsewhere, suffered severely from introduced epidemic diseases in the nineteenth and early twentieth centuries. They had little access to medical care and suffered from poor health.
- 2.84 From the 1930s to the 1950s, Te Kawerau ā Maki ensured that some members of the tribe remained occupying their old Waitākere kāinga at Waiti and Parawai (Te Henga). However, these remaining landholdings were uneconomic and were comprised of small blocks with multiple owners. Those of Te Kawerau ā Maki who wished to remain were unable to secure loans to build houses, including on the Puketōtara block which had no formed road access. By the 1960s all Te Kawerau ā Maki lived away from their ancestral land, with many having become state house tenants in south and east Auckland.
- 2.85 Te Kawerau ā Maki today consider that the acts and omissions of the Crown, as outlined in this account, have led to their impoverishment, comparative poor health, lack of higher educational opportunities and achievements, and cultural dislocation. The on-going process of land loss and urbanisation has also eroded traditional tribal structures of Te Kawerau ā Maki and led to loss of tribal identity for many. While this process has left Te Kawerau ā Maki traumatised, they see the settlement of their historical Treaty grievances with the Crown as an important step in forging a new and sustainable future for the iwi.

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WHAKAAETANGA Ā-KÖRERO TUKU IHO O TE KAWERAU Ā MAKI

KÖRERO WHAKATAKI

2.1 Ka whakaaturia e tēnei korero ngā āhuatanga o te tāmitanga i pā ki a Te Kawerau ā Maki tae atu ki ō rātou whakapānga ki te Karauana mai i te tau 1840. Ka tūtohua hoki ngā mahi me ngā hapa kua mau kino mai ki a Te Kawerau ā Maki mai anō i ngā whakatupuranga maha tonu ā, ka noho hei tūāpapa mō ā rātou kerēme tuku iho. Māna e whakaahua mai te horopaki o ngā takahitanga ā-Tiriti ki a Te Kawerau ā Maki, te tuku whakapāhatanga a te Karauna ki a Te Kawerau ā Maki tae noa mai ki te whakautu e whakaratoa ana i roto i te whakataunga o ngā kerēme ā-Tiriti tuku iho a Te Kawerau ā Maki.

TE KAWERAU Ā MAKI

2.2 Kei te takiwā o waenganui i Tāmaki Makaurau me te rohe o Taranaki-Kāwhia ki te raki ngā pūtaketanga ā-iwi o Te Kawerau ā Maki. Ko Te Kawerau ā Maki ngā uri a te toa rangatira, tangata rongonui a Maki rāua ko tana wahine a Rotu. I ngā tau tōmuri o te rautau tekau mā whitu, ko rātou ko tō rāua whānau me te tokomaha atu o ngā kaitautoko i hūnuku mai i Kāwhia kia tae atu ki te rohe e mōhiotia ana i nāiane, ko te rohe o Tāmaki Makaurau. Ka tapaina tuatahitia a Tāmaki e rātou me te nohonoho haere ā, nō muri mai ka nohioa e rātou ngā takiwā o Kaipara ki te tonga, o Waitākere, o Whenua roa o Kahu (North Shore) me Mahurangi.

2.3 Nō te taetanga atu o Maki me ōna iwi ki Tāmaki Makaurau, he hokinga noa ki te kāinga tawhito i takahia ai, i tapaina ai, i nohoia ai hoki e ō rātou tūpuna. Ka heke mai a Maki i ngā tūpuna rongonui o Tainui i whai pānga atu ki Tāmaki Makaurau pērā i a Hoturoa rātou ko Rakataura, ko Poutukeka. Nā reira rātou i whai pānga anō ki te hapū o Tainui e mōhio huia katoatia ai, ko Ngāoho, i nohoia ai te rohe o Tāmaki. Ka tino whaiwāhi atu a Maki ki te whakatōpūtanga ā-iwi, e kiā ana, ko Ngāiwi, i nohoia ai te rohe kei tua o Tāmaki Makaurau me te rohe ki te tonga whaka-te-uru, ki waenganui i Te Pane o Matāoho (Māngere Mountain) me Te Manurewa o Tamapāhore (Matukutūruru).

2.4 I a rātou e noho ana ki Manurewa me Rarotonga/ Mount Smart, ka rite te torotoro atu o ngā rangatira maha kia tonu tautoko mai i ngā tohenga ā-rohe. Nā tētahi rangatira nō Kaipara ki te tonga i tonu i a Maki rātou ko ōna iwi ki tana rohe. Ka whakaae a Maki ā, ka noho atu mō te wā poto ki Maramatawhana, ki te te wāhi e mōhiotia ana i nāiane, ko Reweti. I reira ka taunutia a Maki mō "Te Kawe rau ā Maki". Te mutunga atu, ka patungia e Maki me ōna iwi ētahi hapū i te pakanga ā, nā wai rā ka mau i a rātou tētahi wāhanga nui o Kaipara ki te tonga. Ka noho tuatahi a Maki ki Mimihānui, e tata ana ki Parakai, ki reira whānau mai ai tā rāua ko Rotu tamaiti. Ka tupu te tamaiti nei, a Tawhiakiterangi, ka tapaina hoki ia ki te ingoa, ko Te Kawerau ā Maki, hei tupuna taketake nō Te Kawerau ā Maki.

2.5 Ā, ka heke te wā, ka rere atu ngā tamariki a Maki me ōna iwi ki roto o Kaipara ki te tonga, ki Te Whenua roa o Kahu (North Shore), ki Hikurangi (West Auckland), ki Whangaparāoa, ki Mahurangi, ki Matakana, ki Pākiri, ki Aotea (Great Barrier Island) tae atu ki Te Hauturu o Toi/ Little Barrier Island. Huia katoatia, i nāiane, e mōhiotia ana,



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ko te "whakatōpūtanga o Te Kawerau". Ko Te Korotangi, he pā e tata ana ki te waha o Waihē (Mahurangi River) te kāinga whakamutunga o Maki rāua ko Rotu.

- 2.6 Nō muri mai, ka moemoe haere ngā uri a Tawhiakiterangi i ngā uri a ngā tamariki ake a Maki. Nā ēnei whakapapapa ka pupuru tonutia e Te Kawerau ā Maki ngā pānga tuku iho ki ngā wāhi nui whakaharahara te mana, tae atu ki te roanga o tēnei rohe whānui. Hei uri whakaheke nā Tawhiakiterangi, arā nā Te Kawerau ā Maki, te tamaiti anake a Maki i whānau mai ki Kaipara, ka hanga tuakiri ake rātou ki te tonga-whaka-te-uru o Kaipara, tūturu hoki, ki te takiwā o Hikurangi (West Auckland). Ka nohoia anō hoki e Te Kawerau ā Maki ngā tahataha moana ki te raki me te raki whaka-te-rāwhiti o te Whanga o Manukau ā, me te mau tonu i a rātou ngā hononga tuku iho whakaharahara i Tāmaki Makaurau.
- 2.7 Nā te whakatōpūtanga o te tiakitanga ā-iwi i pupuru ai a Te Kawerau ā Maki ō rātou whenua, ō rātou rawa anō hoki me te mana whakahaere tuku iho o ō rātou rangatira ki runga i tō rātou rohe ā-iwi tae atu ki ngā moana e karapotī mai ana. I te mutunga o te rautau tekau mā whiti, nō Te Kawerau ā Maki te mana whakahaere mō ngā whenua e ahu atu ana mai i te rohe o Kaipara ki te tonga-whaka-te-uru, ki Tāmaki ki te Uru tae atu ki ngā tahataha moana ki runga ake o te Whanga o Waitematā. He iwi takihaere rātou ā, nā te kohikohi kai ā-wāhanga o te tau me te moemoe haere anō, ka whai pānga anō ki te rohe whānui i nohoia e te whakatōpūtanga o Te Kawerau. Ā, ka taka te wā, ka nuku mai ētahi atu rōpū ā-iwi ki tēnei rohe ā, ka takinoho. Ahakoa te tohetohe me te rarurau i waenganui i ngā rōpū, tū tonu ana ngā whakaritenga e tau ai te rongomau me ngā moemoetanga ki waenga rōpū kē.
- 2.8. Nā te taenga mai o Tauīwi i ngā tau tōmuri o te rautau tekau mā waru me ngā tau tōmua o te rautau tekau mā iwi, ka mauria mai ko te mate rewharewha, ngā mate urutā rānei, me te pēhi kino nei ki runga i a Te Kawerau ā Maki me te katoa o ngā iwi i noho rā ki te rohe. Nō te murunga mai o ngā ope tauā nō te raki, me ā rātou pū, atu i te tau 1812, ka rongohia aua pānga kaha e Te Kawerau ā Maki. Nō muri mai i ngā patutanga nui i te tau 1852 ka mate a Te Kawerau ā Maki me ētahi atu o ngā rōpū noho ki reira, ki te noho manene atu ki roto i te rohe o Waikato. Ā, ka noho atu a Te Kawerau ā Maki kia tae rawa mai ki te tau 1855, ka hoki atu ai rātou ki Waitākere ā, nō muri mai, ki te rohe o Kaipara ki te tonga i raro i te manaakitanga o Te Wherowhero, ariki o Tainui. Ko tēnei te pūtaketanga o te pānga ngātahitanga nō mai anō o Te Kawerau ā Maki ki te Kīngitanga.
- 2.9 Mai i te tau 1836, he nui tonu ngā tūtakitanga a Te Kawerau ā Maki me ngā mihingare Karaitiana ā, atu i tēnei wā ka tino whakaaweawetia a Te Kawerau ā Maki e ngā whakawhanaketanga ā-papori, ā-ōhanga, ā-hangarau anō hoki e putaputa mai ana nō muri mai i i taenga mai o Tauīwi. I te tau 1840, ahakoa te whakawhāititanga o tōna tokomaha, e pērā ana ki ētahi atu iwi o te rohe, ka nohoia tonutia e Te Kawerau ā Maki ō rātou ake whenua tūpuna. Ka mau tonu te mana kaitiakitanga ki ō rātou rawa o te taiao, ahakoa te panoni haeretanga o te āhua oranga o te nohopuku ā, ka pūmau ai te nohonoho ki te takutai moana o Watākere ki waenganui o Piha me Muriwai.
- 2.10 Kāore i mauria mai Te Tiriti o Waitanga ki roto o Kaipara ki te tonga, ki te rohe rānei o Waitākere, kia waitohungia. Tērā pea, ka tae ā-tinana atu a Te Kawerau ā Maki ki ngā hui i karangatia ai e ngā āpiha a te Karauna ki Māngere me Āwhitu i te marama o Māehe i te tau 1840 ā, nā konā i marama ai rātou ki ngā āhuetanga o te Tiriti.

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2.11 Nā te whakatūtanga o te tāone matua hou mō te 'koronī' ki Tāmaki Makaurau he mea riterite ngā tūtakitanga o ērā o Te Kawerau ā Maki e noho ana i Te Matarae o Manaōterangi (Kauri Point) me Ōrākei ki ngā āpiha a te Karauna. Heoi anō, ka noho ki wāhi kē atu te nuinga o Te Kawerau ā Maki ā, kāore he pānga hāngai ki te Karauna i ngā tau 1840. He take whai putanga kē atu tēnei āhuatanga mō te iwi, tūturu tonu, ko ngā whakawhiriwhiringa kōrero a te Karauna e pā ana ki ngā hokonga whenua i ngā tau 1840 tae atu ki te uiuitanga a te Karauna i te kaupapa unu i tōna mana hoko mō ngā whakawhitinga whenua nō mua rawa i te Tiriti me ngā whakawhitinga whenua nō mua i te kaupapa unu i te mana hoko. Nā ngā hokonga whenua a te Karauna i ngā tau tōmua, o waenganui hoki o ngā tau 1850, ka mate a Te Kawerau ā Maki ki te whakapā tōtika atu ia ki te Karauna ā, kāore i whakaarohia ngā whakaputanga taumaha ka tau ki runga i te iwi.


WHAKAWHITINGA WHENUA TŌMUA

2.12 Nō mua noa atu i te tau 1840, kua uru a Tauwi me te Māori ki ngā whakawhitinga e pā ana ki ngā papakāinga o Te Kawerau ā Maki i Tāmaki Makaurau ki te Uru, ki roto hoki i te rohe o Mahurangi, he pānga tuku iho i pupuru ngātahi ai a Te Kawerau ā Maki ki reira, nōna ake ā, nō te whaiwāhitanga anō hoki ki te whakatōpūtanga whānui o Kawerau. Kāore a Te Kawerau ā Maki i whaiwāhi atu ki ēnei whakawhitinga.

2.13 Ka whakarite te Karauna ki te tiro hōhonu atu ki ēnei whakawhitinga tūmataiti tōmua ('ngā kerēme whenua o mua') kia whakaritea ai ko ēhea o ngā whakawhitinga e whai mana ana ā, mā reira e āhei ai te kainoho ki te whakawhiwhia ki te whakaaetanga whenua a te Karauna. Ka whakaingoatia e te Karauna tōna Kōmihana Kerēme Whenua i te tau 1840 ā, nō te tau 1841 tīmata ai ngā uiuitanga i te rohe o Tāmaki Makaurau.

2.14 Ka uiuitia e te Kōmihana mehemea i oti te whakawhitinga whenua i mua i te pokapū o Hānuere o te tau 1840. Mehemea ka tautokona te whakawhitinga nā e te Māori, te tikanga, ka whaimanatia ngā kerēme. Kāore i uiuitia ngā mana tuku iho o ngā tāngata Māori i uru atu ki roto i aua whakawhitinga me tō rātou mōhio ki ngā āhuatanga o te whakawhitinga. Kāore hoki te Karauna i whakatū tikanga whakahaere okawa kia taea e te Māori te pīra whakataunga, mehemea e whakaponohia ana, kāore ō rātou pānga i whakaaengia. Ka whakapūmautia e te Kōmihana te hokonga, kātahi ka pupurutia anō hoki e te Karauna ngā whenua kāore i tukuna ki te hunga kainoho hei 'whenua toenga'.

2.15. I te hiahia kē ngā Tauwi i whaiwāhi ai ki ngā whakawhitinga whenua i te rohe o Tāmaki Makuarau ki te Uru me Mahurangi, ki ngā rawa rākau whānui o ēnei rohe, e ngāwari ake ana te whakatata atu mā ngā whanga marumaruru me ngā ngutuawa. I te marama o Hanuere i te tau 1836, e whakapaetia ana, nā tētahi kaihokohoko rākau i whakarite whakawhitinga mō tētahi wāhanga whenua āhua whānui tonu te rahi, mai i ētahi rangatira e toru nō iwi kē atu. Tae atu ana ngā rohe o te whenua ki tētahi wāhanga o Tāmaki Makaurau ki te Uru, ki Manukau ki te raki-whaka-te-uru, ki te nuinga hoki o Tāmaki Makaurau. I te tau 1843 ka uiuitia e te Kōmihana Kerēme Whenua te whakawhitinga nā. Kāore he whakakitenga a te Kōmihana e pā ana ki te hokonga i whakapaetia ai e te kaitono Tauwi ā, ka taunakitia kia kua te Karauna e whakaae atu. Hāunga anō tērā, ka tukuna e te Kāwana Fitzroy he pepa āhei ki ngā kainoho hou e eke ana te wāriu ki te 4,844 pāuna, e taea ai e ngā kaitono te whakamahi hei hoko whakaaetanga herekore, mō ngā whenua o te Karauna ki wāhi kē atu o te 'koronī'. Nō muri i te uiuitanga anō i te tau 1846, ka whakaaengia e te Karauna te 1,927 eka i Karangāhape (Cornwallis), i Pūponga me Kakamātua.



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- 2.16 Nā ngā mahi tope rākau me te whakatūnga nō muri mai o ngā mīra ā-kaha mamaoa ki Cornwallis i te tau 1842, ka whai anō ko te tangotango haere whānui i ngā rākau mai i ngā tahatai ki te raki o te Whanga o Manakau. Kāore e mōhiotia ana mehemea i whakawhiwhia a Te Kawerau ā Mahi ki te moni mai i ēnei whakahaeretanga.
- 2.17 I te tau 1839, ka oti ētahi whakawhitinga whenua tūmataiti i te takutai moana ki te rāwhiti o te rohe o Tāmaki Makaurau, ki waenganui i Whangaparāoa me Mahurangi. Ka kapia e te whakaaetanga o 'Point Rodney' (Whāngateau), he whenua e tata ana ki te 10,000 eka, e ahū atu ana ki waenganui o Matakana me Ōmaha (Leigh) mō te 421 pāuna. Kei ēnei whenua tonu ngā wāhi tapu ā-tūpuna takitini, ā-tikanga whakaheke hoki ki a Te Kawerau ā Maki, tūturu tonu, kei runga i te raenga kuiti o Tāwharanui. Kāore rawa tētahi hapū kotahi e whai pānga ana ki a Te Kawerau, i paku mōhio ki ngā āhuatanga o te whakawhitinga whenua nā. Nō muri mai i te uiuitanga o te kerēme, ka tukuna atu e te Karauna te whakaaetanga mō te 1944 eka ki te kaikerēme Tauiwī. I te tau 1860 ka uiuitia anōtia te kerēme. Ko te whakataunga a te Karauna, i hokona kētia te whenua e te Māori ā, kua hokona anōtia ki te Karauna hei wāhanga o te hokonga o Pakiri. Nō muri rawa mai ka whakawhitia anōtia te whakaaetanga mō ngā pepa whakaāhei whenua.
- 2.18 Ka kapia e te whakaaetanga o Te Weiti te rahinga whenua e tata ana ki te 20,000 eka i waenganui i Te Oneroa o Kahu (Long Bay), Ōkura me Te Weiti (Wade River). Nā tētahi kaihoko rākau Tauiwī i whakarite te whakawhitinga me ētahi tāngata nō iwi kē. Kāore a Te Kawerau ā Maki i paku mārāma noa ki te whakawhitinga o te whenua, me te uiuitanga rā anō a te Kaikōmihana Kerēme Whenua o muri mai. Mutu rawa ake, ka tukuna e te Karauna te 5569 eka ki ngā kainoho Taiuwi. Ko ngā whenua i whakawehea ai, ka tāpirihia atu te kāinga whakahirahira o Ōtaimaro (Karepiro Bay), he kāinga i nohioa ai ā-wāhanga kē o te tau e Te Kawerau ā Maki, tae atu ki ētahi atu wāhi tapu, nui te mana ki te iwi, tae atu ki Te Ringa Kaha o Manu (Weiti Spit). Ka mau ki te Karauna te toenga whenua mai i ngā whakawhitinga whenua i 'Rodney Point' me 'Te Weiti' hei whenua toenga ā, ka whakaurua anō hoki ki te hokonga o Mahurangi me Ōmaha e kōrerotia ai ki raro nei.

1841 TE HOKONGA O MAHURANGI ME ŌMAHA

- 2.19 I te 20 o ngā rā o Āperira i te tau 1841, ka uru te Karauna ki tētahi whakaaetanga hoko whenua mō tētahi rohe e tata ana ki te 110,000 eka te whānui, e kiā ana, ko Mahurangi me Ōmaha. Tīmata mai rā i Maungauika (North Head) i te Whanga o Waitematā ka whai whaka-te-raki i te takutai moana ki te rāwhiti kia tae atu ki Te Ārai o Tāhuhu (Te Ārai Point). He pānga tūpuna ngātahi o Te Kawerau ā Maki ki ētahi wāhanga o tēnei whenua. Ka inakitia hoki te hokonga e ētahi atu whakawhitinga whenua tūmataiti nō mua rā anō i te Tiriti, hāunga anō te kore mārāma ki ētahi āhuatanga o te whakaahuatanga o te poraka whenua i roto i te whakaaetanga, me te kore mahere noa e tāpirihia ana. Ka uru hoki te Karauna ki te whakawhitinga me tana kore aronui atu ki ngā tikanga tuku iho i roto i te rohe, me te whakapono kē atu ki te tika o ngā kerēme a ngā kaihoko atu. Kāore hoki i kitea ā-kanohi te rohe pōtae katoa e takatakahia ana, kāore e tohua ngātahitia ana rānei e ngā kaihoko atu me ngā kaihoko mai.
- 2.20 Mai i te tau 1841 ka tīmatahia e te Karauna tētahi tikanga whakahaere hei whakaweto i ngā pānga mana tuku iho ki te poraka. I ngā marama o Hūne me Tihema o taua tau tonu, ka utungia e te Karauna ētahi pūtea moni ki tētahi atu iwi hei utu mō te rohe, nui tonu te rahi, i te wāhanga ki te tonga-whaka-te-rāwhiti o te poraka ā, mā konā e

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whakataua ai ō rātou ake kerēme ki reira. Kāore e tūhia ana mehemea i riro i a Te Kawerau ā Maki he utu ā-moni.

- 2.21 Ko te otinga ake o te whakawhitinga o Mahurangi me Ōmaha, ka ngaro whenua atu a Te Kawerau ā Maki, ka ngaro ngā kāinga me ngā wāhi tapu hoki i ngā taha moana ki te raki-whaka-te rāwhiti o te Whanga o Waitematā, ka ahua atu ki te takutai moana ki waenganui i Te Oneroa ō Kahu (Long Bay) me te Whanga o Whāngateau. He mahi whakaaroa ki a Te Kawerau ā Maki te ngaronga atu o te Motu o Tiritiri Matanga, tae atu ki ngā motu ki waho o te moana ki te takutai moana ki te rāwhiti, ki reira i inakitia ai ō rātou pānga me ētahi atu iwi.
- 2.22 I ngā tau tōmua o ngā tau 1850, ka mārāma ai te Karauna, he tāngata tonu kei te poraka o Mahurangi me Ōmaha e noho ana. Ka whakarite kaupapa te Karauna hei whakaweto i ēnei pānga e pupurutia ana ā, i te tau 1853 ka whaiwāhi atu a Apiata Te Aitu, rangatira nō Te Kawerau ā Maki, hei kaiwaitohu i te whakaaetanga hokonga. I te tau 1854, ka kīā ai e tētahi āpiha a te Karauna, ko ngā rōpū o Kawerau "ngā roots of the soil" i mahue atu ai i te whakawhitinga tuatahi. Nāna anō i whāki, mō te taha ki ngā mana ki tētahi wāhanga o Mahurangi, kua whakawetongia e te hokonga i te tau 1841, ngā pānga whaimana o ngā tāngata hoko anake.
- 2.23 I ngā tau 1850 kua riro i ngā kainoho ngā whenua huri noa i te North Shore me te rohe o Whāngaparāoa. Kāore i whakaritea he whenua rāhui i taua rohe mō ngā iwi whai pānga ki a Kawerau. Nō muri mai i ngā tāpaetanga a te Māori ki te Kāwana i ngā tau 1850, ka whakaaetia e te Karauna kia whakatū whenua rāhui mō te Māori i te takutai moana o Mahurangi ki te raki o Whāngaparāoa ā, ka whakarāhuitia he whenua mō tēnei take. Nō muri mai ka uiuitia e te Kooti Whenua Māori te taitara tuku iho ki ēnei whenua ā, ka whakaaetia ngā pānga o Kawerau mā, ki roto i ngā whenua rāhui i Mahurangi i te tau 1866 ā, ka mahi pērā anō ki Mangatāwhiri me Tāwharanui i te tau 1873.

KERĒME Ā-UNU MANA HOKO

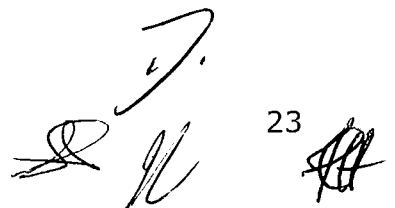
- 2.24 I te tau 1844, ka unuhia e te Karauna tōna mana hei kaihoko anake i ngā whenua tuku iho o te Māori, tae atu ki te whakaaetanga e taea ai te tangata tūmataiti ki te whiriwhiri kōrero me ngā Māori. Ka herea ēnei 'hokonga ā-unu mana hoko' e ētahi whakaritenga, pērā i te aukatinga atu o ngā pā me ngā urupā ki waho o ngā whenua i whakawehea ai. Ko te tikanga, me arotakea e te Karauna ngā tono hoko whenua katoa i mua i te tukunga o te 'tiwhikete unu mana hoko' mā reira e taea ai te whakawhitinga kia mana ai. Ka katia te hokonga ā-unu mana i ngā marama whakamutunga o te tau 1845, i muri rawa mai i te taenga mai o Kāwana Kerei ā, ka uiuitia ērā hokonga i whakaaetia kētia ai. He nui tonu ngā wā, kāore i whakaaetia ai e te Karauna te katoa o ngā whenua i kerēmetia e ngā kaihoko Tauwiwi ā, ko ngā toenga ka riro ki te Karauna hei 'whenua toenga'. He pānga nui ki a Te Kawerau ā Maki ētahi hokonga ā-unu mana hoko i whiwhi tiwhikete ai i Tāmaki Makuarau ki te Uru, i te Whanga o Waitematā ki runga me ngā wāhi o North Shore-Mahurangi. I te nuinga o te wā, i muri mai ka hokona anōtia e te Karauna ā, tūturu tonu, mehemea kua mau kē i te Karauna tētahi 'toenga'
- 2.25 Ko te whakawhitinga whenua i pā kino rawa atu ai ki a Te Kawerau ā Maki, i tēnei wā tonu, ko tērā i kapia ai ngā rohe o Henderson me Massey. Tīmatahia ai ēnei whiriwhiringa i mua tonu atu o te unutanga o te Karauna i tōna mana hei kaihoko anake, e tētahi tokorua, he kaiwhakahaere mīra, kaihoko anō, e noho ana ki Tāmaki Makaurau

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ā, ka rūrihia te rahi ki te 17,784 eka. Kāore a Te Kawerau ā Maki i whaiwāhi atu ki te whakawhitinga. Kāore hoki i whaiwāhi ki te uiuitanga a te Kōmihana Kerēme Whenua Māori o muri mai. Kātahi ka whakaaetia e te Karauna he whenua e tata ana ki te 5,000 eka te rahi, ki ngā kaihoko ā, ka riro i a ia tonu te toenga hei 'whenua toenga'. Kāorekau he whenua rāhui i whakaritea mō te Māori, kāore rawa i noho wātea ngā pā me ngā urupā hoki ki waho o te hokonga. Nā tēnei whakawhitinga tūmataiti i whakawehea ai te nui o ngā wāhi e whai mana ana ā-hapori, ā-ōhanga, ā-tikanga, ā-wairua anō hoki ki a Te Kawerau ā Maki.

- 2.26 I te tau 1845 ka uru atu ngā tāngata tūmataiti noa ki roto i ētahi whakawhitinga whenua e whā, me iwi kē, mō te rahinga whenua e tata ana ki te 8,600 eka te nui, he whenua e hora ai tēnei mea te rākau, e ahu mai ana i waenganui i te kawenga o Whau me Tītīrangī. E takoto ana te whenua e meatia ana, ki te taha ki te tonga-whaka-te-rāwhiti o te manawa o Te Kawerau ā Te Maki, ki Hikurangi (Waitākere Ranges). He nui tonu ngā wāhi nui te mana whakaharahara ki a Te Kawerau ā Maki, tae atu ki Te Tōangawaka (te kawenga o Whau), Te Kotuitanga, he wāhi e mōhiotia ana mō te tārai waka), ki Waitahurangi (he manga whai pānga ki ngā Tūrehu), ki Motu Karaka (he kāinga tawhito) me Tītīrangī, te maunga tapu i tapaina ai e te tupuna rongonui, e Rakataura, nōna ka heke mai ai a Te Kawerau ā Maki. Ā, mutu ana te uiuitanga a te Kōmihana Kerēme Whenua, ka riro atu i te Karauna ngā whenua toenga e 6,198 eka te nui.
- 2.27 He whenua nui whakaharahara anō nō Te Kawerau ā Maki ki te taha whaka-te-tonga o te Waitākere Ranges i whaiwāhi ai ki ētahi whakawhitinga unu mana hoko i te tau 1845. I ngā marama tōmua o te tau 1845, ka tukuna e te Karauna he tiwhikete unu mana hoko ki tētahi kainoho mō te hokonga i te 50 eka i Big Muddy Creek (Paruroa). Kāore a Te Kawerau ā Maki i waitohu i tēnei whakaaetanga, i whaiwāhi mai ai ngā kāinga o Te Kawerau ā Maki arā, ko Nihotupu me Ngāmoko. Nō muri rā anō, ka whakakorea te kerēme e te Kōmihana Kerēme Whenua i te tau 1848 ā, i taua wā tonu, ka riro atu hoki ki te Karauna i raro i tana hokonga i te poraka o Nihotupu.
- 2.28 I te marama o Pēpuere i te tau 1845 ka uru atu a Te Watarauhi Tawhia, rangatira nō Te Kawerau ā Maki me ētahi rangatira karangarua, ki tētahi whakawhitinga me tētahi tangata whairawa rākau, nā runga i te kaupapa o te unu mana hoko mō te 700 eka i Huia Bay (Te Rau o Te Huia) i te pito ki te tonga-whaka-te-uru o te Waitākere Ranges. Ka hāngai atu te whakawhitinga ki ngā ngahere e tū matomato ai te kauri i te taha ki te uru o Huia Bay, me te whakaritenga kia noho rāhui tonu ētahi wāhi nui te mana tūpuna mō te Māori. I te tau 1856, ka whakritea e te Kōmihana Kerēme Whenua i whai wāhi kē te kerēme ki tētahi atu hokonga a te Karauna nō mua rā anō. He pakupaku noa iho te wāhanga whenua i pupurutia hei rāhui ā, nā wai rā, ka whakawehea atu.
- 2.29 Ka haere tonu ngā whakawhitinga unu mana hoko mō ngā whenua tupu rākau e 30,000 eka te rahi e karapotia ana i te Whanga o Waitematā ki runga ake ā, ka whakawhiti atu ki Rangitōpuni (Riverhead) me Kumeū. He pānga nui whakaharahara anō o Te Kawerau ā Maki ki taua rohe ā, ka inaki atu ki ngā pānga o tētahi atu iwi. Nō te otinga ake o te uiuitanga a te Kōmihana Kerēme Whenua, e tata ana ki te 6000 eka i whakaaengia ki te hunga Tauiwī. Ko te toenga, he āhua 24,000 eka, ka mau tonu ki te Karauna hei toenga.



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2: HISTORICAL ACCOUNT

HOKONGA A TE KARAUNA, 1848-1865

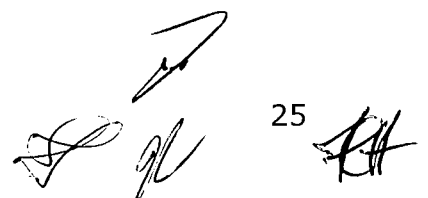
- 2.30 Mai i te tau 1848 ka tīmatahia e te Karauna he mahere rautaki e hāngai pū ana kia hokona whenua mai ki te uru me te raki tata tonu, o Tāmaki Makaurau. E toru ngā wāhanga o te hokohoko – ka tahi, i te tau 1848, ka rua, mai i te tau 1851 ki te tau 1856 i te rohe o Tāmaki Makaurau ki te Uru me Waitākere ā, ka toru, ki te uru o Kaipara atu i te tau 1854. Ka inakitia ētahi o ngā hokonga whenua nō mua i te Tiriti, i raro rānei i te kaupapa unu mana hoko, i raro rānei i te mahere hoko whenua a te Karauna. Nā te whakataua kia hokona he whenua mō te rua, mō te toru taima rānei, ka huri te Karauna ki te mirimiri i te pōnānātanga me te āwangawanga e hāngai ana ki ngā whakawhitinga tōmua. Mō ngā hokonga i te tau 1884, ka whakapau kaha te Karauna kia whakaū, kia whakawetongia katoatia ngā mana taitara ki ngā 'whenua toenga' i pupurutia rā e te Karauna. Ka riro anō hoki ki te Karauna i ngā hokonga i te tau 1848, ētahi whenua nui te tupu o te kauri. Nō Te Kawerau ā Maki te mana tuku iho ki ēnei whenua.
- 2.31 I te marama o Māehe 1848 ka uru te Karauna ki tētahi whakaaetanga hoko mō ngā Poraka o Hanakora (Ana Kororā) me Kairiparua, ki te wāhi e tū nei, i nāiane, i te rohe o Greenhithe i te taha o te Whanga o Waitematā ki runga. I whai wāhitia tuatahitia ēnei whenua ki roto i te hokonga o Mahurangi me Ōmaha i te tau 1841. E pērā ana ngā pānga tuku iho o Te Kawerau ā Maki me ētahi atu rōpū nō Te Kawerau, me tētahi atu iwi, engari kāore i waitohua te whakaaetanga hoko mō te whakawhitinga. Ko te otinga ake o ēnei whakawhitinga, ka ngaro te mana whakahaere o ngā whenua i te North Shore ahakoa ō rātou pānga tuku iho ki aua whenua. Kāore i whakaritea he whenua rāhui mō te Māori i tēnei rohe.
- 2.32. Ka whakarite te Karauna kia riro ki a ia ngā whenua e ahu atu ana ki te uru mai i te kawenga o Whau (ko New Lynn me Green Bay i nāiane), i te taha o ngā tahatai moana nui te tupu o te rākau, i te raki o te Whanga o Manakau, ka ahu atu ki Tītīrangī, ki Waikūmete (Little Muddy Creek) me Nihotupu (ko Parau rānei). Hāngai ana ēnei hokonga ki te kawenga o Whau, ki Nihotupu, ki Pukeatua (Waikomiti Bay) me Tītīrangī. Hāunga anō ngā mahere hukihuki i tāpiritia ki ngā whakaaetanga, kāore ēnei poraka i rūrihia, kāore hoki i āta tūtohua ā, nā wai rā ka ngaro atu ki roto i ngā hokonga a te Karauna i a Hikurangi mai i te tau 1853 ki te tau 1856, e kōrerohia ake rā ki raro nei.
- 2.33 Kāore he whakakitenga e mea ana i riro i te Karauna te whakaaetanga a Te Kawerau ā Maki e pā ana ki tētahi whiriwhiringa korero i te tau 1848 mō ngā hokonga whenua i Tāmaki Makaurau ki te Uru me te rohe o te Whanga o Waitematā ki runga. Kāore i whakawhiwhia whenua rāhui hei hua mai i ēnei whakawhitinga. Ko ētahi o ngā kāinga i whakawehea he mea i nohoia e Te Kawerau ā Maki i Nihotupu (Big Muddy Creek) me Waikūmete (Little Muddy Creek), me ētahi wāhi nui whakaharahara pērā i Te Kotuitanga i te kawenga o Whau, tae atu ngā wāhi tapu i Pukeatua, ki Muri ō Hikurangi me Tītīrangī. Ka ngaro atu hoki i Pukeatua ngā wāhi tapu mō te hanga me te tārai waka o Te To ō Parahiku me Maramara-tōtara, he kāinga i ora tonu mai ai tae noa ki ngā tau 1860.
- 2.34 I waenganui i te tau 1851 me te tau 1856 ka hokona e te Karauna ngā rohe nunui tonu i te uru me te raki ki te uru o Tāmaki Makaurau mai i te kawenga o Whau, tae atu ki te kawenga o Kaipara i waenganui i Rangitōpuni (Riverhead) me Kumeū. Nā ēnei hokonga i mārāma ai te kaupapahere a te Karauna kia riro whenua atu ki a ia hei wāhi nohonoho i te rohe e tata ana ki Tāmaki Makaurau ā, i tua atu, kia mau ki a ia anō te whakaheretanga i ngā rawa rākau o te rohe. Ko ngā poraka whenua i riro atu, ka tatauria, ko Matakarakā, ko Pukeharakeke, ko Waikoukou, ko Te Rawawaru, ko Berry's Claim, ko Papakoura, ko

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Waipārera, ko Te Kauri, ko Kaiakeake, ko Kumeū me Mangatoetoe. I ētahi wā, ka inaki kē he hokonga ki ētahi atu whakawhitinga whenua tūmataiti o mua, me ngā hokonga ā-unu mana hoko. Nō Te Kawerau ā Maki ngā pānga tuku iho nō roto i tēnei rohe. Kotahi anake te whakaaetanga o Te Kawerau ā Maki ki te hokonga a te Karauna – ko te poraka o Mangatoetoe tērā mō te 4,500 eka i te tau 1853.

- 2.35 No te otinga o ēnei hokonga, ka huri te aro o te Karauna kia riro atu ki a ia ngā whenua nui te tupu o te rākau i ngā Waitākere Ranges. Kāore i pau te tau kotahi kua riro atu ki te Karauna te nui o ngā whenua e tata ana ki te 10,000 eka i te pokapū tonu o te rohe o Te Kawerau ā Maki. Ka whaiwāhi atu ēnei poraka whenua ki aua hokonga – ko Hikurangi (mai i te tau 1853 ki te tau 1854), ko Taitomo (i te tau 1854), ko Paeōterangi (i te tau 1854) me Puatainga (Pu-o-Tahinga, i te tau 1854)
- 2.36 I whakaritea e ngā āpiha a te Karauna te hokonga o te poraka, nui te tupu o te rākau, o Hikurangi i te 10 o ngā rā o Nōema, i te tau 1854 mō te 1100 pāuna. E whakapaetia ana, 12,000 eka te rahi o te poraka engari kāore rawa i rūrihia i taua wā. Nō muri mai ka āta kitea e 54,141 eka kē te rahi. Kāore i waitohua te whakaaetanga e tētahi rangatira kotahi nō Te Kawerau ā Maki.
- 2.37 I te tau 1856, kātahi ka mōhio te Karauna he pānga ō Te Kawerau ā Maki ki te rohe i kapia e te whakaaetanga o Hikurangi. Tae noa ki taua wā, kua rūrihia kia wāwāhia kētia te rohe ā, kua tīmata noa atu te nohonoho haere o Tauwi me te tangotango haere i ngā rawa rākau. Kāore he huringa kē atu ki a Te Kawerau ā Maki tēnā i te whakauru ki roto i ō rātou ake whakaritenga ki te Karauna ā, i te 27 o ngā rā o Tīhema i te tau 1856, ka whakawhitia he whakaaetanga tuarua ki a rātou. Ka utua a Te Kawerau ā Maki ki te 50 pāuna hei 'utu whakamutunga' mō Hikurangi tae atu ki ngā poraka whenua i te taha, arā, ko Paeōterangi me Putainga.
- 2.38 Ko te hua i puta mai i ngā hokonga i Hikurangi i te tau 1853 me te tau 1856, ko te ngaronga atu o tētahi wāhanga nui tonu o te rohe o Te Kawerau ā Maki, tae noa ki ngā kāinga maha, wāhi tapu me te maha noa atu o ngā wāhi nui whakaharahara ā-hītori, ā-tikanga anō hoki. Ka ngaro hoki te āheinga tōtika atu ki ngā rawa e kaingākoutia ana, ki ngā Whanga o Manukau me Waitematā. Kāore i whakaritea he whenua rāhui ki roto i te poraka o Hikurangi.
- 2.39 I te marama o Māehe i te tau 1854, ka hokona e ngā āpiha a te Karauna te Poraka o Paeōterangi ki te raki o ngā Waitākere Ranges mai i a Te Kawerau ā Maki. Kāore te whenua i rūrihia engari ko te whakapae, e tata ana ki te 25,000 eka tōna rahi. Ka whakatūria ētahi wāhi rāhui – ko te Piha Native Reserve tēra (1,860 eka te nui) me te Waitākere Native Reserve (e 2,918 eka te nui). Kāore i herea te Karauna kia kua e whakawehewehea ngā whenua rāhui ā mua ake nei.
- 2.40 Nō te rūritanga o ngā poraka o Hikurangi me Paeōterangi, i kitea ai, kāore i hokona e te Karauna tētahi pihi whenua paripari, āhua tapatoru nei, ko Taitomo te ingoa, kei waenganui i Piha me Karekare. Nā te kore māramatanga ki ngā rohe o ngā poraka o Hikurangi me Paeōterangi, ka whai anō he 'kerēme tautohetohe'. I te tau 1854 ka hokona a Taitomo e te Kaikōmihana Whenua, e Donald McLean, mai i tētahi rangatira nō Te Kawerau ā Maki.



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2: HISTORICAL ACCOUNT

- 2.41 I te tau 1854 anō hoki, ka tīmataria e ngā āpiha a te Karauna te hokonga o te poraka o Puatainga i te whāruarua ki raro o te Waitākere River. Kāore i āta tūtohua ā, kāore hoki i rūrihia te poraka i te wā o ngā whiriwhiringa hoko. Koianeī te take i whai wāhi atu ai tētahi wāhanga o te Waitākere Native Reserve, i nohoia ai e Te Kawerau ā Maki, ki te wāhanga i roto atu ai. Nā te kore mārama ki ngā rohenga, ka whai anō ko te tohetohe ā-tangata ki waenganui i te iwi, nā rātou tonu te whakawhitinga i kōkiri, me tētahi atu iwi e whai pānga ana hoki ki te whenua. Ko Te Kawerau ā Maki kei waenganui tonu i tēnei raruraru. Ka tau te rangimārie nā te whakaritenga a Kāwana Hōri Kerei (Governor George Grey) kia noho te whenua ki raro i te kaitiakitanga o tētahi rangatira e whai pānga atu ana ki ngā taha katoa e whaiwāhi atu ana.
- 2.42 Nō muri mai i te rūritanga, ka kitea ētahi wāhanga o te poraka o Puatainga e takoto ana ki roto i te hokonga a te Karauna i a Paeōterangi me te Waitākere Native Reserve. E whakapaetia ana, tae noa mai ki te tau 1920, nō te Karauna kē te pito raki ki te uru o te poraka o Paeōterangi. Nā ēnei roherohenga hukihuki noa, ka pupū ake te mānukanuka me te riri ki waenganui i ngā iwi katoa i whaiwāhi atu ai.
- 2.43 I waenganui i te tau 1854 me te tau 1865 ka oti i te Karauna ētahi hokonga whenua ki te taha tonga ki te uru me te rāwhiti o te Whanga o Kaipara, ka ahu atu ki waenganui i Riverhead ki te tonga ki te Awa o Hōteō i te raki. He pānga taketake ō Te Kawerau ā Maki ki ētahi wāhanga o tēnei whenua ā, me te inaki atu ki ngā pānga o iwi kē. E ai ki ngā korero mōhua noa nei, kotahi anake te whakawhitinga whenua i whakaurua ai e Te Kawerau ā Maki.
- 2.44 He rerekē te nui ngā moni i utua e te Karaua, i tēnei wā, mō ngā whenua i Aotearoa, heoi te tikanga, he āhua pakupaku noa iho. E whakapaetia ana, i whakawhiwhia a Te Kawerau ā Maki ki te 950 pāuna mō te whakawehetanga atu o ō rātou pānga whenua i te manawa pū o Tāmaki Makaurau ki te Uru, he whenua e hōrapa atu ana i te 100,000 eka, neke atu. He utu tērā ki te rua herengi, nui ake pea, mō te eka kotahi. E ai ki te whakamāramatanga a te Karauna, he pērā rawa te pakupaku o te utu, nā tōna pōhēhētanga ka whai painga te Māori i te kōtuituitanga matarau me te whakawhanaketanga ā-ōhanga ka puta i ngā hokonga whenua, tae atu ki te nohonoho haeretanga o Tauīwi ki konei. Hāunga anō tērā, me mau whenua tonu te Māori kia riro painga mai ai i ēnei whakawhanaketanga
- 2.45 Ka tāpirihia ki ngā whakaaetanga o Hikurangi, o Paeōterangi me Puatainga tētahi whakaritenga kia whakapauhia te 10 ōrau o ngā moni whiwhi mai i aua hokonga, hei oranga, hei painga mō te Māori, tūturu tonu, kia utua motuhaketia ngā kaihoko. Ko te tikanga o ēnei whakaritenga, he whakarato painga kē, pērā i ērā e whakapuakitia mai rā i te whakaaetanga hoko o Paeōterangi:

for the Founding of Schools in which people of our race may be taught, the Construction of Hospitals in which persons of our race may be tended for the payment of Medical Attendance for us for the Construction of Mills for us for Annuities for our Chiefs or for other purposes of a like nature of which the Natives of this Country are interested ...

- 2.46 Kāore i whakatūria he tikanga whakahaere hei whakapau, hei tohatoha rānei i ēnei moni ā, kāore hoki he mīra kotahi i hangaia. I te atu 1874, ka tohaina e tētahi āpiha a te Karauna ngā moni i kohia mai i ēnei hokonga, ka tahi ki ngā whakahaeretanga, ka rua,

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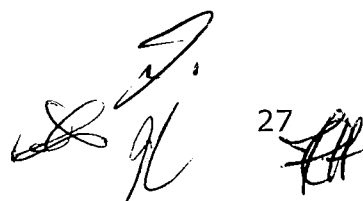
2: HISTORICAL ACCOUNT

ki ngā kaihoko takitahi me ā rātou uri. Kāore ēnei whakataunga i kōrerotia ki a Te Kawerau ā Maki. I muri i te tau 1874, kāore te Karauna i pupuru pūrongo tika ā, hei otinga ake, kāore ngā kaihoko o Te Kawerau ā Maki i whiwhi painga tūturu anō, mai i ngā whakaritenga ā-10 ōrau o ngā whakaaetanga.

- 2.47 Nō muri mai ka tonu utu a Te Kawerau ā Maki mō ngā moni e noho tārewa tonu ana ā, ka tuku pētihana atu ki te Karauna. I te tau 1927 ka āta uiuitia e te Kōmihana Sim te take nei ā, ko te whakataua, e āta hāngai atu ana ngā whakaritenga ā-tekau ōrau hei painga mō te Māori huri noa, kua mō ngā rangatira nō ngā poraka, pērā i a Hikurangi, a Paeōterangi me Taitomo. Ka whakatauria anōtia e te Kōmihana, kua ea i te Karauna ngā here nō onamata i whakaritea ai e ngā whakaritenga ā-tekau ōrau mā tana whakapaunga pūtea whānui ki ngā ratonga ā-papori, ā-mātauranga anō hoki. Heoi anō, kāore a Te Kawerau ā Maki i whai āheinga atu ki ngā ratonga kura, ki ngā ratonga hauora rānei, kia tae rawa mai ki ngā tekau tau tōmua o te rautau rua tekau. Ka mau tonu, ko te kore whiwhi painga tōtika mai i ngā whakaritenga ā-tekau ōrau o ēnei whakaaetanga, hei aureretanga tonu ki a Te Kawerau ā Maki.
- 2.48 Nō te tau 1856, nā te whakawehewehenga atu o te nuinga o ō rātou whenua tuku iho, kua kore e taea e Te Kawerau ā Maki te noho māori noa mai. I taua wā ka nohoia e Te Kawerau ā Maki mō te nuinga o te wā, ngā whenua rāhui i ngā wāhi whakawehe, uaua hoki te taenga atu, i Waitākere me te takutai moana o Waitākere. Kāore he whenua ō ēnei rāhui i pai hei mahi ahuhenua, mahi huawhenua rānei ā, ko te otinga ake, kāore i taea e Te Kawerau ā Maki te whakauru me te whaiwāhi atu ki te ōhanga o te rohe o Tāmaki Makarau. He pānga tino nui rawa atu te ngaronga atu o tō rātou tūāpapa whenua, ki te wāwāhitanga o te tuakiri o Te Kawerau ā Maki.
- 2.49 I muri i te tomokanga Peretānia ki roto o Waikato i te tau 1863, ka noho tonu atu a Te Kawerau ā Maki ki te rohe o Waitākere. Hei urupare ki te pakanga, ka tuku rātou i te ngākau pono ki te Karauna me te kī taurangi atu ki te hunga noho ā-takiwā, ka noho haumarū rātou. Heoi, ki tā Te Kawerau ā Maki whakaaro, e noho ana rātou i tēnei wā “i Rarohenga” ā, hāunga anō te noho rangimārie me te Karauna, “kāore e ōrite ana te arotahi”. Ka mau tonu a Te Kawerau ā Maki ki ngā hononga ki ō rātou whanaunga nō Waikato me te piringa tūturu atu ki te Kīngitanga. Ka whai ētahi o Te Kawerau ā Maki i te whakapono o te Pai Mārire. Mā ēnei mahi, me tō rātou noho wehe, tae atu ki tō rātou kore pono ki te Karauna, ko te otinga ake, ko te whakawehewehetanga atu o Te Kawerau ā Maki ki waho o te hapori kainoho Tauwiwi.

NGĀ WHAKAHAERETANGA O TE KOOTI WHENUA MĀORI ME TE WHAKWEHEWEHENGA WHENUA I TE RAUTAU TEKAU MĀ IWA

- 2.50 Nā te whānui haeretanga o te whakahē o Te Māori ki te hoko i ō rātou whenua ki te Karauna i raro i te tikanga unu mana hoko whenua me te kaha hiahia, kia whakaaengia ngā kainoho Tauwiwi kia whiriwhiri whakaaro hāngai atu ki te Māori, ka whakatakotoria e te Karauna ngā Ture Whenua Māori o te tau 1862 me te tau 1865. Nā ēnei ture i whakatū ai te Kooti Whenua Māori. Ko te kawenga a te Kooti, he whakataua, nō wai ake te rangatiratanga o ngā whenua Māori “e ai ki ngā tikanga taketake” ā, kia tukuna ki aua tāngata kua tohua te taitara mai i te Karauna. Ka tukuna anō hoki e te Karauna te mana hoko whenua i te tau 1862, nā reira i taea ai e ngā Māori kua whiwhi taitara mā ngā whakahaeretanga a te Kooti, ki te hoko tōtika atu i ō rātou whenua ki a Tauwiwi.




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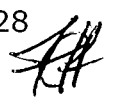
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- 2.51 Ka āhei te rangatiratanga tuku iho ā-whenua ki te whakaae ki ngā pānga maha, pānga inaki hoki ki te whenua kotahi tonu, rawa kotahi tonu ā, he tikanga ā-ohu, ehara i te tikanga ā-tangata takitahi noa. Kāore i taea ēnei whakaritenga te kawea i roto i te horopaki o ngā ture whenua Māori hou. Ko te whakaputanga o ngā uiuitanga taitara, tērā i hiahiatia ai – kia kotahi te rohe whenua, he mea kua āta tūtohua, kia kotahi te rangatira takitahi tonu, kotahi te uepū rangatira rānei ā, nōna, nō rātou rānei te whenua. Nō te Karauna te pōhēhētanga, mā ngā ture whenua Māori e akiaki te Māori ki te whakarere i tō rātou momo tiaki whenua matarau, ā-ohu tuku iho rānei, kia whai atu anō hoki i te taitara takitahi, he mea ngāwari ake mō te Kooti Whenua Māori. E ai ki te Karauna, mā reira e uru whānui ai te Māori ki roto i te ōhanga 'koroni'. Ka ngana anō te Karauna ki te wāwāhi haere i te mana Māori ā-iwi, mā reira anō hoki e arua mai ai ki roto i te hīnaki o Taiwi.
- 2.52 Kāore anō te Māori i whiwhi māngai i roto i te Pāremata i te wā o te whakaturetanga o ngā Ture Whenua Māori i te tau 1862 me te tau 1865. Nā ngā whakaritenga ā-pōti i hangaia e ngā taitara Karauna, kāore i whakaaengia te nuinga o ngā tāne Māori ki te tuku pōti kia whakatūria rā anō ngā tūru Māori e whā ki roto i te Whare Mema Pāremata i te tau 1867. Kāore te Karauna i whakapā atu ki a Te Kawerau ā Maki mō ngā ture whenua Māori i mua i te whakaturetanga. Kāore anō hoki i kōrerohia mō ngā panonitanga hōhonu e putaputa mai ai i aua hanganga ture.
- 2.53 Nā te whakatūnga o te Kooti, ka hangaia e ngā ture whenua Māori he wāhi taupatupatu mō te uiuitanga i ngā mana taketake, tērā ka hangaia he pātū ki waenganui i te kotahitanga o ngā rangatira, o ngā hapū me ngā iwi. He riterite te tautohetohe a Te Kawerau ā Maki ki te Kooti. I nāianei, ki tā Te Kawerau ā Maki tāpae kōrero, kāore rawa ō rātou pānga tuku iho i āta whakaaengia, i whakamanahia rānei e te Karauna.
- 2.54 Mai i te tau 1866, ka uiuitia e te Kooti Whenua Māori te taitara ki te whenua rāhui o Te Kawerau ā Maki i te takutai moana o Waitākere. Ka tū ngā whakawātanga ki Tāmaki Makaurau me Te Awaroa (Helensville). Ko te otinga whakaaroha rawa o ngā ture whenua Māori ki a Te Kawerau ā Maki, i te tīmatangata o te rautau rua tekau, ko te wāwāhitanga me te whakawehewehenga atu o ētahi wāhanga nui tonu o ēnei whenua.
- 2.55 Ko te poraka whenua tuatahi o Te Kawerau ā Maki i uiuitia e te Kooti Whenua Māori, ko te poraka iti nei o Puketōtara, he wāhanga nō te rāhui tuatahi o Waitākere mō te 2918 eka, i whakarāhuihia atu i te hokonga o Paeōterangi i te tau 1854. Nā te rangatira nō Te Kawerau ā Maki, nā Te Watarauhi i tonu taitara i te marama o Nōema i te tau 1866. Nō te whakaaetanga o te Kooti ki tā Te Wararauhi tonu, ka whakaurua a Te Watarauhi me ētahi atu tāngata tokowhā nāna anō i whakaingoa, ki te whakaaetanga a te Karauna.
- 2.56 I uiuitia te roanga ake o te Waitākere Reserve ki mua i te aroaro o te Kooti Whenua Māori i te tau 1871. Ka puta a Te Watarauhi ā, ka whakaingoa i ngā rangatira o te poraka whenua. Ko te whakaaetanga o te Kooti, he tika te korero, nō ērā tāngata i whakaingoaia ai te whenua. Engari ka tonoa e Te Watarauhi kia kaua e tukuna he tiwhikete taitara i taua wā, nō te mea, e hiahia ana ngā kaitono ki te whakawehewehe anō i te whenua kia toru ngā pihi ā, mā konā e whakawhiwhia ai ki ngā whakaaetanga takitahi. Kāore rāwa i whakaritea te wāwāhitanga me ngā whakaaetanga.
- 2.57 Kia taka rā anō te wā ki te tau 1885, kātahi te Karauna ka tuku tiwhikete taitara ki te Waitākere Reserve hei urupare i te tonu taitara a tētahi atu kaitono mō te poraka e kīia



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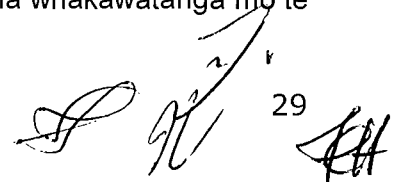


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ana, ko Puketōtara Nama 2. Nā te kitenga atu, he ōrite tēnei poraka ki tērā o te whenua rāhui o Waitākere, ka whai māramatanga te Karauna i a Eruena Paerimu, tētahi o ngā tāngata i whakaingoatia e Te Watarauhi i te whakawātanga i te tau 1871. Kātahi ka tukuna e te Karauna he whakaaetanga e tautoko ana i ngā rangatira tekau mā rima. Kāore te ingoa o Te Watarauhi i puta ki tēnei rārangi rangatira. Ka tukuna te taitara i raro i te Ture o te tau 1873, mā reira e āhei ai tēnā me tēnā o ngā tāngata i whakaingoatia ai ki te hoko i tōna ake pānga me te kore whāki atu ki aua tāngata. Kāore i whakawāteatia mai tētahi tikanga whakahaere ā-ture mō ngā rangatira Māori kia mahitahi ai hei rōpū rangatōpū kia tae rā anō ki te tau 1894.

- 2.58 Kāore i whakaritea kia kua e āhei ai te whakawehewehe i te taitara i tukuna mai mō Waitākere (Puketōtara Nama 2). Ka ohore te tangata ki te hīkaka tonu o te wāwāhi haere me te whakawehewehetanga o taua whenua rāhui. I te tau 1886 ka tuku tonu tētahi o ngā kaipupuru pānga, ahakoa kei waho o te rohe e noho ana, kia pai ai tana hoko i tētahi wāhanga ōna o te whenua rāhui. Ka whakahēngia e Te Watarauhi te tono ā, ka whakahēngia hoki te wāwāhitanga o te whenua rāhui. Nā te Kooti te korero atu atu “kāore ō take nā te mea, kāore e kitea ana tō ingoa ki roto i te whakaaetanga”. Te mutunga ake, ka puta kē a Te Watarauhi hei kaipono tautoko mō te kerēme tautohe a Eruena Paerimu e whakahē ana i te wāwāhitanga. Ka whakaaengia e te Kooti te taha ki te kaitono, ka wāwāhia te poraka ā, ka tukuna ki te kaitono a Waitākere Nama 2 (e 476 eka te nui) ki te pito raki-whaka-te uru o te poraka. Ka whakawhiwhia ki ngā kaiwhiwhi whakaaetanga e ora tonu ana ki te toenga o te rāhui arā, ko Waitākere Nama 1 (e 2138 eka te nui). Nō tata muri mai i te whakawātanga e pā ana ki te wāwāhitanga, ka hokona atu a Waitākere Nama2 ki a Tauwiwi. Inā te tīmatatanga o te wāwāhitanga me te whakawehetanga o te whenua rāhui nui rawa atu, e toe ana ki a Te Kawerau ā Maki.
- 2.59 Kei roto i a Waitākere Nama 2, ngā māra kai me ngā urupā e kaha hiahia ana e Te Kawerau ā Mahi kia pupuru tonutia e rātou. I te tau 1887, ka hangaia he whakaritenga ki waenganui i te Māori me tētahi Tauwiwi whai whenua ā, mā reira e whakawehe ai a Waitākere Nama 1 kia tū ko Waitākere Nama 1A me Waitākere Nama 1B. Ka riro atu a Waitākere Nama1A ki a Tauwiwi hei utu mō Waitākere Nama 2. Ka mau tonu ki a Te Kawerau ā Maki a Waitākere 1B. Tae rawa mai ki ngā tau tōmua o ngā tau1900, kua wāwāhia anōtia a Waitākere 1B kia tekau mā tahi ngā poraka itiiti ake tonu, me te tuku hea takitahi mō te toenga whenua ki ngā rangatira o aua whenua. Kātahi ka whakawehewehea noa atu te nuinga o ēnei whenua. Tae rawa mai ki te tau 1914, ko te poraka paku o Waitākere Nama 1B2C2 (e 297 eka te nui) anake, te wāhanga e ngāwari ana te whakaāhei atu, e pupurutia tonutia ana e te Māori. Ko te kāinga me te pā tawhito tērā o Parawai ā, ka whaiwāhi atu anō hoki ki ngā repo e tata ana ki te 100 eka te rahi.
- 2.60 Kua waihotia ki waho o te hokonga a te Karauna i a Paeōterangi o te tau 1854, te whenua rāhui o Piha arā, ko ngā Poraka o South Piha me Wekatahi. Ka tonu a Te Watarauhi mō te taitara ki te South Piha Reserve i te tau 1876. Ka whakatakotoria tana tonu i muri i ngā whiriwhiri kōrero a tētahi kaipakihi nō Tāmaki Makaurau e pā ana ki ngā rākau kauri o runga i te whenua. Nā te Karauna i whakaae atu he tiwhikete taitara ki a Te Watarauhi me ētahi atu tāngata tokowhā nō Te Kawerau ā Maki.
- 2.61 Ka uiuitia e te Karauna te Wekatahi Reserve (e 940 eka te nui) i te taha tonu o Piha ki te raki i te tau 1880. Ka kīia e Te Watarauhi nōna te whenua nā tōna whakapapa mai i a Te Au o Te Whenua ā, ka pērā tahi anō ia mō te poraka o Waitākere. Ka tukuna he puka whakaatu mō Wekatahi ki aua kaiwhiwhi whakaaetanga o te Piha Reserve. Atu i te tau 1886 ka rīhi atu a Piha ā, ka pērā anō a Wekatahi i muri mai i tana whakawātanga mō te

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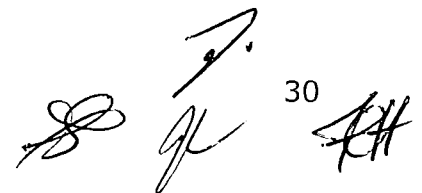
taitara. Ka hokona ngātahitia ngā whenua rāhui e rua nei ki te kairīhi i te tau 1886. Ehara tēnei, te whakawehewehetanga i ngā whenua rāhui, i te whakaputanga i whakaarohia rā e Te Kawerau ā Maki i te whakatūtanga ake o ngā whenua rāhui nei.

- 2.62 He riterite te tautohetohe o ngā rangatira o Te Kawerau ā Maki ki te Kooti Whenua Māori i ngā whakawātanga o te Kooti, pērā i ērā i tū ki Hauturu, ki Ruarangihaere me Taupaki, he tohetohe te mahi ā, ka tau te ngākau riri ki waenganui i a Te Kawerau ā Maki me ētahi o ngā rangatira, hapū, iwi anō hoki e whakapapa kotahi mai ana. Tōrino kau ana te rongō i te whakaaro hōhā o Te Kawerau ā Maki ki te Kooti, mō te kaupapa whakatakitahi taitara ki ngā whenua Māori, tae atu ki te whakawehewehetanga atu i ō rātou whenua rāhui, i roto i ngā korero a te kaikōrero mō Te Kawerau ā Maki, a Eruena Paerimu i Ōrākei i te wā o te 'Pāremata Māori' i te tau 1879. Ahakoa tana whakaaroaro ake mō ngā painga o te Tiriti pērā i te rongomau me te whakamarumarutanga, e noho mataara tonu ana a Eruena Paerimu ki ngā ngoikoretanga:

The Queen stipulated in that Treaty (the Treaty of Waitangi) that we should retain the mana of our lands, the mana of our forest, fisheries, pipi-grounds, and other things should be retained by the Maoris; but now those words have been overlooked ... Another disadvantage is the Native Land Court and the Crown grants. By those Crown grants we are deprived of our mana. I say those evils arose from the Treaty of Waitangi. First came the Treaty, then the Native Land Courts...

I think that the Maoris only should have authority over the lands that have been reserved for the tribes. The mana of the land has been taken by the Crown grants. I thought that the Crown grants would bind the land, but I see that the Maoris are selling the lands under those grants; and therefore I think that the Crown grants are of no use. They do not prevent the sale of land. I agree that the sale of land should cease ...

- 2.63 Ka whaiwāhi ngātahi anō a Te Kawerau ā Maki ki te taitara ki ētahi poraka me ngā kaiwhiwhi whakaaetanga nō iwi kē. No muri mai i te uiuitanga mō te taitara o te poraka o Taupaki i te marama o Hānuere i te tau 1867, ka whakaritea ko Te Watarauhi tētahi o ngā kaiwhiwhi whakaaetanga tokowhā. Ka puta ētahi ingoa nō Te Kawerau ā Maki ki te whakaaetanga mō te poraka o Kōpironui, i tū i te marama o Pēpuere i te tau 1871. Mō te poraka o Ruarangihaere, ka tū ake a Te Watarauhi hei kaitono whakahē engari, kāore ia i whakaingoatia ki runga i te taitara.
- 2.64 I tua atu i ēnei whiriwhiringa, ka whaiwāhi atu ngā rangatira o Te Kawerau ā Maki ki ngā uiuitanga taitara a te Kooti Whenua Māori nā runga i te hononga ā-whakapapa ki hapū kē e whaipānga ana ki a Te Kawerau ā Maki. I te tau 1874 ka tuku kerēme a Te Watarauhi mō ngā mana ki te poraka o Mangatāwhiri, nā tōna tupuna, nā Maeaeariki. I te whakawātanga tuatahi mō Te Toi Hauturu o Toi (Little Barrier Island), ka whakarārangitia a Te Watarauhi hei rangatira e whai pānga ana ki a Te Kawerau ā Maki. Ā, nā wai rā, ka puta ia ki te whakawātanga anō i te tau 1881 nā runga i tana whakapapa nā Maki. Ā mutu rawa ake, kāore te kooti i whakamana i ngā pānga o Te Kawerau ki te motu.
- 2.65 Kia taea ai te whaiwāhi atu ki ngā uiuitanga a te Kooti Whenua Māori, ka utaina ki runga i ngā rangatira nō Te Kawerau ā Maki te taumaha o ngā utunga moni. Ka mate rātou ki

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te haere tawhiti atu i ō rātou kāinga i Te Henga, i Piha, i Muriwai me Kōpironui kia tae atu ki ngā whakawātanga i tū ki Tāmaki Makaurau me Helensville. I tua atu i tērā, me pūkau anō i ngā utu mō te wāhi noho, te utu i ngā rūritanga, ngā utu ā-kōoti ā, i ētahi wā, me whakapau moni anō hoki mō ngā utu ā-ture.

- 2.66 Nā ngā hanganga ture ā-whenua o te rautau tekau mā iwa, ka whakawehea haeretia te toenga o ngā whenua o Te Kawerau ā Maki i roto i ngā poraka ōhanga kore. Nā, ka whai anō ko te whakawehewehe haeretanga tonu o ngā pānga takitahi, tūturu, ko ngā pānga nō tangata rāwaho kē. Ka mau tonu tēnei tikanga whakahaere ki roto i te rautau rua tekau.

TE WHENUA ME NGĀ RAWA O TE KAWERAU Ā MAKI I TE RAUTAU RUA TEKAU

- 2.67 I te tīmatanga o te rautau rua tekau ka mau taitara tonu a Te Kawerau ā Maki ki ētahi wāhanga o Waitākere me te poraka o Puketōtara, e tata ana ki te 1,5000 eka te nui. Ka whai pānga anō hoki, me ētahi atu iwi, ki te poraka o Kōpironui, ki te poraka mārakerake i te takutai moana i waenganui i Te Henga me Muriwai, tae atu ki ētahi wāhanga o ngā whenua oneone, kāore anō kia uiuitia ai, o te poraka o Puketapu, e noho pātata ana ki te oneone o Muriwai. Kāore he painga o ēnei whenua hei mahinga ahuhenua ā, he wāhanga e nui tonu ana te hora o te whenua oneone me te repo.
- 2.68 Mai i te tau 1905 ka whakaritea e te Karauna he tikanga hou mō te whakahaeretanga o ngā whenua Māori mā ngā Pōari Whenua Māori. Ko te whāinga tonu, ko te whakangāwari i ngā raruraru whakahaeretanga whenua e ara ake nei, nā te tokomaha ake o ngā rangatira te whenua Māori. Mai i taua wā, ka whakahaerehia e te Pōrai Whenua Māori o Te Tokerau ngā whakawhitinga whenua e pā ana ki ngā whenua o Te Kawerau ā Maki i Waitākere, i Tirikōhua, i Puketapu (Woodhill Forest) me Kōpironui.
- 2.69 Ka whakawāngia e te Poari ngā whakawhitinga i whakaurua ai e ngā rangatira Māori ki ngā rōpū tūmataiti, pērā i te rīhi me te hoko. Ka whakawhiwhia, ka tohatohaina anō hoki ngā pūtea moni i utua mō te rīhi, mā te hoko rānei i te whenua, tae atu ki te kamupeniheihana i utua ki a ia mō ngā whenua i riro atu i ngā kaupapa mahinga tūmatanui. E hia kē nei ngā tau a Te Kawerau ā Maki e mate ana ki te āta whai i ngā whakaritenga o te tonotono ki te Poari me ana kairīwhi kia utungia rātou ki ō rātou ake moni tonu. Nā konā i whakahē ai ngā mana whakahaere katoa o Te Kawerau ā Maki. Me noho haepapa tonu te Poari ki te whakarite tikanga kia kua a Te Kawerau ā Maki "e noho whenua kore ai" engari, auare ake.
- 2.70 Nō te tau 1907, whakatūria ai e te Karauna te Kōmihana Whenua Māori o Stout me Ngāta (Stout-Ngāta Māori Land Commission) kia āta tātaritia ngā whenua Māori e taea ai te whakawāteatanga atu hei wāhi nohonoho mō Tauwiwi ā, kia whakataungia anō hoki ko ēhea ngā whenua me mau tonu ki te Māori. I te tau 1908, ka uiuitia e te Kōmihana ngā poraka o Puketapu me Kōpironui B2, he whenua i whaipānga ngātahitia ai e Te Kawerau ā Maki me tētahi atu iwi. Ka taunakitia e te Kōmihana kia pupuru tonutia ki te Māori ngā poraka o Kōpironui. Heoi anō kāore i uiuitia e te Kōmihana ngā toenga o ngā whenua rāhui o Te Kawerau ā Maki i Waitākere.
- 2.71 I te tau 1910, he oranga whakawehe te noho o te hāpori o Te Kawerau ā Maki i Waitākere, he oranga i aukatia ki waho o te ōhanga auraki me te ahurea o Tauwiwi. I tēnei wā hoki ka hangaia e te Auckland City Council te Pāpuni o Waitākere (Waitākere Dam).

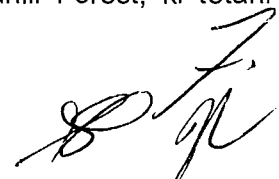
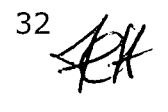
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Ka whati te rere noa o te Awa o Waitākere ā, ko te hua i puta, ko te riterite o ngā waipuketanga ki ngā kāinga me ngā māra kai o Te Kawerau ā Maki i Waitī.

- 2.72 Mai i te tau 1920 ki te tau 1951, ka riro ki te Karauna ētahi pānga i mau tonu ai i a Te Kawerau ā Maki ki roto o Kōpironui me Puketapu, mā ngā hokonga here me te kaupapahere tango whenua a te Ture Mahinga Tūmatanui mō te tāmata whenua oneone e ahu atu ana i South Head. Ko te hanganga o te Woodhill Forest te hua i puta mai i te kaupapa tāmata whenua. Kotahi tonu atu te karanga a Te Kawerau ā Maki ki te Karauna mō tō rātou kaha whakahē kia whakawehea ō rātou pānga ki te poraka. Ka tāpae pētihana atu ki te Pāremata i te tau 1934 ā, ka tuhituhi tōtika atu ki te Pirīmia i te tau 1945. Ahakoa ngā tohetohenga a te Māori, ka whakawehea tonutia e te Karauna te nuinga o ngā whenua o Kōpironui e toe ana. Nō muri rawa mai i ngā tāpaetanga ā-tangata e pā ana ki te pupurutanga o Te Kawerau ā Maki ki te poraka o Kōpironui B2D2, ka whakaaengia e te Karauna kia mau tonu ki a Te Kawerau ā Maki tētahi 'whenua toenga', e rima eka noa iho te rahi ā, ko ētahi urupā e rua, kua kē ko te papakāinga.
- 2.73 Ka whakangarohia anōtia ngā pānga ngātahi me iwi kē, o Te Kawerau ā Maki ki Puketapu, ahakoa te whakaaetanga e taea ai te toro ki ngā urupā nui whakaharahara i roto i te Woodhill Forest. Ka ngaro hoki i a Te Kawerau ā Maki te āheinga ā-ture ki ngā rawa kaimoana o One Rangatira (Muriwai Beach). Ka tuku kamupeniheihana ki ngā rangatira o ngā whenua i tangohia, tae atu ki ētahi tāngata nō Te Kawerau ā Maki. Pupurutia ana e te Poari Whenua Māori o Te Tokerau ēnei moni ā, ka tohatohaina haeretia i muri ake.
- 2.74 Mai i te tau 1939 ki te tau 1953, ka uiuitia e te Kooti Whenua Māori ētahi motu, motu iti hoki i te takutai moana o Waitākere. Ka whaiwāhi atu ko Te Piha (Lion Rock), ko Taitomo (Goat Island), i Piha ā, ko Te Ihumoana i Te Henga (Bethells Beach) ā, ko Kauwahaia i Awa Kauwahaia (O'Neills Bay). Ka tukuna motuhaketia he tiwhikete taitara mō te katoa o ngā motu ki a Te Kawerau ā Maki. Atu i a Taitomo, he motu toka, uaua te taetanga atu, i te tonga o Piha, ka tere hokona katoatia ki ngā kaitono Tauwiwi nō muri tonu mai i ngā whakawātanga, nā te kaha hiahia o Te Kawerau ā Maki ki ngā mono pūtea. Ko Taitomo anake te pihi whenua e pupurutia tonutia ana e Te Kawerau ā Maki i te rohe o Waitākere huri noa i tēnei wā.
- 2.75 I ngā tau 1950 me ngā tau 1960, ka akiakina a Te Kawerau ā Maki e Te Tari Māori ki te hoko i ō rātou pānga whenua ā-taitara maha i Waitākere hei hāpai moni mō te whakatūtū whare ki ngā whaitua o Tāmaki Makaurau. I tēnei wā, kāore a Te Kawerau ā Mahi i te noho pūmau atu ki te rohe o Waitākere ā, kua pākia hoki ki ngā āhuatanga ōhanga taumaha rawa. Ka akiakina hoki rāou e ngā kaupapahere a te Karauna kia heke te Māori mai i ngā wāhi tuawhenua ki ngā takiwā o te tāone, mā reira rātou e uru pai ai rātou ki roto i te ahurea auraki ā, ka pērā anō te whakahau a te Hunn Report i te tau 1960. I te tau 1962, ka pupurutia ngā toenga whenua o Te Kawerau ā Maki i Waitākere me Puketōtara e ngā kaiwhai pānga kei wāhi kē atu e noho ana ā, e 300 ngā hea ōhangakore ō rātou e pupuru katoatia ana. I marama o Mei i te tau 1965 ka hokona atu te whenua ki te kaihoko Tauwiwi.
- 2.76 Mā te tari me te kōhanga tupu o Woodhill Forest e taea ai te āheinga ki ngā whenua toenga o Te Kawerau ā Maki ki Kaipara ki te tonga, arā ki Part Kōpironui B2D2. I ngā tau 1980 ka whakahoungia e te Karauna te New Zealand Forest Service tae atu ki ngā mahi whakahaere i Woodhill me te kore whakamōhio atu ki a Te Kawerau ā Maki. Ka hokona atu ngā mana tope rākau ki te rohe, e kīia ana ko Woodhill Forest, ki tētahi rōpū

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DEED OF SETTLEMENT

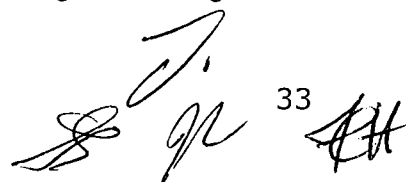
2: HISTORICAL ACCOUNT

tūmataiti. Ka pā tonu ngā taumahatanga āheinga o Te Kawerau ā Maki ki te whenua toenga, e 5 eka te nui, i te poraka o Kōpironui.

- 2.77 Ka mau tonu te āwangawanga ki a Te Kawerau ā Maki i roto i te rautau rua tekau mō te mana o tētahi whenua kua roa e whakaarohia ana, nō rātou kē te rangatiratanga, ko Parihoa te ingoa. Mai anō i ngā whakatupuranga maha tēnei whenua kei te taha moana, e kaingākau nuitia ana e Te Kawerau ā Maki nā te mea, he āheinga atu ki te tītī me te roanga atu o ngā momo kaimoana. E whakapaetia ana, ka uru a Parihoa ki te hokonga a te Karauna i te poraka o Puatainga i te tau 1854. Nō muri kē mai, kua kitea i runga i ngā mahere rūri hei 'rāhui taketake' engari, kāore i whakaaengia ki te taitara. Kāore hoki a Te Kawerau ā Maki i tonu kia whakamanahia te taitara e te Kooti Whenua Māori i te rautau tekau mā iwa. Mai i ngā tau 1920, ka whakamanahia a Parihoa e te Karauna hei whenua rāhui i te takutai moana ā, nō muri mai anō ka tangohia hei wāhanga o te Muriwai Marginal Strip. I roto i ēnei wā, ka haere mā Parihoa a Te Kawerau ā Maki ki te kohikohi kaimoana.

NGĀ WHAKAPUTANGA Ā-PAPORI, Ā-ŌHANGA O TE NOHO WHENUA KORE ME TE NOHO WHAKAWEHE MAI I NGĀ TAU 1850 KI NGĀ TAU 1960

- 2.78 I te wā o te tau 1840, he pānga whenua tuku iho o Te Kawerau ā Maki ki ngā rawa o te rākau i ngā Waitākere Ranges. Ka whai pānga tuku iho ngātahi anō hoki me ētahi atu rōpū, a Te Kawerau ā Maki, e ahu atu ana ki ētahi wāhanga ki runga ake o te Whanga o Waitematā, i Kaipara ki te tonga, i te North Shore me Mahurangi. I tēnei wā, e noho whenua kore ana a Te Kawerau ā Maki, e pupuru taitara ana ki te motu o Taitomo i Piha anake, tae atu ki ngā eka e rima o te 'toenga' i Kōpironui, i Woodhill. Kei Ihumātoa ētahi o ngā whānau o Te Kawerau ā Maki e noho ana engari, kua marara haere te tino nuinga ki te rohe whānui o Tāmaki Makaurau ā, ki tua noa atu hoki. Kāore he marae o Te Kawerau ā Maki i tēnei wā, kāore anō hoki tō rātou mana whakahaere ki te urupā hei nehu i o rātou mate.
- 2.79 Mai anō i ngā tau 1850, ka whakawehewehea haeretia ā-ōhanga, ā-papori a Te Kawerau ā Maki ki waho o te ahurea Tauwi e whakatupuria ake ana i Tāmaki Makaurau. He pōturi nō te hunga nohonoho ki te whai i ngā whenua rahi te rākau o te rohe ā, ruarua noa iho ngā rori i hangaia ki reira i roto i te rautau tekau mā iwa. Kāore ngā tāngata Tauwi i noho atu ki te rohe ake o Te Kawerau ā Maki i hari mai i ngā painga pērā rawa i wawatia ai e Te Kawerau ā Maki.
- 2.80 I ngā tau 1880, nā te whakawehe haeretanga o o rātou whenua ā, ka hūnuku ētahi o ngā whānau nō Te Kawerau ā Maki ki Parihaka, i Taranaki kia whāia ai te poropiti, te rangatira a Te Whiti o Rongomai. Kāore rawa ētahi mō te hoki mai anō.
- 2.81 Ko ngā whānau o Te Kawerau ā Maki i noho tonu atu ki runga i o rātou ake whenua tūpuna, he kāinga o rātou i Waitākere, i Muriwai, i Kōpironui hoki. Ka whai oranga rātou mai i ngā mahi o te whenua ā, ka uru rātou ki roto i te ōhanga ā-moni mā ngā mahi keri pia, mā te mahi rānei mō ngā umanga mīra ā-rākau, ā-harakeke hoki o te rohe. Tae rawa ake ki te mutunga o te rautau tekau mā iwa, pōhara ake ana ngā āhuatanga oranga o te Māori i o ngā hapori Tauwi i o rātou taha.
- 2.82 I ngā tekautau tuatahi o te rautau rua tekau, ka marara haere anō a Te Kawerau ā Maki ki te nohonoho ki wāhi kē. Ko te whiwhi mahi me te whai āheinga atu ki ngā kura

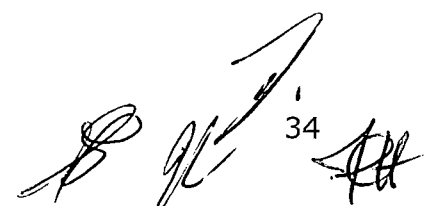
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mātauranga mō ā rātou tamariki te tino take i mahue atu ai i te iwi ō rātou whenua e toe tonu ana ā, ka whakatū kāinga anō rātou ki Ōrākei, ki Ihumātao, ki Pūkaki hoki i ngā tahataha o te Whanga o Manukau. Nō te whakatūtanga rā anō o ngā kura i Waitākere i te tau 1921, i Te Henga anō i te tau 1933, kāore te hapori o Te Kawerau ā Maki i te noho pūmau atu ki reira. I ētahi wā, kua hūnuku atu ētahi kia tata ake te noho ki ngā kāinga tūpuna, ahakoa ki runga whenua tūmataiti nō Tauīwi kē i nāiaanei, tae atu ki ngā whenua i Marae ō Hine, ki Pāremoremo ā, ki Awataha (Northcote) hoki.

- 2.83 He pērā tahi anō a Te Kawerau ā Maki ki ngā hapori i wāhi kē atu, i pākia kinotia ai e ngā mate urutā i whakaurua mai i te rautau tekau mā iwa me ngā tau tōmua o te rautau rua tekau. Kāore rawa he putanga ki ngā ratonga ā-rongoā ā, ka whai anō ko ngā tini matemate o te hauora.
- 2.84 Mai i ngā tau 1930 ki ngā tau 1950, ka whakaū a Te Kawerau ā Maki kia noho tonu atu ētahi o te iwi ki runga i ō rātou kāinga tawhito i Waitākere, ko Waitī tērā, ko Parawai (Te Henga) tērā. Heoi anō, he whenua kore arumoni ēnei toenga whenua ā, he poraka iti noa iho me te maha noa atu o ngā rangatira. Kāore i taea e ngā tāngata nō Te Kawerau ā Maki i hiahia tonu ki te noho atu ki reira, kia whiwhi pūtea taurewa hei hanga whare, pērā hoki mō runga i te poraka o Puketōtara e noho huarahi kore tonu ana. Taka rawa mai ki ngā tau 1960 i waho kē atu i ō rātou whenua tūpuna te katoa o Te Kawerau ā Maki e noho ana ā, he tokomaha tonu e noho ana hei kainoho whare kāwanatanga i te tonga me te uru o Tāmaki Makaurau.
- 2.85 Ko te whakapono o Te Kawerau ā Maki i tēnei wā, nā ngā mahinga me ngā takahitanga a te Karauna, inā kua whakarārangitia mai i konei, kua tau ngā āhuatanga o te rawa kore ā, kia whakatauritea ai, o te hauora kino, o te kore huarahi whai mātauranga, o te kore whakatutuki whāinga ā-mātauranga anō hoki tae atu ki te whatitanga ā-ahurea. Nā te whakapūmautanga ki te kaupapahere o te whakangarongaro whenua me te heke haere ki ngā tāone nunui, ka memeha mai rā anō ngā hanganga ā-iwi o Te Kawerau ā Maki ā, ka whai anō, ko te whakangarotanga atu o te tuakiritanga ā-iwi o te tokomaha tāngata. Ahakoa ngā āhuatanga kino kua pā ki a Te Kawerau ā Maki, ko te tūmanako mā te whakatika rā anō o te Karauna i ō rātou takahitanga ā-Tiriti e karanga mai ai te huarahi whakamua mō te iwi hei ngā tau e heke mai ana.

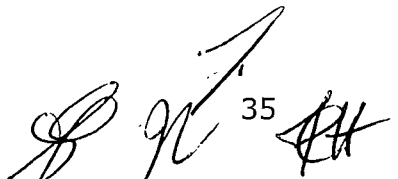


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3 ACKNOWLEDGEMENT AND APOLOGY

ACKNOWLEDGEMENT

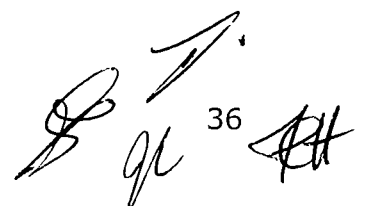
- 3.1 The Crown acknowledges that until now it has failed to deal with the long-standing grievances of Te Kawerau ā Maki in an appropriate way and that recognition of these grievances is long overdue.
- 3.2 The Crown acknowledges that Te Kawerau ā Maki has honoured its obligations under the Treaty of Waitangi since 1840.
- 3.3 The Crown acknowledges that in considering pre-Treaty land transactions and pre-emption waiver purchases for lands in which Te Kawerau ā Maki had interests, it breached the Treaty of Waitangi and its principles when it:
- 3.3.1 failed to consider the interests of Te Kawerau ā Maki before approving these transactions; and
 - 3.3.2 applied a policy of taking surplus lands from these transactions without assessing the adequacy of lands that Te Kawerau ā Maki held.
- 3.4 The Crown acknowledges that it did not properly apply certain regulations for pre-emption waiver transactions, including for lands in the West Auckland and upper-Waitemata Harbour regions. The Crown also acknowledges that it did not always protect Māori interests during investigation into these transactions.
- 3.5 The Crown acknowledges that in purchasing the extensive area called "Mahurangi and Omaha" in 1841 it breached the Treaty of Waitangi and its principles when it:
- 3.5.1 failed to conduct an adequate investigation of customary rights when it purchased the land;
 - 3.5.2 acquired the land without the knowledge and consent of Te Kawerau ā Maki; and
 - 3.5.3 failed to provide adequate compensation and reserves for the future use and benefit of Te Kawerau ā Maki when it later learned of their interests in the purchase area.
- 3.6 The Crown further acknowledges that:
- 3.6.1 it failed to adequately survey and define the "Mahurangi and Omaha" purchase and this caused confusion and uncertainty for Te Kawerau ā Maki; and
 - 3.6.2 the process whereby the Crown granted land to settlers within the "Mahurangi and Omaha" purchase area compounded the prejudice arising from the 1841 transaction.

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3: ACKNOWLEDGEMENT AND APOLOGY

- 3.7 The Crown acknowledges that in purchasing the extensive area called "Hikurangi" in 1853-1854 it breached the Treaty of Waitangi and its principles when it:
- 3.7.1 failed to conduct an adequate investigation of customary rights when it purchased this land;
 - 3.7.2 acquired the land without the knowledge or consent of Te Kawerau ā Maki; and
 - 3.7.3 failed to provide adequate compensation or reserves for the future use and benefit of Te Kawerau ā Maki when it later learned of their interests in the land.
- 3.8 The Crown acknowledges that the 1853 and 1854 purchase deeds for Hikurangi, Paeōterangi and Puatainga contained provisions that ten per cent of the proceeds of sale were to be expended for the benefit of Māori and for specific payments to be made to the vendors. The Crown failed to keep adequate records after 1874 and the vendors, including Te Kawerau ā Maki, received no further identifiable benefit under the "ten per cent" provision.
- 3.9 The Crown acknowledges that when it purchased a large amount of land in the Waitākere region between 1853 and 1856 it failed to actively protect Te Kawerau ā Maki by ensuring adequate lands were reserved from the purchase and thereafter protected from alienation and this was in breach of the Treaty of Waitangi and its principles.
- 3.10 The Crown acknowledges that:
- 3.10.1 it introduced the native land laws without consulting Te Kawerau ā Maki and the individualisation of title imposed by these laws was inconsistent with Te Kawerau ā Maki tikanga;
 - 3.10.2 Te Kawerau ā Maki had no choice but to participate in the Native Land Court system to protect their interests in their lands and to integrate into the modern economy;
 - 3.10.3 the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times contributed to the alienation of Te Kawerau ā Maki land; and
 - 3.10.4 the operation and impact of the native land laws made the lands of Te Kawerau ā Maki more susceptible to partition, fragmentation and alienation. This further contributed to the erosion of tribal structures of Te Kawerau ā Maki which were based on collective ownership of land. The Crown failed to take adequate steps to actively protect those structures. This had a prejudicial effect on Te Kawerau ā Maki and was a breach of the Treaty of Waitangi and its principles.

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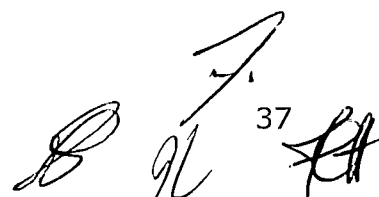
DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.11 The Crown acknowledges that it did not promote any means in the native land law legislation for a form of collective title enabling Te Kawerau ā Maki to administer and utilise their lands until 1894, by which time title to much Te Kawerau ā Maki land had been awarded to individuals. The failure to promote a legal means for collective administration of Te Kawerau ā Maki land was a breach of the Treaty of Waitangi and its principles.
- 3.12 The Crown acknowledges that lands of significance to Te Kawerau ā Maki at Kopironui and elsewhere were acquired by the Crown for sand-dune reclamation purposes between 1920 and 1951, including through compulsory taking. The Crown acknowledges that it did not work with Te Kawerau ā Maki to find an alternative to compulsory acquisition and that the loss of these lands has hindered Te Kawerau ā Maki access to urupā, kaimoana and other resources and that this acquisition has been a major grievance for Te Kawerau ā Maki.
- 3.13 The Crown acknowledges the loss of Te Kawerau ā Maki wāhi tapu through Crown and private purchases and public works takings and that this loss was prejudicial to Te Kawerau ā Maki cultural and spiritual well-being.
- 3.14 The Crown acknowledges that Te Kawerau ā Maki have experienced ongoing difficulties in accessing and managing their few remaining lands.
- 3.15 The Crown acknowledges that the cumulative effect of the Crown purchasing, public works takings and private purchasing has left Te Kawerau ā Maki virtually landless. The Crown's failure to ensure that Te Kawerau ā Maki were left with sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This hindered the social, economic and cultural development of Te Kawerau ā Maki as a tribe, and undermined the ability of Te Kawerau ā Maki to protect and manage their taonga and their wāhi tapu, and to maintain spiritual connections to their lands. The Crown further acknowledges that this has severely impacted on the well-being of Te Kawerau ā Maki today.

APOLOGY

- 3.16 The Crown makes this apology to Te Kawerau ā Maki and to their ancestors and descendants.
- 3.17 The Crown recognises the grievances of Te Kawerau ā Maki are long-held and acutely felt. For too long the Crown has failed to appropriately respond to your claims for redress and justice. The Crown now makes this apology to Te Kawerau ā Maki, to your ancestors and descendants.
- 3.18 The Crown profoundly regrets its breaches of the Treaty of Waitangi and its principles which resulted in the alienation of much Te Kawerau ā Maki land by 1856. The Crown is deeply sorry for its subsequent failure to protect those lands which were reserved for Te Kawerau ā Maki. The loss of the entirety of these reserve lands, and of your other traditional lands, has had devastating consequences for the spiritual, cultural, social, economic and physical well-being of Te Kawerau ā Maki. These consequences continue to be felt to this day.

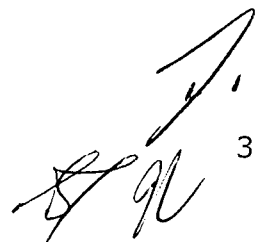



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DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.19 The Crown unreservedly apologises for not having honoured its obligations to Te Kawerau ā Maki under the Treaty of Waitangi. Through this apology and this settlement the Crown seeks to atone for its wrongs and lift the burden of grievance so that the process of healing can begin. By the same means the Crown hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation and respect for the Treaty of Waitangi and its principles.

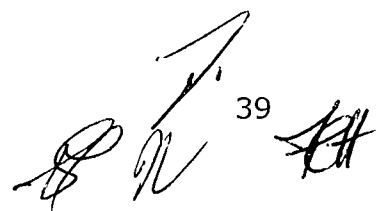
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WHAKAAETANGA KI TE WHAKATAUNGA A TE KAWERAU Ā MAKI

- 3.1 E whakaae ana te Karauna, mōhoa noa nei, nōna i hē ai ki te whakatikatika i ngā aureretanga nō mai rā anō o Te Kawerau ā Maki i runga i te tika me te pono ā, kua roa rawa te wā e noho tārewa tonu ana ēnei nawe.
- 3.2 E whakaae ana te Karauna, e te mau tonu a Te Kawerau ā Maki ki ōna here ki raro i Te Tiriti o Waitangi mai i te tau 1840.
- 3.3 E whakaae ana te Karauna, nā te whakatau i ngā whakawhitinga whenua nō mua i te Tiriti me ngā hokonga ā-unu mana hoko mō ngā whenua i whai pānga atu ai a Te Kawerau ā Maki, he takahitanga tērā i te Tiriti o Waitangi me ōna mātāpono inā
- 3.3.1 kāore i āta whakaarohia ngā pānga tuku iho o Te Kawerau ā Maki i mua i te whakaaetanga atu o ēnei whakawhitinga; ā
- 3.3.2 ka whakahaeretia he kaupapahere e hāngai ana ki te tango i ngā whenua e toe ana i ēnei whakawhitinga me te kore aro atu ki te hāngaitanga o ngā whenua i pupurutia tonutia ai e Te Kawerau ā Maki.
- 3.4 E whakaae ana te Karauna, kāore ia i āta whakarite here e pā ana ki ngā whakawhitinga ā-unu mana hoko, tae atu ki ngā whenua i Tāmaki Makaurau ki te Uru me ngā rohe o te Whanga o Watematā ki runga. E whakaae hoki ana te Karauna, kāore i āta tiakina e ia ngā pānga Māori i ngā wā katoa i te wā o ngā uiuitanga i ēnei whakawhitinga.
- 3.5 E whakaae ana te Karauna, nā tana hokonga i te whenua rarahi nei e kīia ana, ko “Mahurangi me Ōmaha” i te tau 1841, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono inā:
- 3.5.1 kāore i whakahaeretia he āta uiuitanga e pā ana ki ngā mana tuku iho i te wā tonu o taua hokonga whenua;
- 3.5.2 ka riro whenua atu ki a ia me te kore mōhiotanga me te kore whakaaetanga o Te Kawerau ā Maki; ā
- 3.5.3 kāore i tukuna he kamupeniheihana e tika ana, tae atu ki ngā whenua rāhui hei whakamahinga, hei painga anō hoki mō Te Kawerau ā Maki i te whakamōhiotanga atu i muri mai, he pānga nō rātou ki te rohe whenua i hokona ai.
- 3.6 E whakaae ana hoki te Karauna:
- 3.6.1 kāore i āta rūrihia, kāore hoki i āta tūtohua e ia te hokonga o “Mahurangi me Ōmaha” ā, nā konā i tau ai te pōnānātanga me te kaha āwangawanga ki a Te Kawerau ā Maki; ā
- 3.6.2 nā te tikanga whakahaere i taea ai e te Karauna te whakaae whenua atu ki a Tauīwi ki roto i te rohe hoko o “Mahurangi me Ōmaha”, ka muramura te kiriwetitanga i tupu ake ai i te whakawhitinga i te tau 1841.

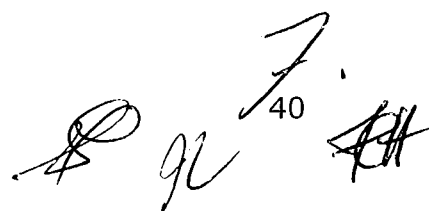
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- 3.7 E whakaae ana te Karauna, ko te hokonga o te whenua rarahi tonu e kīia ana ko "Hikurangi" i te tau 1853 ki te tau 1854, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono inā:
- 3.7.1 kāore i whakahaeretia he āta uiuitanga e pā ana ki ngā mana tuku iho i te wā tonu o te hokonga o tēnei whenua;
- 3.7.2 ka riro atu ki a ia te whenua me te kore mōhiotanga atu me te kore whakaaetanga atu o Te Kawerau ā Maki; ā
- 3.7.3 kāore i tukuna he kamupeniheihana e tika ana, he whenua rāhui rānei hei whakamahinga, hei painga mō Te Kawerau ā Maki i te whakamōhiotanga atu i muri mai, he pānga ō rātou ki te whenua.
- 3.8 E whakaae ana te Karauna, kei roto i ngā whakaaetanga hoko o te tau 1853 me te tau 1854 mō Hikurangi, mō Paeōterangi me Putainga, ētahi whakaritenga kia whakapaungia te tekau ōrau o ngā pūtea moni hei oranga mō te Māori ā, kia utua tōtika atu hoki he moni ki ngā kaihoko o te whenua. Kāore te Karauna i tiaki pūrongo e tika ana i muri i te tau 1874 ā, kāore ngā kaihoko, tae atu ki a Te Kawerau ā Maki, i whiwhi painga ake i muri mai i raro i te whakaritenga o "te tekau ōrau"
- 3.9 E whakaae ana te Karauna, i te wā o tana hokonga i te whānui o ngā whenua i te rohe o Waitākere i waenganui i te tau 1853 me te tau 1856, kāore i āta whakamarumarutia e ia a Te Kawerau ā Maki, mā te whakarato whenua rāhui e tika ana mai i te hokonga, he whenua e kore rawa e whakawehea ai ā, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono.
- 3.10 E whakaae ana te Karauna:
- 3.10.1 Ka whakaturea e ia ngā ture whenua Māori me te kore whiriwhiri kōrero atu ki a Te Kawerau ā Maki ā, ko te whakatakahitanga ā-taitara i whakaritea e ēnei ture, he taupatupatu tērā i ngā tikanga o Te Kawerau ā Maki;
- 3.10.2 kāore he putanga atu ki a Te Kawerau ā Maki ā, ka mate ki te whaiwāhi ki ngā tikanga whakahaere o Te Kooti Whenua Māori hei whakamarumarū i ō rātou ake pānga ki ō rātou ake whenua ā, mā reira e uru pai ai rātou ki roto i te ōhanga o nāiane;
- 3.10.3 he taumaha hoki ngā utunga i puta mai i te tikanga whakahaere mō te whakatau taitara a Te Kooti Whenua Māori, tae atu ki ngā utu rūri, ngā utu whakawā hoki ā, i ētahi wā, ko te whakawehewehe whenua o Te Kawerau ā Maki te papa; ā
- 3.10.4 nā te whakahaeretanga me te papānga o ngā ture whenua Māori ka noho mōrearea ngā whenua o Te Kawerau ā Maki kei wāwāhia, kei whakarohea, kei whakawehea tonu. Ka whai anō, ko te turakitanga o ngā hanganga ā-iwi o Te Kawerau ā Maki, he mea i takea mai i tō rātou rangatiratanga ā-ohu ki te whenua. Kāore i āta tiakina e te Karauna ēnei hanganga ā-iwi. Ka pā te kiriweti

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DEED OF SETTLEMENT

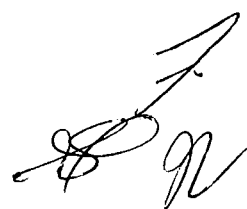

3: ACKNOWLEDGEMENT AND APOLOGY

ki a Te Kawerau ā Maki ā, i tua atu, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono.

- 3.11 E whakaae ana te Karauna, kāore ia i whakawātea mai he huarahi i roto i ngā hanganga ture whenua mō tētahi momo taitara ā-ohu e taea ai e Te Kawerau ā Maki te whakahaere, te whakamahi hoki o rātou whenua kia tae rā anō ki te tau 1894. Ā, ko te mate kē, kua tukuna kētia te taitara ki ngā tāngata takitahi. Ko te kore whakatū huarahi ā-ture e taea ai te whakahaeretanga ā-ohu mō ngā whenua o Te Kawerau ā Maki, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono.
- 3.12 E whakaae ana te Karauna, ka riro atu ki a ia ngā whenua nui whakaharahara ki a Te Kawerau ā Maki i Kōpironui me ētahi atu wāhi hei mahinga tāmata whenua oneone i waenganui i te tau 1920 me te tau 1951 ā, i ētahi wā, nā te here o te ture. E whakaae ana te Karauna, kāore ia i mahi ngātahi ai me Te Kawerau ā Maki ki te kimi huarahi kē i tua atu i te rironga noa ā, nā te whakangarongo atu o ēnei whenua ka aukatingia te āta āheinga atu ki ngā urupā, ki ngā wāhi kaimoana me ērā atu rawa tūpuna ā, ko te otinga o tēnei hokonga, e ngau kino tonu nei i te manawa o Te Kawerau ā Maki.
- 3.13 E whakaae ana te Karauna, nā te whakangarotanga atu o ngā wāhi tapu o Te Kawerau ā Maki nā ngā hokonga a te Karauna, a te tangata takitahi rānei, me ngā tangohanga hei mahinga tūmatanui, ko te pānga kino mai ki te oranga ā-tikanga, ā-wairua anō hoki o Te Kawerau ā Maki te otinga.
- 3.14 E whakaae ana te Karauna, he riterite tonu ngā taumahatanga e pā ana ki a Te Kawerau ā Maki mō te whakaāheinga atu me te whakahaeretanga o ō rātou whenua e toe tonu ana.
- 3.15 E whakaae ana te Karauna, ko te otinga atu o ngā hokonga a te Karauna, ngā rirotanga atu mō ngā mahinga tūmatanui tae atu ki ngā hokonga ā-tangata tūmataiti, kua tata noho whenua kore a Te Kawerau ā Maki. Nā te kore whakaū a te Karauna kia whakarāhuitia ngā whenua e tika ana hei whakatutukitanga i ō rātou wawata mō nāianei, mō ngā rā kei mua hoki, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono. Nā ēnei mahi ka whakapōreareatia te whakawhanaketanga ā-papori, ā-ōhanga, ā-tikanga anō hoki o Te Kawerau ā Maki hei iwi tonu ā, kua whakamemehatia te kaha o Te Kawerau ā Maki ki te whakamarumaruru, ki te whakahaere i ō rātou taonga me ō rātou wāhi tapu ā, ki te mau tonu ki ngā hononga ā-wairua ki ō rātou whenua. E whakaae anō ana te Karauna, kua pā kino mai ēnei āhuatanga ki te oranga o Te Kawerau ā Maki i ēnei ra.

WHAKAPĀHATANGA A TE KARAUNA MŌ TE KAWERAU Ā MAKI

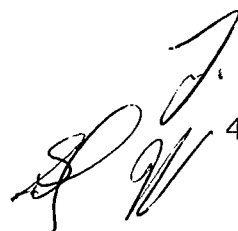

- 3.16 E whakaae ana te Karauna, e ngau kino tonu ana ngā mamaetanga o Te Kawerau ā Maki mai rā anō.
- 3.17 E Te Kawerau ā Maki, kua roa rawa te Karauna e koroiroi ana kia tika te urupare atu ki a koutou, e Te Kawerau ā Maki, hei whakatika hē, hei whakatau tikanga. Ko tēnei te whakapāhatanga atu a Te Karauna ki a Te Kawerau ā Maki, ki ō koutou tūpuna, ki ō koutou uri anō hoki.

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DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.18 E kaha pouri ana te Karauna mō ōna takahitanga i Te Tiriti o Waitangi me ōna mātāpono i whakangarongaro atu ai te nui o ngā whenua o Te kawerau ā Maki tae noa mai ki te tau 1856. E ngākau pōuri ana te Karauna ki tōna kore e aro atu, i muri mai, ki te whakamarumarū i ērā whenua i whakarāhuitia ai mō Te Kawerau ā Maki. Nō te whakawehewehetanga atu o te katoa o ēnei whenua rāhui, me ō koutou whenua taketake anō hoki, ka patua te oranga ā-wairua, ā-tikanga, ā-ōhanga, ā-tinana hoki o Te Kawerau ā Maki. Ka ngaua tonutia ēnei āhuetanga i ēnei rā tonu.
- 3.19 E whakapāha ana te Karauna me te kore here, mō te kore whakatutuki i ōna here ki a Te Kawerau ā Maki i raro i Te Tiriti o Waitangi. Mā tēnei whakapāhatanga me tēnei whakataunga e rīpenetā ana ia mō ōna mahi hē ā, mā konā e hiki ai te kawenga o te mamae kia tīmata ai he wā hei whakaoratanga anō. Mā reira hoki e hanga hononga hou me ngā tāngata o Te Kawerau ā Maki nā runga i te pono tahitanga, te mahi tahitanga me te aronui mō Te Tiriti o Waitangi me ōna mātāpono.

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4 SETTLEMENT

ACKNOWLEDGEMENTS

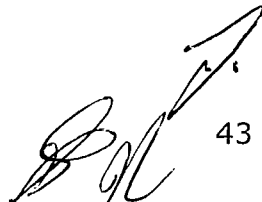

- 4.1 Each party acknowledges that –
- 4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
 - 4.1.2 full compensation of Te Kawerau ā Maki is not possible; and
 - 4.1.3 Te Kawerau ā Maki intends their foregoing of full compensation to contribute to New Zealand's development; and
 - 4.1.4 the settlement is intended to enhance the ongoing relationship between Te Kawerau ā Maki and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Te Kawerau ā Maki acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

SETTLEMENT

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

REDRESS

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

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DEED OF SETTLEMENT

4: SETTLEMENT

TĀMAKI MAKAUROU COLLECTIVE REDRESS DEED

4.6 The parties record that the Tāmaki Makaurou collective redress deed –

4.6.1 provides for the following redress:

Cultural redress in relation to inner Hauraki Gulf

- (a) cultural redress in relation to particular Crown-owned portions of maunga and motu of the inner Hauraki Gulf:
- (b) governance arrangements relating to four motu of the inner Hauraki Gulf:

Cultural redress in relation to Tāmaki Makaurou Area

- (c) a relationship agreement with the Crown, through the Minister of Conservation and the Director-General of Conservation, in the form set out in part 2 of the documents schedule to the Collective Redress Deed, in relation to public conservation land in the Tāmaki Makaurou Region (as defined in the relationship agreement):
- (d) changing the geographic names of particular sites of significance in the Tāmaki Makaurou Area:

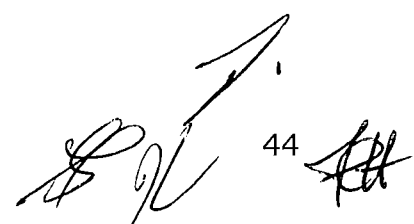
Commercial redress in relation to RFR land

- (e) a right of first refusal over RFR land, as defined in the Collective Redress Deed, for a period of 172 years from the date the right becomes operative:

Right to purchase any non-selected deferred selection properties

- (f) a right to purchase any property –
 - (i) in relation to which one of Ngā Mana Whenua o Tāmaki Makaurou has a right of deferred selection under a deed of settlement with the Crown; but
 - (ii) that is not purchased under that right of deferred selection; and

Acknowledgement in relation to cultural redress in respect of the Waitematā and Manukau harbours

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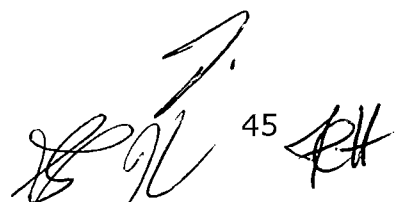
DEED OF SETTLEMENT

4: SETTLEMENT

includes an acknowledgement that, although the Collective Redress Deed does not provide for cultural redress in respect of the Waitematā and the Manukau harbours, that cultural redress is to be developed in separate negotiations between the Crown and Ngā Mana Whenua o Tāmaki Makaurau.

IMPLEMENTATION

- 4.7 The settlement legislation will, on the terms provided by sections 14 to 19 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 16(2) of the draft settlement bill does not apply –
 - (a) to a redress property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land; or
 - (b) for the benefit of Te Kawerau ā Maki or a representative entity; and
 - 4.7.4 require any resumptive memorial to be removed from a computer register for a redress property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land; and
 - 4.7.5 provide that:
 - (a) the rule against perpetuities and the Perpetuities Act 1964 does not apply to a settlement document; and
 - (b) does not prescribe or restrict the period during which –
 - (i) the trustees of Te Kawerau Iwi Settlement Trust may hold or deal with property; and
 - (ii) the trust may exist; and
 - 4.7.6 require the Secretary for Justice 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.

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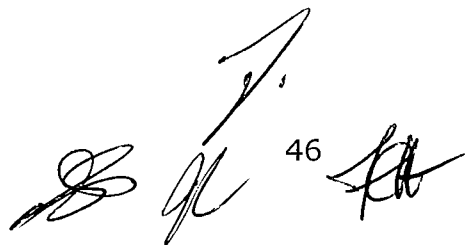
5 CULTURAL REDRESS

WHENUA RAHUI

- 5.1 The settlement legislation will, on the terms provided by sections 43 to 54 of the draft settlement bill, –
- 5.1.1 declare Taumaihi (part of Te Henga Recreation Reserve) (as shown on deed plan OTS-106-04) subject to a Whenua Rahui; and
 - 5.1.2 provide the Crown's acknowledgement of the statement of Te Kawerau ā Maki values in relation to the site; and
 - 5.1.3 require the New Zealand Conservation Authority, or a relevant conservation board, –
 - (a) when considering a conservation management strategy or conservation management plan, in relation to the site, to have particular regard to the statement of Te Kawerau ā Maki values, and the protection principles, for the site; and
 - (b) before approving a conservation management strategy or conservation management plan, in relation to the site, to –
 - (i) consult with the governance entity; and
 - (ii) have particular regard to its views as to the effect of the document on the Te Kawerau ā Maki values, and the protection principles, for the site; and
 - 5.1.4 require the Director-General of Conservation to take action in relation to the protection principles; and
 - 5.1.5 enable the making of regulations and bylaws in relation to the site.
- 5.2 The statement of Te Kawerau ā Maki values, the protection principles, and the Director-General's actions are in the documents schedule.

STATUTORY ACKNOWLEDGEMENTS

- 5.3 The settlement legislation will, on the terms provided by sections 26 to 34 of the draft settlement bill, –
- 5.3.1 provide the Crown's acknowledgement of the statements by Te Kawerau ā Maki of their particular cultural, spiritual, historical, and traditional association with the following areas:

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DEED OF SETTLEMENT

5: CULTURAL REDRESS

- (a) Taumaihi (part of Te Henga Recreation Reserve) (as shown on deed plan OTS-106-04);
 - (b) Motutara Settlement Scenic Reserve and Goldie Bush Scenic Reserve (as shown on deed plan OTS-106-10); and
 - (c) Swanson Conservation Area (as shown on deed plan OTS-106-08); and
 - (d) Henderson Valley Scenic Reserve (as shown on deed plan OTS-106-09); and
 - (e) Motutara Domain (part Muriwai Beach Domain Recreation Reserve) (as shown on deed plan OTS-106-20); and
 - (f) Whatipu Scientific Reserve (as shown on deed plan OTS-106-21); and
 - (g) Coastal statutory acknowledgement (as shown on deed plan OTS-106-14); and
 - (h) Waitakere River and its tributaries (as shown on deed plan OTS-106-13); and
 - (i) Kumeu River and its tributaries (as shown on deed plan OTS-106-11); and
 - (j) Rangitopuni Stream and its tributaries (as shown on deed plan OTS-106-12); and
 - (k) Te Wai-o-Pareira / Henderson Creek and its tributaries (as shown on deed plan OTS-106-18); and
- 5.3.2 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgements; and
- 5.3.3 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
- 5.3.4 enable the governance entity, and any member of Te Kawerau ā Maki, to cite the statutory acknowledgement as evidence of Te Kawerau ā Maki's association with any of the areas.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

5.4 The statements of association are in the documents schedule.

DEEDS OF RECOGNITION

5.5 The Crown must, by or on the settlement date, provide the governance entity with a copy of a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to Motutara Settlement Scenic Reserve and Goldie Bush Scenic Reserve (as shown on deed plan OTS-106-10).

5.6 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.

5.7 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within an area that the deed relates to, –

5.7.1 consult the governance entity; and

5.7.2 have regard to its views concerning association of Te Kawerau ā Māki with the area as described in a statement of association.

PROTOCOLS

5.8 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:

5.8.1 the Crown Minerals protocol:

5.8.2 the taonga tūturu protocol.

5.9 A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

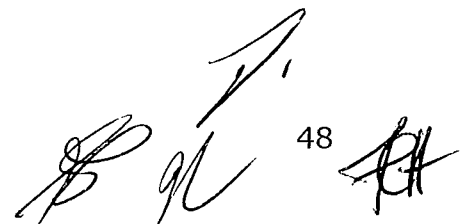
FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS

5.10 Each deed of recognition and protocol will be –

5.10.1 in the form in the documents schedule; and

5.10.2 issued under, and subject to, the terms provided by sections 20 to 39 of the draft settlement bill.

5.11 A failure by the Crown to comply with a deed of recognition or protocol is not a breach of this deed.


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DEED OF SETTLEMENT
5: CULTURAL REDRESS

CULTURAL REDRESS PROPERTIES

Settlement date vesting

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

In fee simple

5.12.1 the fee simple estate in the following sites:

- (a) Te Henga site A:
- (b) Wai Whauwhaupaku; and

In fee simple subject to a conservation covenant

5.12.2 the fee simple estate in the following sites, subject to the governance entity providing a registrable conservation covenant in relation to that site in the form in, respectively, part 7.1 and 7.2 of the documents schedule:

- (a) Muriwai:
- (b) Opareira; and

In fee simple subject to a conservation covenant and an easement

5.12.3 the fee simple estate in Parihoa site A subject to the governance entity providing a registrable conservation covenant and easement in relation to that site, each in the form in, respectively, part 7.3 and 7.4 of the documents schedule; and

As a historic reserve



5.12.4 the fee simple estate in Parihoa site B as a historic reserve with the governance entity as the administering body; and

As a historic reserve subject to an easement

5.12.5 the fee simple estate in Te Henga site B as a historic reserve, with the governance entity as the administering body, subject to the governance entity granting a registrable easement in relation to that site in the form in part 7.5 of the document schedule; and

In fee simple set apart as a Maori reservation

5.12.6 the fee simple estate in Te Onekiritea Point property set apart as a Maori reservation for the purposes of a marae.


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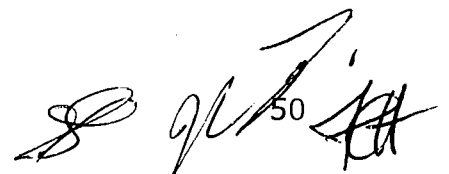
DEED OF SETTLEMENT
5: CULTURAL REDRESS

Later vesting

- 5.12A The settlement legislation will vest in the governance entity the fee simple estate in Te Kawerau Pā as a scientific reserve, which will continue to be administered by the Department of Conservation under the Reserves Act 1977 and the Conservation Act 1987 as if the vesting had not occurred.
- 5.12AA The settlement legislation will provide, on the terms provided by sections 88(2) and 90 of the draft settlement bill, that the fee simple estate in Te Kawerau Pā is inalienable other than to give effect to changes in the trustees in whom it is vested.

General provisions

- 5.12B The vesting under clause 5.12A will occur on the later of the following dates:
- 5.12B.1 the date which is 20 business days after the date on which Tiritiri Matangi Island Scientific Reserve vests in the Crown under the statutory provision that is now clause 68 of the Ngā Mana Whenua a Tāmaki Makaurau Bill 2013:
- 5.12B.2 the settlement date.
- 5.13 Each cultural redress property is to be –
- 5.13.1 as described in schedule 3 of the draft settlement bill; and
- 5.13.2 vested on the terms provided by –
- (a) sections 59 to 92 of the draft settlement bill; and
- (b) part 2 of the property redress schedule; and
- 5.13.3 subject to any encumbrances, or other documentation, in relation to that property –
- (a) required by clause 5.12 to be provided by the governance entity; and
- (b) in particular, referred to by schedule 3 of the draft settlement bill; and
- (c) in the case of Te Kawerau Pā, subject to any interests affecting it on the date it vests.
- 5.13A The Crown must pay the governance entity the amount of \$300,000, being a contribution to the costs of construction of a marae on Te Onekiritea Point property, on the settlement date.
- 5.13AA The Crown and the governance entity record that Te Henga Site A is being vested on the understanding it is to be used as an urupa.



DEED OF SETTLEMENT

5: CULTURAL REDRESS

5.13AB The Minister for Treaty of Waitangi Negotiations must, before the settlement date, give notice under the statutory provision that is now clause 119 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Bill 2013 in respect of each cultural redress property that is RFR land for the purpose of that Bill.

KOPIRONUI

5.13B Te Kawerau ā Maki and Ngāti Whātua o Kaipara each assert interests in the Kopironui property (as shown on deed plan OTS-106-15), being part of the former Kopironui block, but have been unable to reach agreement on how to give effect to their interest through negotiations on the settlement of their historical Treaty of Waitangi claims.

5.13C Te Kawerau ā Maki and Ngāti Whātua o Kaipara have therefore agreed that the Kopironui property will be vested for nil consideration pursuant to a decision of the Maori Land Court arising out of a special jurisdiction conferred on the Court by the settlement legislation.

5.13D To give effect to that agreement, the settlement legislation will, on the terms provided by sections 70 to 82 of the draft bill, provide:

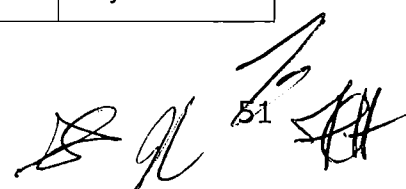
5.13D.1 for the jurisdiction of the Maori Land Court to determine which of the two iwi is entitled to the beneficial interest in the Kopironui property and, if both, the proportion in which they should receive it; and

5.13D.2 that the Court must give effect to any agreement on ownership between the governance entity and the NWoK governance entity.

OFFICIAL GEOGRAPHIC NAMES

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

Existing Name	Official geographic name	Location (NZTopo50 map and grid references)	Geographic feature type
	Ngongetepara Creek	BA31 424234 – 419267	Stream
	Karangahape Peninsula	BB31 424029	Peninsula
Henderson Creek	Te Wai-o-Pareira / Henderson Creek	BA31 457180 - 464234	Stream
Mount Donald McLean	Te Rau-o-te-Huia / Mount Donald McLean	BB30ptBB31 370023	Hill
Bomb Bay	Tahingamanu Bay	BA31 490263	Bay
Bomb Point	Te Onekiritea Point	BA31 494264	Point
Mercer Bay	Te Unuhanga-a-Rangitoto / Mercer	BB30ptBB31 306064	Bay

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DEED OF SETTLEMENT

5: CULTURAL REDRESS

	Bay		
Te Aute Stream	Wai-o-Parekura Stream	BA31 327175 – BA30 304175	Stream
Panatahi Island	Paratahi Island	BB30ptBB31 309047	Island
Jackie Hill	Te Kā-a-Maki / Jackie Hill	BB30ptBB31 385019	Hill
Lawsons Creek and Manutewhau Stream	Mānutewhau Creek	BA31 435231 - 464234	Stream
Pollen Island	Motumānawa / Pollen Island	BA31 489190	Island
Ninepin Rock	Te Toka-Tapu-a-Kupe / Ninepin Rock	BB30ptBB31 336985	Rock
Union Bay	Tāhoru / Union Bay	BB30ptBB31 308056	Bay
Kauri Point Birkenhead	Kauri Point Birkenhead / Te Mātā-rae-o-Mana	BA31 525231	Point
	Te Ihu-a-Mataoho Beach	BB31 559037 – BB32 568030	Beach
Watchman Island	Watchman Island / Te Kākāwhakaara	BA31 545220	Island

- 5.15 The settlement legislation will provide for the official geographic names on the terms provided by sections 55 to 58 of the draft settlement bill.

PROMOTION OF RELATIONSHIP WITH AUCKLAND COUNCIL

- 5.16 As soon as practicable after the date of this deed the Minister for Treaty of Waitangi Negotiations will write to Auckland Council encouraging it to enter into a memorandum of understanding with the governance entity in respect of matters of common interest within the area of interest.

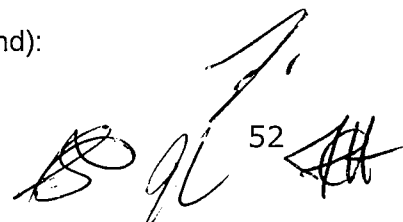
LETTERS OF INTRODUCTION

- 5.17 No later than six months after the settlement date, the Minister for Arts, Culture and Heritage will write to the chief executive of Te Papa Tongarewa inviting Te Papa Tongarewa to enter into a relationship with Te Kawerau ā Maki for the purposes of Te Papa Tongarewa compiling an inventory of Te Kawerau ā Maki tūturu which are held by Te Papa Tongarewa.
- 5.18 No later than six months after the settlement date the Minister for Arts, Culture and Heritage will write to the following museums, libraries and organisations to introduce Te Kawerau ā Maki and inviting each to enter into a relationship with Te Kawerau ā Maki (particularly in regard to Te Kawerau ā Maki taonga):

5.18.1 Albertland and Districts Museum:

5.18.2 Archive of Māori and Pacific Music (University of Auckland):

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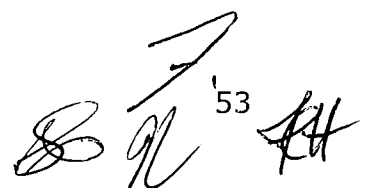
DEED OF SETTLEMENT

5: CULTURAL REDRESS

- 5.18.3 Auckland City Libraries:
- 5.18.4 Auckland War Memorial Museum:
- 5.18.5 Canterbury Museum:
- 5.18.6 Dargaville Museum:
- 5.18.7 Far North Regional Museum/ Te Ahu Heritage:
- 5.18.8 Helensville Pioneer Museum:
- 5.18.9 Hocken Collections (Otago University):
- 5.18.10 Huia Settlers Museum:
- 5.18.11 MacMillan Brown Library (Canterbury University):
- 5.18.12 Mangawhai Museum:
- 5.18.13 Matakoho Kauri Museum:
- 5.18.14 The Museum of Transport and Technology:
- 5.18.15 The New Zealand Film Archive:
- 5.18.16 The Papakura & Districts Museum:
- 5.18.17 University of Auckland Library:
- 5.18.18 Voyager New Zealand Maritime Museum:
- 5.18.19 Waiuku Museum:
- 5.18.20 Warkworth Museum:
- 5.18.21 Whanganui Regional Museum:
- 5.18.22 Whangarei Museum.

CULTURAL REDRESS NON-EXCLUSIVE

- 5.19 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.

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6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 6.1 The Crown is to provide the financial and commercial redress amount of \$6,500,000 by transferring the Riverhead Forest licensed land the transfer value of which is \$6,500,000.

RIVERHEAD FOREST LICENSED LAND

- 6.2 The Crown must transfer the Riverhead Forest licensed land to the governance entity on the settlement date.

- 6.3 The Riverhead Forest licensed land is to be –

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

(a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the governance entity or any other person; and

(b) on the terms of transfer in part 8 of the property redress schedule; and

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

- 6.4 The settlement legislation will, on the terms provided by sections 93 to 103 of the draft settlement bill, provide for the following in relation to the Riverhead Forest licensed land:

- 6.4.1 its transfer by the Crown to the governance entity:

- 6.4.2 it to cease to be Crown forest land upon registration of the transfer:

- 6.4.3 the governance entity to be, from the settlement date, in relation to the licensed land, –

(a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and

(b) entitled to the rental proceeds since the commencement of the Crown forestry licence:

- 6.4.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence in so far as it relates to the licensed land at the expiry of the period determined under that section, as if –

DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

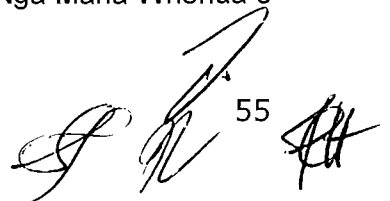
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for return of the licensed land to Maori ownership; and
- (b) the Waitangi Tribunal's recommendation became final on settlement date:

6.4.5 the governance entity to be the licensor under the Crown forestry licence as if the licensed land had been returned to Maori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989; but without section 36(1)(b) of the Crown Forest Assets Act 1989 applying:

6.4.6 rights of access to areas that are wahi tapu.

DEFERRED SELECTION PROPERTIES

- 6.5 The governance entity, for 2 years after the settlement date, has a right to purchase the deferred selection properties, being the school sites named in clause 6.6A and described in part 4 of the property redress schedule, on, and subject to, the terms and conditions in part 7 and 8 of the property redress schedule.
- 6.6 Each of the deferred selection properties is to be leased back to the Crown, immediately after its purchase by the governance entity, on the terms and conditions provided by the lease for that property in part 8 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements unaffected by the purchase).
- 6.6A The deferred selection properties are the following school sites:
 - 6.6A.1 Campbells Bay Primary School site:
 - 6.6A.2 Henderson Primary School site:
 - 6.6A.3 Matipo Primary School site:
 - 6.6A.4 Waterview Primary School site.
- 6.6B However, if a deferred selection property becomes surplus to the land holding agency's requirements, the Crown may, at any time before the governance entity has given a notice of interest in respect of the property in accordance with paragraph 7.1 of the property redress schedule, give notice to the governance entity that the right to purchase no longer applies to the property.
- 6.6C The right to purchase under clause 6.5 ceases in respect of the property on the date of receipt of the notice by the governance entity under paragraph 6.6B.
- 6.6D The Minister for Treaty of Waitangi Negotiations must, before the settlement date, give notice under the statutory provision that is now clause 119 of the Ngā Mana Whenua o

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DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

Tāmaki Makaurau Collective Redress Bill 2013 in respect of each deferred selection property that is RFR land for the purpose of that Bill.

- 6.6E The parties record, for the avoidance of doubt, that each deferred selection property, other than a property to which clause 6.6B applies, is a “deferred selection property” for the purposes of the definitions of “former deferred selection property” and “former deferred selection RFR land” in the Tāmaki Makaurau collective redress deed.

RIGHT TO PURCHASE PAREMOREMO HOUSING BLOCK

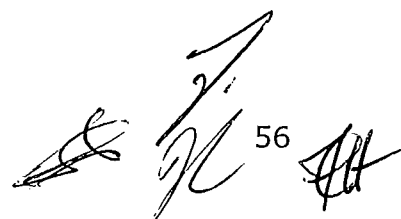
- 6.7 Part 7 of the property redress schedule of the NWOK deed of settlement provides the governance entity, and the trustees of the NWOK Development Trust, with a right to purchase the Paremoremo Housing Block (as described in part 5 of the property redress schedule) conditional on, amongst other things, this deed being entered into and approving the rights of the governance entity set out in that part 7.
- 6.7A Part 6 of the property redress schedule confirms the governance entity's right to purchase the Paremoremo Housing Block under the NWOK deed of settlement.

SETTLEMENT LEGISLATION

- 6.8 The settlement legislation will, on the terms provided by sections 93 to 106 of the draft settlement bill, enable the transfer of the Riverhead Forest licensed land, the deferred selection properties and the Paremoremo Housing Block.

RFR IN RELATION TO CLARK HOUSE, TE ONEKIRITEA POINT LAND

- 6.9 The governance entity is to have a right of first refusal in relation to a disposal by the Crown of Clark House or of Te Onekiritea Point land, which –
- 6.9.1 in each case, is the land that is described by that name in part 3A of the attachments, if, on the settlement date, –
- (a) the land is vested in the Crown; or
 - (b) the fee simple estate in the land is held by the Crown or by the Auckland Council; and
- 6.9.2 includes land exchanged for all or part of Clark House or Te Onekiritea Point land in the instances specified in section 124(1)(c) or section 125 of the draft settlement bill.
- 6.9A The governance entity acknowledges that the Crown and the Auckland Council have commenced negotiations regarding the potential acquisition by the Auckland Council of all or part of Te Onekiritea Point land and, on the understanding that Auckland Council will be a RFR landowner after the transfer, will not make any objection or take any action in respect of that transfer.



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DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

RFR IN RELATION TO DEFERRED SELECTION PROPERTIES DECLARED SURPLUS

6.9B The governance entity is also to have a right of first refusal in relation to a disposal by the Crown of land that has ceased to be a deferred selection property under clause 6.6B if, on the settlement date –

6.9B.1 the land is vested in the Crown; or

6.9B.2 the fee simple estate in the land is held by the Crown.

RFR IN RELATION TO AUCKLAND PRISON

6.10 The governance entity and the trustees of the NWOK Development Trust are to have a right of first refusal in relation to a disposal by the Crown, or another RFR landowner, of Auckland Prison, which –

6.10.1 is the land that is described as Paremoremo Prison in part 3A of the attachments, if, on the RFR date for that land, –

(a) the land is vested in the Crown; or

(b) the fee simple for which is held by the Crown; and

6.10.2 includes land exchanged for all or part of Auckland Prison in the circumstances specified in the NWOK settlement legislation.

RFR IN RELATION TO NON-EXCLUSIVE RFR LAND

6.11 The governance entity, the Marutūāhu iwi governance entity, and the Ngāti Whātua governance entity are to have a right of first refusal in relation to a disposal by the Crown, or another RFR landowner, of non-exclusive RFR land, which is the land described in section 107 of the draft settlement bill, being –

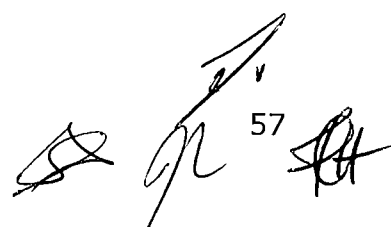
6.11.1 land in the non-exclusive RFR area being the area shown on SO 459993 in part 3 of the attachments if, on the RFR date for non-exclusive RFR land –

(a) the land is vested in the Crown; or

(b) the fee simple estate in the land is held by the Crown; or

6.11.2 land exchanged for non-exclusive RFR land in the circumstances specified in sections 124(1)(c) and 125 of the draft settlement bill.

6.12 The settlement legislation will, on the terms provided by section 111(c) of the draft settlement bill, provide –



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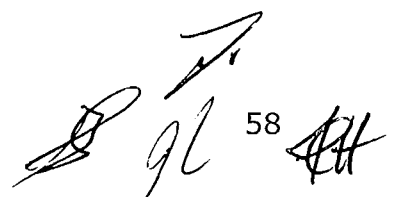
DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

- 6.12.1 the rights of the Marutūāhu iwi governance entity and the Ngāti Whātua governance entity, under the right of first refusal in relation to non-exclusive RFR land are subject to (respectively) Marutūāhu iwi settlement legislation and Ngāti Whātua settlement legislation being enacted approving those rights as redress to (respectively) Marutūāhu and Ngāti Whātua; and
- 6.12.2 the RFR date for the right of first refusal in relation to non-exclusive RFR land is to be, if the settlement date under approving Marutūāhu iwi settlement legislation and approving the Ngāti Whātua settlement legislation –
- (a) has occurred by or on the settlement date, the settlement date; or
 - (b) has not occurred by or on the settlement date, on the earlier of the following dates:
 - (i) 36 months after the settlement date;
 - (ii) the later of the settlement date under the approving Marutūāhu iwi settlement legislation and the settlement date under the approving Ngāti Whātua settlement legislation.
- 6.13 The governance entity acknowledges that the RFR is not to apply to any land (including a cultural redress property or land used for financial and commercial redress) that is required for the settling of historical claims under the Treaty of Waitangi, being those relating to acts or omissions of the Crown before 21 September 1991.
- 6.14 To give effect to that acknowledgement, the settlement legislation will, as provided by section 110 of the draft settlement bill, provide for the removal of any land required for another Treaty settlement.

PROVISIONS IN RELATION TO EACH RFR

- 6.15 The rights of first refusal are to –
- 6.15.1 be on the terms of sections 107 to 141 of the draft settlement bill; and
 - 6.15.2 apply only if the land is not being disposed of in the circumstances specified by section 112 of the draft settlement bill.
- 6.16 The right of first refusal –
- 6.16.1 in relation to Clark House, Te Onekiritea Point land and land referred to in clause 6.9B is to apply for a term of 172 years from the settlement date;
 - 6.16.2 in relation to Auckland Prison apply for a term of 170 years from the RFR date for that land; and

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DEED OF SETTLEMENT

6: FINANCIAL AND COMMERCIAL REDRESS

6.16.3 in relation to the non-exclusive RFR land is to apply for a term of 173 years from the RFR date for the land.

HOBSONVILLE

6.17 Te Kawerau ā Maki and the Crown acknowledge that –

6.17.1 the provisions of the agreement in principle in relation to a memorandum of understanding between Te Kawerau ā Maki and Housing New Zealand Corporation reflected the importance to Te Kawerau ā Maki of land at Hobsonville that is being developed by the Crown; and

6.17.2 entities on behalf of Te Kawerau ā Maki and Ngāti Whātua o Kaipara and Housing New Zealand Corporation and Hobsonville Land Company Limited agreed the terms of a memorandum of understanding which was signed on 15 July 2011; and

6.17.3 the parties to the memorandum of understanding agree to work together to recognise the historical and cultural relationship Te Kawerau ā Maki and Ngāti Whātua o Kaipara have with the Hobsonville Point Development (as defined in the memorandum) through –

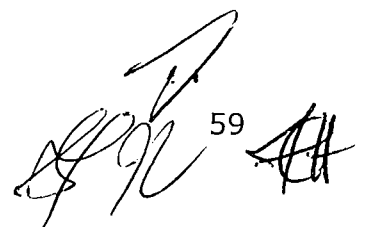
(a) providing Te Kawerau ā Maki and Ngāti Whātua o Kaipara with a seat each on –

(i) the Place Making Committee (as defined in the memorandum of understanding); or

(ii) a replacement committee; and

(b) meetings between the parties to the memorandum of understanding, on a quarterly basis, or as otherwise agreed, to discuss the matters provided for in the memorandum; and

(c) an agreed process for the disposal of ex-Ministry of Defence houses surplus to the Hobsonville Point Development, as set out in appendix 2 to the memorandum of understanding.

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7 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

- 7.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 7.2 The draft settlement bill proposed for introduction may include changes:
- 7.2.1 of a minor or technical nature; or
 - 7.2.2 where clause 7.2.1 does not apply where those changes have been agreed in writing by the governance entity and the Crown.
- 7.3 Te Kawerau ā Maki and the governance entity must support the passage through Parliament of the settlement legislation.

SETTLEMENT CONDITIONAL

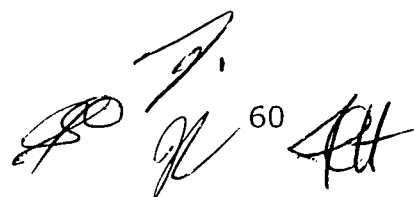
- 7.4 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.5 However, the following provisions of this deed are binding on its signing:
- 7.5.1 clauses 5.13A, 5.17, and 7.3 to 7.9:
 - 7.5.2 paragraphs 1.3 and 2.2, and parts 4 to 7 of the general matters schedule.

EFFECT OF THIS DEED

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

TERMINATION

- 7.8 The Crown or the governance entity may terminate this deed by notice to the other, if –



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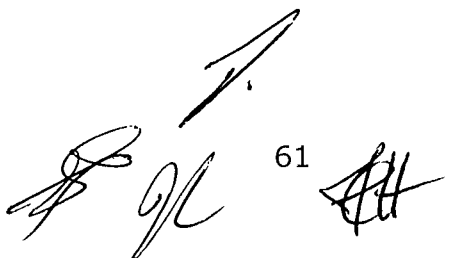
DEED OF SETTLEMENT

7: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

- 7.8.1 the settlement legislation has not come into force within 36 months after the date of this deed; and
- 7.8.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.

EFFECT OF TERMINATION

- 7.9 If this deed is terminated in accordance with its provisions –
 - 7.9.1 this deed (and the settlement) are at an end; and
 - 7.9.2 subject to this clause, this deed does not give rise to any rights or obligations; and
 - 7.9.3 this deed remains "without prejudice".

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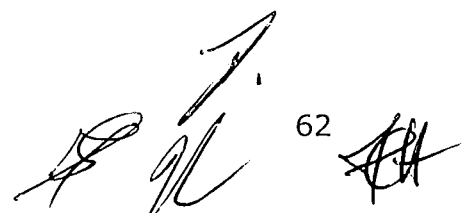
8 GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

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

HISTORICAL CLAIMS

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

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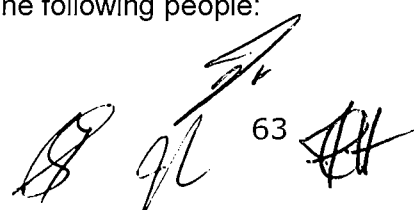
DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- 8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Te Kawerau ā Maki or a representative entity, including the Wai 470 - Te Kawerau ā Maki claim; and
- 8.2.3 includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Te Kawerau ā Maki or a representative entity.
- 8.3 However, **historical claims** does not include the following claims –
- 8.3.1 a claim that a member of Te Kawerau ā Maki, or a whānau, hapū, or group referred to in clause 8.5.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 8.5.1:
- 8.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 8.3.1.
- 8.4 To avoid doubt, clause 8.2.1 is not limited by clause 8.2.2.

TE KAWERAU Ā MAKI

- 8.5 In this deed, Te Kawerau ā Maki means –
- 8.5.1 the collective group composed of individuals who descend from two or more Te Kawerau ā Maki ancestors:
- 8.5.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.5.1:
- 8.5.3 every individual referred to in clause 8.5.1.
- 8.6 For the purposes of clause 8.5.1 –
- 8.6.1 a person is **descended** from another person if the first person is descended from the other by –
- (a) birth; or
 - (b) legal adoption; or
 - (c) Māori customary adoption in accordance with Te Kawerau ā Maki's tikanga (customary values and practices); and
- 8.6.2 Te Kawerau ā Maki ancestor means an individual who exercised customary rights –
- (a) by virtue of being descended from two or more of the following people:

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DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

- (i) Tawhiakiterangi (also known as Te Kawerau ā Maki); and/or
- (ii) Mana; and/or
- (iii) Te Au o Te Whenua; and/or
- (iv) Kowhatu ki te Uru; and/or
- (v) Te Tuiaiu; and

(b) predominantly within the area of interest at any time after 6 February 1840;

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

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

MANDATED NEGOTIATOR AND SIGNATORIES

8.7 In this deed –

8.7.1 **mandated negotiator** means Te Warena Taua MNZM – Chairperson/Chief Negotiator Te Kawerau Iwi Tribal Authority – Auckland; and:


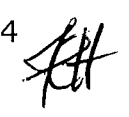
8.7.2 **mandated signatories** means the following individuals:

- (a) Hori Winikeri Taua – Retired - Auckland;
- (b) Haamuera Taua – Contractor – Auckland;
- (c) Miriama Tamaariki – Nurse – Auckland; and
- (d) Ngarama Walker – Retired - Auckland;

8.7.3 if an individual named in clause 8.7.2 dies or becomes incapacitated, the remaining individuals are the mandated signatories for the purposes of this deed.

ADDITIONAL DEFINITIONS

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


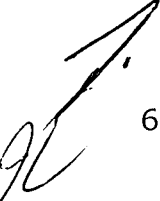

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DEED OF SETTLEMENT

8: GENERAL, DEFINITIONS, AND INTERPRETATION

INTERPRETATION

- 8.9 The provisions in part 7 of the general matters schedule apply to the interpretation of this deed.

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DEED OF SETTLEMENT

SIGNED as a deed on 22 February 2014

SIGNED for and on behalf
of **TE KAWERAU Ā MAKI** by
the mandated signatories in the
presence of –



George Hori Winikeri Taua


Haamuera Taua


Miriama Tamaariki


Ngarama Walker

WITNESS

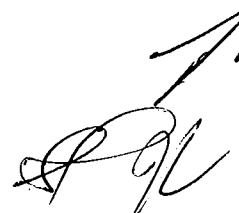



Name:

Occupation:

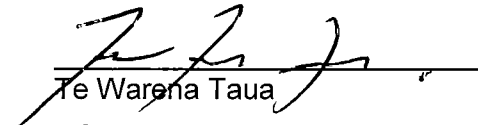
Address:

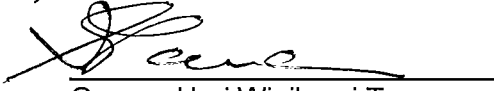
Barrister
Auckland


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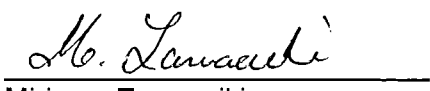
DEED OF SETTLEMENT


SIGNED by the Trustees of
TE KAWERAU IWI SETTLEMENT TRUST
in the presence of -


Te Warena Taua



George Hori Winikerei Taua

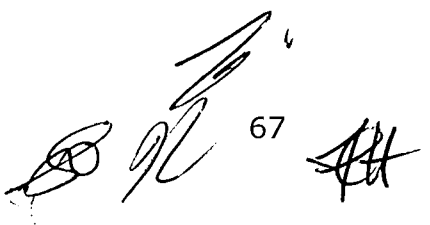

Hamuera Taua


Miriama Tamaariki


Ngarama Walker

WITNESS


Name:
Occupation: *Bar-ista*
Address: *Auckland*


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DEED OF SETTLEMENT

SIGNED for and on behalf of THE CROWN by –

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

Laraine Tuia
Reseta Sam Lotu-Iiga
Clarence White

Christopher Finlayson
Hon Christopher Finlayson

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

Bill English
Hon Simon William English

WITNESS

[Signature]
Name: *Mike Dreen*
Occupation: *Negotiator*
Address: *Auckland.*

Houkama
Andraere Houkama
Public Servant
Wellington.

[Handwritten marks] 68 *[Handwritten marks]*

DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

S THOMPSON

M. Joe

Leora. Verchere

SONNY WALKER,
Lynette Joe

Wyvern Rosier ngati Manuhiri
Tettei Deanna Tona Awhi Orakei
Rewi Spraggon Kawerau a maki

(Em) Te Kawerau a maki

Maack Hehuk Ngati Manuhiri

Graeme Murdoch Ngati Kaitiaki

Keith Williams Ngati Pawa, Ngati Kahurangi
Ngati Putarangi.

Greg Wetton

Toni O'Brien
Miriana Hone

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DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

P. Thompson

E. Karaka

J.G. Cameron

[Signature]

[Signature]

[Signature]

Martini Rachael Hepana

N. Noana

Motenhuia Pitaraia Hepana

Pearlyn Pitawa

Suzanne Pitawa Williams

S. B. Taylor

[Signature]

S. M. Wilson

[Signature]

Caisha

[Signature]

[Signature]

Michael Sokol

Camden

[Signature]

Jessie Jones

[Signature]

[Signature]

Jadene Noana

Tamaiti Taylor

Luke Taylor

Raniri Taylor

Lisa Kawia Wapou

Alexia Wapou

Kara Taylor

Ranati Taylor

Te Okereia Whaea

Braxton Pe-Aunarama

David John Taratu

Te amorangi Taratu

Geoffrey Tony Taratu

Luneva Thompson

[Signatures]

DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

Moana Waipouri-Jaylor.
W/for

Shelvia Talia
Jaryd Talia
Jesse Rawiri

Te Raukaiti: Tamper

Iri Taratu.
Echo Lucy Taratu.

BEN PHILLIPS.

KAREM THOMPSON.

MANA KIPA

[Signature]

Whare Meara
Luke *[Signature]*
Ness Savage,

[Signature]

BISHOP PHILLIPS (JNR)

SHARN KIPA

Glen Walker.

Keropy Kipi

Wha Pupaea

[Signature]
Jeremy C. Gershen

[Signature]

[Signature]

T. Wilson

Jepa

Kanghia Pounhane

Apirana Taylor.

Caroline S. Radolph

Manaan Rhind

[Signature]
Mick
Pete
C. *[Signature]*

[Signature]
71 *[Signature]*

DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

S. Thompson

[Signature]

Maree J. J. J. J. J.

Lon O'Leary
Marianne Hepana.

Sonny WALKER,
Martini Rachael Hepana.

[Signature]

Wynne Roscoe Ngati Maruhiri

Lettei Dame Tana O'Leary Ngati Whakata.

Rewi Spargo Kawerau ā Maki

[Signature] Te Kawerau ā Maki

Alice Roberts whanau

Jai Rakera whanau no Koro Mokaui.

Mack Huhua Ngati Maruhiri Tuturu

Greene Murdoch Ngati Kaitiaki Tuturu.

Keith Williams *[Signature]* Ngati Paea Ngati Kohua

Gary Wetton

Ngati Pukanga

[Signature] *[Signature]*

DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

D. Thompson
E. Huatako

J.J. Cameron

~~D. Huatako~~

~~M. Huatako~~

(1) John Clapp

~~J.~~

Suzanne Williams
Patricia Hepburn
Rebecca Paterson

N. Murray

S. B. Taylor

~~S. B. Taylor~~

Sam Wilson

~~S. B. Taylor~~

~~S. B. Taylor~~

CAISHA T

Colmden

Michael Sokohel
Michael Sokohel

~~Michael Sokohel~~

Georgia Johnson

~~Michael Sokohel~~

Lisa Kauri Wapouri

Alexia Wapouri

Rowarth Taylor

Kara Taylor

David John Taratu

Te Amerangi Taratu

Geoffrey Tony Taratu

Mocira Taylor

Jamie Taylor

Moana Waipouri-Taylor

Te Oreroa Whelan

Circena Thompson

Braxton Te-Ahakarana

~~Michael Sokohel~~

Te Rauropati Taylor

9 7. 70

DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

BEN PHILLIPS.
MANIA KIPA

Iri Taratu

Echo Lucy Taratu

~~R. Noy~~ 2014

~~Signature~~
~~Signature~~

BISTOP PHILLIPS (T.M.)

SHAUN KIPA

Kerwyn Kipa

Alita Tupaea

~~Signature~~

~~Signature~~

~~Signature~~

m. Heke-Lolohea

Peggy Stirling
on behalf of Nihi
Kotuku Stirling
Wheman - Apanui
Ngai - Lahu

Shelia Talia

Jayal Talia

Jesse Rawiri

Whare Melanae

~~Signature~~

Tangihia Penhame.

Tiwhata Taylor

Caroline C. Rudolph

Ness Savage.

Glenn Webster

Marama Rhind

~~Signature~~

~~Signature~~

Jeremy C. Jensen

~~Signature~~

~~Signature~~

Maori

Paul Aitu

~~Signature~~ 71

Mary Woodward (Alice Bethells' daughter)

Matt Swinburn - Titirangi

David Wilson,

Kayla

DEED OF SETTLEMENT

Other witnesses / members of Te Kawerau ā Maki who support the settlement

Melen Kara Numa Toterewa

13 Jordan Rd. Mangere 30/22

H. Campbell.

Kororia Hepana.

() 45 Rautara St Orakei

Phynella Orewa Chanel Hepana

45 Rautara St Orakei

MAUREEN Wainoa Ewe

539 ORWATERLOO RD

MANUREWA Auckland

Robyn Maramani
Patunui

ARONIA Rawiri

3-34 Maire Rd MANUREWA Bridge Manurewa

EILEEN NOMO ALEXANDER (NEE) EWE

1 Elmwood Place

Manurewa.

LEANNE ARARO NGATAI

1 Elmwood Place MANUREWA

