

NGĀTI TAMAOHO
and
NGĀTI TAMAOHO SETTLEMENT TRUST
and
THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

30 April 2017

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PURPOSE OF THIS DEED

This deed -

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngāti Tamaoho and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles; and
- provides an acknowledgment by the Crown of te Tiriti o Waitangi/the Treaty of Waitangi breaches and an apology; and
- provides for the settlement of the unsettled raupatu claims and the non-raupatu historical claims of Ngāti Tamaoho (the raupatu claims in the Waikato region were settled through the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010); and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the governance entity that has been approved by Ngāti Tamaoho to receive the redress; and
- includes definitions of -
 - the historical claims; and
 - Ngāti Tamaoho; and
- provides for other relevant matters; and
- is conditional upon the settlement legislation coming into force.

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DEED OF SETTLEMENT

THIS DEED is made between

NGĀTI TAMAOHO

and

NGĀTI TAMAOHO SETTLEMENT TRUST

and

THE CROWN

1 BACKGROUND

NGĀTI TAMAHOHO ORIGINS, PRE-1840 HISTORY AND ROHE

Ko Taupiri te Maunga,

Ko Waikato te Awa,

Ko Te Mānukanuka o Hoturoa te Moana,

Ko Tainui te Waka,

Ko Mangatangi ko Whātapaka ko Ngā Hau E Whā ngā Marae

Ngāti Tamaoho descend from among the first peoples of Tāmaki and Waikato. Our whakapapa stretches back to the earliest inhabitants of this land and their many descendants. These people formed groups such as Ngā Oho, Ngā Iwi and Te Tini o Toi.

Later came a period of migrations from beyond Te Moananui a Kiwa (Pacific Ocean). These were the waka Aotea, Mātaatua, Arawa and perhaps most important for Ngāti Tamaoho, the Tainui. The Tainui passed through the Te Waitematā, Te Moananui O Toi and Te Mānukanuka O Hoturoa, leaving several important crew-members behind. These tūpuna, including Taikehu, Poutūkeka and Rakataura, are vital parts of our people's whakapapa.

Later internal migrations also had a profound impact on the whakapapa of our people. Perhaps the most important of these is that of Tamaoho, our eponymous tūpuna. Tamaoho travelled widely throughout the Waikato region and beyond. Other important tūpuna re-established themselves in the region, including Haumia, Pōhatu, Kōkako and Tarao.

Since the middle of the 19th century, Ngāti Tamaoho has sought redress for its historic grievances with the Crown. The responsibility for seeking this redress has been passed down through many generations of Ngāti Tamaoho men and women.

The journey to this settlement began with the kōrero of the kaumātua of our marae. They spoke of their wish to address the hurt of the past and to uplift their children, grandchildren, and those still to come.

Each successive generation has taken another step in that journey, from the Waiiau Pā Power Station Waitangi Tribunal Claim in 1978, to assisting with the Mānukau Harbour Claim in 1989, and the passage of the Waikato-Tainui Raupatu claims in 1995.

In 1991 the Ngāti Tamaoho Trust Board was formally established and a letter sent to the Office of Treaty Settlements. The claim was fully registered with a WAI number in 2004 and began progress toward negotiation. In 2012 an Agreement in Principle was signed with the Crown.

Our tūpuna spoke of wanting to push for something that would empower their children and grandchildren. This claim is another step forward in that progression. It is another chance to fulfil their vision and to build something for future generations to come.

AKAACA

Akaaka is an area that was once dominated by a huge wetland ecosystem extending from the hills around Whakaupoko in the north to the Waikato River in the south. These wetlands were

a vital resource for our people providing everything from food and medicine to building and weaving materials. Among them were small islands of dry land occupied by several important pā and papakāinga including Te Aungaaunga and Rangipokia along the banks of the Waikato.

In the west, the mighty Awaroa connects the Waikato River to Te Mānukanuka O Hoturoa. This awa was the key transport and trade route in the region and a vital resource in its own right. At its headwaters lay the Purapura papakāinga connecting the Awaroa to the Te Pai O Kaiwaka portage to the north.

AWHITŪ

The Awhitū Peninsula is a vast landmass of consolidated sand dunes encompassing many diverse and important sites. It is a central part of the connecting tissue of our rohe, bringing together the Waikato, Te Mānukanuka o Hoturoa, and Te Tai O Rēhua.

The center of the peninsula was home to many important pā and papakāinga. Of particular importance to our people was the central region including Pēhiakura, Otauwheinga, and Kapeuta. These settlements were supported by rich inland lakes including Kaitoitōi, Ngutuparara, and Pokorua.

The east of the peninsula is bordered by the Waiuku awa and Te Mānukanuka O Hoturoa. Its coastline is feathered into numerous smaller peninsulas by the many important awa that drain from the Awhitū Peninsula including the Pukewhau, Matakawau and Kauritūtahi. Many important pā and papakāinga were located at the mouths of these awa, including Te Toro. At others, important wāhi tapu and urupā such as Kaikākā were found.

In the south, the lands of the Awhitū Peninsula meet with the waters of the Waikato at Te Pūaha O Waikato. This is also an area of great spiritual and traditional importance, including the forested dunes of Maioro and Papawhero where many ancient wāhi tapu and urupā lie.

KAHAWAI

Kahawai is an area of great importance for our people, stretching from the eastern shore of the Waiuku awa inland to Patumāhoe and Mauku. In the north it extends to the Taihiki awa and stretches as far south as Whakaupoko and Waiuku.

This area's use was primarily focused on its many waterways. The shores of both the Taihiki and the Waiuku awa were strategically occupied by both pā and papakāinga. Of particular importance to our people was the Kahawai papakāinga from which this area derives its name. This was also an important area for traditional resources. The waters of the Taihiki and the Waiuku awa were well known for their bountiful fish populations.

KARAKA

Karaka is a large area on the southern shore of Te Mānukanuka O Hoturoa, stretching inland as far as Te Maunu a Tū and Puhitahi. Its northern boundary is made up of a long stretch of coastline, broken up by several large awa. This area was invaluable for its access to Te Mānukanuka and particularly the Hikihiki and Poutawa shellfish banks. Further inland, the Te Hihi awa stretched of the region and was an important resource base and travel route.

The east of the region is dominated several large awa flowing into the Pāhurehure inlet. Of particular importance to our people are the Whangapouri and Whangamaire awa. These waterways were wide and easily navigable, making them important trade and travel routes inland.

DEED OF SETTLEMENT

In the west, the region is bordered by the Whatapaka awa, one of our people's most important waterways. Whatapaka was originally known as Te Whata O Papaka, recalling both the journey of our tupuna from the Tainui waka and the bountiful resources of this awa. The river is at once our tupuna, our food basket, our trade and travel highway, a place of many wāhi tapu, urupā, and tūāhu, and an integral part of our cultural identity. Its shores have included some of our people's most ancient settlements, including the ancient Te Whata O Papaka and Puhitahi papakāinga. This is the home of our current Whatapaka marae complex including papakāinga housing and urupā.

MANGATANGI

The Mangatangi region lies south of the Te Hūnua ranges, occupying the strategic river valleys formed by the Mangatangi and Pukorokoro awa. The area connects the forested ranges of Te Hūnua in the north to the Whangamarino wetlands and Maramarua ranges to the south.

The Mangatangi valley has been home to our tūpuna since it was first settled. It includes several ancient pā taua such as Ngāurukehu. These are sacred places, connected with the Urukehu and Tūrehu who are the kaitiaki of the forests and high country north of Mangatangi. There are also many wāhi tapu and tūāhu located in these areas making it a region of immense spiritual and cultural significance. Of central importance to our people is the lower Mangatangi River including Te Karere, Te Oru and Marae Kirikiri. The area originally known as Te Takanga includes our current Mangatangi Marae, a Kīngitanga marae established by Te Puea Herangi and the people of Ngāti Tamaoho.

Important highpoints also occupy this region including Puketoka and Pukekauri, with many being occupied by ancient pā, including Te Whatarua. The northern Mangatangi valley also contains several important pā including Te Tawai and Pihangi. These places were connected by the Mangatangi awa and its many tributaries as well as several significant overland ara and waka portages such as those traversing Opita.

MANGATAWHIRI

Mangatawhiri is a large area based around the central and lower sections of the Mangatawhiri stream.

In the north, the Mangatawhiri stream flows out of the Hūnua Ranges passing by the ancient pā known as Paparata. This area has been a stronghold of our people for generations and played a key role in the resistance against the invasion of the Waikato in 1863. It is also an area of great spiritual importance, including several significant tūāhu and urupā.

To the south is an area of intensive settlement along the banks of the Waikato River. Pā such as Te Koheroa and Te Iaroa dominated the high country along the shoreline with views up and down the river. The confluence of the Mangatawhiri and the Waikato was an area of particular strategic importance. It was at this place that Kīngi Tawhiao drew his aukati, through which no colonial soldiers should pass. On orders of Governor George Grey, Crown forces crossed it on 12 July 1863 officially triggering the start of the Waikato Wars.

Following the end of the war, this area became an important centre of Kīngitanga solidarity. Our people resettled the Mangatawhiri area with help from Te Puea Herangi before going on to assist her in establishing Tūrangawaewae marae at Ngāruawāhia.

Further inland was another area of settlement following several important tributaries of the Mangatawhiri. The ancient Mangatawhiri papakāinga was located in here before being shifted to become the renowned Pōkino papakāinga. These settlements were key economic basis for

our people including large cultivation areas and trade hubs fed by the Tani Te Whiora (Tani Te Waiora) and Mangatawhiri rivers. In the 19th century they were also the site of renewed economic innovation by our people, where crops from throughout the region were processed and transport on to market.

TE MĀNUKANUKA O HOTUROA

Te Mānukanuka O Hoturoa, now known as the Manukau Harbour, is central to our cultural identity. We are a people born from the very waters of the harbor itself. It is a central part of our tūrangawaewae and the connective tissue of our rohe.

The harbour's name recalls the travels of our tūpuna of the Tainui waka through these waters. Specifically, it speaks of the dangers encountered by Tainui commander Hoturoa at the harbor heads. More generally it speaks of the traditional history of the descendants of the crew of the Tainui who remain here today including Ngāti Tamaoho.

The harbour is protected under the mana of Kaiwhare, taniwha and guardian of Te Mānukanuka O Hoturoa. Like the waters of the Waikato, Te Mānukanuka is home to many taniwha including Haumia, Taramainuku and Papaka. These guardians protect the health and wairua of its waters and the creatures who dwell within it.

The harbor itself is a diverse area including many important natural ecosystems and encompassing many of our people's most important sites. The deeper waters were used for fishing by net and line, with the shallower waters being used by nets and weirs. The wetland fringes provided delicate habitats for many important fish and waterfowl species, as did the inter-tidal zones and tidal inlets. The harbor also includes several major shellfish banks such as the Poutawa and Hikihihi, that were an essential food resource for our people.

MARAMARUA

Maramarua is a large region, situated south of the Mangatangi valley, and stretching from the Whangamarino wetlands in the west, to the shores of Tikapa Moana in the east. It includes the Maramarua forest, an area of immense spiritual and cultural importance for our people.

On the west the Whangamarino wetlands form a natural border to the high country of Maramarua. Much of the region is made up of hill country and maunga that were once cloaked in dense forest. Remnants of that great forest remain in Maramarua at places like Maungaroa, Tuirangi and the Mangakura and Whangamarino awa.

This forested area was of immense spiritual importance to our people. Like Te Hūnua, it is the home of the Patupaiarehe and Tūrehu. These kaitiaki protect what is left of the forest and the waterways. Many tūāhu associated with these deities are located within the forest.

Other parts of this forest were important resources for our people. Birds were caught in special areas, and tuna gathered from the areas numerous awa. Many rongoā species were also found here, as were precious dyes, pigments and weaving materials. The indigenous forest also provided strong timber for waka. Many famous waka taua began their life in the forests of Maramarua.

The area also includes many important pā and papakāinga such as at Kōpuku, Waikarakia, Onoke, and Rataroa.

Maramarua also contains Maungaroa, one of our peoples most important places. Maungaroa is our maunga-tūpuna, maunga-tapu, maunga-hikonga, maunga-tohu-ra and a symbol of the

rangatiratanga of Ngāti Tamaoho. It is an integral part of our cultural identity and connects us back to the great tūpuna Tamaoho who lived here.

NGĀ TAPUWAE O MATĀOHO

Ngā Tapuwae O Matāoho is an area lying to the east of Te Mānukanuka O Hoturoa stretching from the Mangere inlet in the north to the Puhinui awa in the south. The area is one of the oldest settled places in Aotearoa and includes numerous important sites. It is also an area of many traditions and many people, one that our tūpuna shared with many others.

The name of this area refers to the atua Matāoho, who's movements created this land. His name is remembered in places throughout the area such as Te Pane Ō Matāoho (Mangere Mountain), Te Ihu O Matāoho (Ihumātao) and Ngā Tapuwae O Matāoho (Pukaki Crater) itself. The story of his movements binds the many diverse places of this area together.

The entire area has been a place of intensive settlement since the first peoples of Te Ika a Maui. It's frontage to Te Mānukanuka o Hoturoa made it a hub for trade and travel throughout the region, as well as guaranteeing its residence the bountiful kai ika and kai moana of the harbor.

The movements of Matāoho are recorded in the many volcanic features of the area. Maunga such as Te Pane Ō Matāoho, Te Motu Ā Hiaroa, Te Kohuora, Maungataketake, Matukutūreia and Matukutūruru dominate the landscape. These maunga were the sites of ancient pā taua and the centers of large zones of occupation including papakāinga and māra kai. Other important volcanic features include the many wāhi tapu and māra kai of the stone-fields at Otuataua and Mangere, and the volcanic craters at Waitomokoia and Te Pukakitapu O Poutūkeka. Each of these features has it's own unique traditions and histories.

ONEPOTO

The Onepoto area is located south of the Waikato river, centered around the Onepoto maunga. The area is characterised by former wetlands in the north and hill country in the south. It also includes the parts of the eastern portion of the traditional Onewhero forest. The area includes many important sites for our people, including papakāinga, mahinga kai and wāhi tapu.

Onepoto is flanked on its north-side by the Waikato river. The river was the centre of life for those living close-by at Onepoto maunga and Takahikahi papakāinga further north. Traditionally, the waters of the Waikato intermingled with a vast wetland area stretching south toward the maunga. The Waikato and these wetland areas together formed a crucial culture resource for our people.

The section of the Waikato north of Onepoto also includes several islands of great importance to our people. These include Te Weranga O Kapu, Kaiwaka, Whatamākiri and Namuheiriro. The larger of these islands included small kāinga while others included wāhi nohoanga and mahinga kai. Each of these islands has it's own unique korero and traditions that form an integral part of our cultural identity.

PAPAKURA

Papakura is a large and diverse area that includes some of our people's most important places. It stretches from the Ōpaheke maunga in the south to the headwaters of the Papakura stream in the north, and from the Wairoa River gorge in the foothills of Te Hūnua in the east to the waters of the Pāhurehure inlet in the west.

Papakura lay at an extremely important strategic point in the region. It guarded the entrance and exits to some of the most important awa in the area, including the Ngākoroa, Otūwairoa and Hingaia. It was also an important tauranga waka for those coming from the south along Te Ararimu or for those wanting to exit Te Mānukanuka o Hoturoa and travel into the interior. Oral history recalls other major pā in the area including Wharekawa, Hingaia and Whangapouri.

In effect, the pā and papakāinga of Papakura guarded access to some of our people's most important sites, including Pukekiwiriki, via Kirikiri/Waipōkapū awa, Te Maketu via Hingaia and Maketu awa, and Tuhimata via Ngākoroa awa. As such, it was the gateway to the region, with much of the land dominated by the Mangapikopiko wetlands to the north, and dense forest to the south.

Papakura also protected a vast area of cultivations, stretching up through the Hingaia peninsula. The sites in this area were located close to major cultivation areas for kūmara (and later potato) and aruhe (fern root). By the 19th century our tūpuna had developed this area into extensive commercial cultivations and orchards supplying the growing Auckland market.

The streams surrounding Papakura were an important resource, both as travel routes and for the food, rongoā, and building resources they provided. The streams were home to freshwater whitebait species including the banded kōkopu, the kōara and the īnanga. The tidal zones were an important habitat for tuna, mullet and kahawai. Freshwater habitats were also important for pūhā, as well as koura (freshwater crayfish) and kākahi (fresh water mussels).

As a result of Papakura's strategic position, the pā and papakainga were frequently the target of attacks for taua moving north and south. This led to several large battles taking place at Papakura and the surrounding land, especially during the late 18th and early 19th centuries. Thus the area contains many important wāhi tapu and urupā.

PAPARIMU

Paparimu is a large area of fertile valleys to the immediate west of Te Hūnua. The area stretches from the Paparata pā and kāinga in the south to the Wairoa gorge in the north, and from Te Hūnua in the east to Te Ararimu and Pukewhau in the west.

The area gets its name from the Paparimu valley and Paparimu papakāinga that lie in the south-eastern corner of the region. This valley was extensively cultivated by our people and became one of our most abundant agricultural regions. The crops grown here supported the Paparimu, Paparata and Mangatawhiri kāinga as well as being exported to other parts of the rohe and beyond.

The area also includes many important wāhi tapu. In particular, the area south-east of Paparimu, in the foothills of Te Hūnua, includes a tūāhu and wāhi tapu of great importance to our people. This is a place of great spiritual importance for Ngāti Tamaoho.

PATUMĀHOE

The Patumāhoe area is part of the heartland of our rohe. It stretches from Te Maunu a Tū in the west to The Taihiki awa in the east, and from Whakaupoko in the south to Puhitahi in the north. The area played a crucial role as a centre of transport and trade as well as a place of settlement and cultivation. Patumāhoe also contains some of the largest and most ancient wāhi tapu and urupā of the region.

Patumāhoe was also a large papakāinga in the region, tracing its origins back to the first peoples to settle the motu. It was temporarily vacated in the early 19th century and then

re-established as a prosperous community during the 1840's and 1850s, making great use of fertile volcanic soils of the area. Several prominent Ngāti Tamaoho rangatira were born and raised up at the Patumāhoe papakāinga including Paora Te Iwi.

Traditional evidence relates that the Patumāhoe urupā were some of the largest in the entire district. They were also some of the most ancient, being the final resting place for great rangatira of the area for generations. Our tūpuna maintained and protected the tapu status of these lands even after they had been confiscated, fighting for their return both in court and in the political sphere.

PUKEKAWA

Pukekawa is an area situated on the south bank of the Waikato River, opposite Te Iaroa and the Mangatawhiri River. It is largely surrounded by the Waikato River and centered on the Pukekawa maunga. It is a region that our people have occupied for generations, including several important papakāinga and pā taua.

Pukekawa itself is a large volcanic maunga rising from the fertile plains east of Onewhero. In ancient times it was a pā taua of great renown. The maunga had commanding views over the Waikato toward Meremere to the east and Mangatawhiri to the north. As a result of its strategic importance many important battles were fought here with several significant wāhi tapu resulting.

The area gained renewed importance after the Waikato wars when Kīngi Tawhiao took up residence here for a time. His niece, Te Puea Herangi, helped to bring some of the land back into production and construct housing and marae for our people. The area played a significant role in the re-development of Te Kīngitanga movement in the early 20th century and during the influenza epidemics that struck much of the Waikato during this period. It also played a vital role in the re-establishment of our people on their lands in the rohe following the Waikato Wars and the raupatu that followed.

PUKEKOHEKOHE

The Pukekohekohe area stretches from the Pukewhau and Puketutu in the west to Whakaupoko in the east, and from the Waikato River in the south to Te Maunu a Tū in the north. It is a central area in our rohe and encompasses many of our most important sites. The area played an integral role in our rohe as a centre of transport and trade as well as a place of settlement and cultivation.

Pukekohekohe was a place of the utmost importance to our people. The area contained extensive cultivations in some of the most fertile soil in the entire world, one of our most valuable resources. It also contained several significant pa and papakāinga that were home to some of our most illustrious tūpuna. These include settlements at Pukekohekohe, Te Awanui O Taiehu, Te Maunu a Tū, Tirikōhua, Te Roto, Te Puni, Waerenga and Tutaenui.

The area derives its name from the Pukekohekohe maunga, an important strategic vantage point across the Manukau lowlands. From its peak one could look out across the rohe from Te Mānukanuka O Hoturoa in the north, to the Waikato River in the south. The Pukekohekohe maunga was both strategically and symbolically at the heart of our rohe.

Following the Waikato wars and the raupatu of the 1860s, our people began returning to Pukekohekohe in the 1880s and 1890s. Dispossessed of their lands, our tūpuna set to work in the market gardens now springing up in the growing settlement of Pukekohe. By the 1920s, Pukekohe had become the centre of an extensive market gardening area.

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In 1972 a committee was established for the purpose of building a marae in Pukekohe to accommodate the needs of the tangata whenua of the area and the many other Māori who had come to urban Pukekohe for work. It took more than twelve years of devoted fundraising before the marae was finally able to be built.

Today Ngā Hau E Whā is one of three Ngāti Tamaoho marae. It is an urban marae serving the needs of both the tangata whenua and those who live in the area. As such it is a source of great mana for Ngāti Tamaoho.

RAMARAMA

The Ramarama area stretches from Pukewhau (Bombay) in the south to the Drury Creek in the north, and from Te Maunu a Tū in the east to Ōpaheke maunga and Te Maketu pā in the west. The area is central to our rohe and contains some of our most significant places.

The forested area that dominated the central Ramarama area was an invaluable cultural and practical resource to our tūpuna who used it to collect rongoā and building materials as well as to bird and gather plant based foods. Indeed the name Ramarama refers to a plant species found in the area that was used for medicinal purposes as well as a food resource. These resources made the area an important place for Ngāti Tamaoho to protect and support. It was also an area that included important and substantial settlement areas. These included Tuhimata, Te Maketu, Ōpaheke, Kārearea and Pukewhau.

Tuhimata (or Tuimata, Tuamata) was an ancient papakāinga shared with our whanaunga. The village was located at the headwaters of the Ngākoroa stream, making it a strategic hub between Te Mānuka and the inland areas of Ramarama. The papakāinga also lay along one of the most important overland ara in the region connection Opaheke and Hingaia in the north with Pukewhau, Pōkino and Mangatawhiri in the south.

Te Maketu was an ancient complex of sites lying to the east of Tuhimata. It is one of our people's most important areas and contains many wāhi tapu including many large urupā.

The complex includes at least 4 pā sites of varying ages, some being very ancient and among the earliest in Tāmaki and the Waikato. It also includes papakāinga, building and construction sites, tool making sites, resource gathering areas, tūāhu, wāhi tapu, and urupā.

The fertile volcanic soils sustained a large population and provided goods to be traded with the many visitors who travelled through the area. The cultivations of Te Maketu were famous throughout the region owing to the rich volcanic soil and well irrigated lands. In addition to the traditional crops such as kumara, taro, hue, and uwhi, our tūpuna planted peach trees (later to become synonymous with this area), fig trees, and cape gooseberries.

Te Maketu and the surrounding areas were also ideally placed for trade being on the ancient Ararimu track. This was the main route of communication between Auckland, Waikato, and the Hauraki Gulf for centuries before being superseded by the Great South Road and the advent of war. The track passed through Papakura, skirting the Papakura wetland areas and passing through the Hūnua foothills before meeting the Mangatawhiri Creek that provided one of the main waka routes to the Waikato and the Hauraki Gulf.

TĀMAKI

The isthmus of Tāmaki Makaurau stretches from Te Whau in the west to the Otahuhu portage of Te Tō Waka in the south. It is an area of diverse landscapes shaped by Matāoho and the other atua who came before. For our people it has been a vital area of connection to our many other whanaunga of the Tāmaki and Waikato regions. This is an area that our tūpuna

have occupied from the earliest settlement of the region, but also one that we share with the many hapū and iwi of Tāmaki.

For our people, Tāmaki is the home of our tūpuna from the first peoples. These include Ngā Oho, Ngā Iwi, Te Tini O Maruiwi and the descendants of Kupe. These peoples were the first in a long line of migrations and unions that led to the many peoples of the isthmus today.

Our connection to Tāmaki also stems from the crews of the many waka that passed through the region. The Tainui, Aotea, Mātaatua and many other waka passed through the Hauraki gulf, Tikapa moana and Te Mānukanuka O Hoturoa leaving several important tūpuna to settle the area. These include Rakataura, Poutūkeka, Marama and Papaka.

Our people's later use of Tāmaki was centered around the maunga of the central isthmus including Te Kōpuke, Ōhinerau and Maungakiekie. These maunga were developed into extensive pā taua during the Wai O Hua era. During this time they became the centres of huge areas of surrounding settlement and cultivation. In the 19th century they also played a crucial role in the development of Te Kīngitanga with a great hākari taking place between Te Kōpuke and Ōhinerau in 1844.

TE HŪNUA

Te Hūnua is an area located south-east of the Tāmaki isthmus, stretching to the western shoreline of Tikapa Moana. It is one of the most traditionally, culturally, historically and spiritually important areas of our rohe. Te Hūnua encompasses a diverse range of sites existing throughout the mountain ranges, from defensive pā to mahinga kai, urupā to marae, and awa to tūāhu.

Te Hūnua is one of our people's greatest resource bases. It is an indispensable source of food, rongoā, timber, minerals, and dyes and weaving materials. As a place of food gathering the Hūnua Ranges were of almost unparalleled importance. Bird life was plentiful with stocks of kererū, kōkako, pūkeko, and weka. Eels and inanga were also abundant in the rivers and waterways of the ranges and foothills.

Though our tūpuna travelled greatly, the Hūnua Ranges were an ancient defensive stockade which had protected them for centuries. They were intimately familiar with the ridge lines, valleys, open tracks and secret passages of the ranges and used this to their advantage, especially during the early stages of the Waikato invasion in 1863. There were many defensive pā in the surrounding foothills including, Paparata, Te Maketu, Pihanga and Ngāurukehu. The interior was a place of great tapu, although there were several sites of refuge that known to our people and the other hapū of the area.

TUAKAU

Tuakau is an area located in the lower Waikato region, south of the plains Pukekohekohe and north of the Waikato River. It stretches from Kaiwaka island in the west to Te Toki island in the east, along its southern boundary and from Tirikōhua in the north to Ōpuawhanga Island in the south.

The area is centered around the papakāinga and marae of Tuakau. This area has been occupied by our tūpuna since the earliest settlement of the region by the peoples of Ngā Oho, Ngā Iwi, and Te Tini O Toi and later by the descendants of Poutūkeka. It is also an area that we have shared with our whanaunga, many other hapū at times living side by side at Tuakau papakāinga and the other settlements to the south.

Another important area of settlement in the region was the northern banks of the Waikato River. Here several significant pā taua overlooked strategic points at the river, including at Ruakeripō and Kainerātou. Several large papakāinga were also located here, connected to the lush wetlands and river valleys along the north bank. Rakawhatirā, in particular, was a significant point along this stretch of the Waikato.

WAITEMATĀ

Te Wai O Te Matā, along with its tributaries and associated wetlands, is an immensely important area for Ngāti Tamaoho. It is an area of great practical and spiritual importance and connects us back to our tūpuna who first arrived in Aotearoa.

Our connection with Te Wai O Te Matā stretches back to the time of the earliest settlement in Aotearoa and continues up to the present day. It passes through the early explorers including Kupe and Toi, and on to the early peoples of this land, including Ngā Iwi, Ngā Iwi and Te Tini o Maruiwi. It continues on through our tūpuna of the Tainui, Mātaatua and Arawa waka, who journeyed through Te Wai O Te Matā in their great voyages from Hawaiki.

The harbor itself is a diverse area including many important natural ecosystems and encompassing many of our people's most important sites. The deeper waters were used for fishing by net and line, with the shallower waters being used by nets and weirs. The wetland fringes provided delicate habitats for many important fish and waterfowl species, as did the inter-tidal zones and tidal inlets. The harbour also encompassed many wāhi tapu and sites of great spiritual importance. It also provided building materials, rongoā and important species of edible plants.

Te Wai O Te Matā was plentiful in kahawai, snapper, mullet, shark, stingray and flounder with the shellfish banks providing mussels, pipi, pūpū, oysters and the many other species that existed at that time. Their use was guided by our tikanga and especially the spiritual importance of the tidal flows to our people. Over the course of centuries, we have developed a highly complex body of tikanga which governs our relationship with the harbour and the use of its resources.

WAITĒTĒ

Waitētē is a large coastal area situated on the southwestern shore of Te Mānukanuka O Hoturoa. It stretches from the Waiuku awa in the west to the Whatapaka awa in the east, and from Te Mānukanuka O Hoturoa in the north to the Taihiki awa in the south.

The area has been a significant site for Ngāti Tamaoho since their earliest days of settlement in the region. Pā were strategically located throughout the area, especially along the coastline and shores of the inland creeks and waterways.

The primary pā of the area was known as Waitētē and sat on the Waiuku awa shoreline close to its entry to Te Mānukanuka O Hoturoa. This strategic position at the intersection of two of the major travel routes of the region allowed the pā and papakāinga to flourish.

Waitētē pā was used within the wider network of pā, kāinga and wāhi nohoanga in the area. It was closely associated with the numerous other fishing settlements along the Waiuku River and Taihiki River shorelines. To the immediate west of Waitētē lay Te Toro landing and village that, in turn, was connected to Pēhiakura and other settlements on the Awhitū Peninsula. Likewise, Waitētē was connected to Whakaupoko to the southeast and Paraheka and Puhitahi to the northeast and via the Manukau. This was part of the heartland of Ngāti Tamaoho's rohe.

To the east of Waitētē pā lay the area known as Paraheka, associated with the kāinga of the same name. This peninsula was an area of immense cultural and traditional importance to our people, containing many pā, fishing encampments, kāinga and urupā. The network of the Paraheka, Te Puku o te Pao, Paopaokohatu kāinga were especially significant in the area. There are also several significant urupā in the Paraheka district. These are the final resting places of many of our peoples most celebrated leaders.

WHANGAMARINO

Whangamarino is the second-largest wetland of Te Ika a Maui (North Island) and a place of great historical and cultural importance to Ngāti Tamaoho. Today it covers 7,290 ha between Meremere and Te Kauwhata, although it formerly covered more than 10,000 ha (25,000 acres).

Traditional history relates that the area was immensely important to our early tūpuna and was extensively used by them as a source of food, plant materials and for transport, as well as for defensive. Hunting and fishing camps occupied many of the high places of the wetland, with pā tuna spread out at strategic places. There was also the enormous Puketutu cultivation site at Waikare, consisting of 34 ha of cultivations marked by early Māori drains in the area of Rangiriri and Te Onetea streams, between Waikare and the Waikato River.

There were at least nine major pā sites around the eastern and northern margins of the wetland. On the western side, pā sites were situated close to the Waikato River. Many of Ngāti Tamaoho's most renowned rangatira spent time at the pā of the area including Pohatu and the eponymous Tamaoho.

The Whangamarino wetland includes a range of wildlife habitats of traditional importance to Ngāti Tamaoho including peat bog, and supports a wide range of native plants and animals. Our tūpuna made great use of these abundant resources from the major papakāinga at Mangatangi, Pōkino and Mangatawhiri.

NEGOTIATIONS

- 1.1. The raupatu claims of Ngāti Tamaoho in the Waikato region were settled through the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
- 1.2. Ngāti Tamaoho have decided to enter into negotiations with the Crown to settle all other historical claims of Ngāti Tamaoho, including their non-raupatu claims, and their unsettled raupatu claims.
- 1.3. For the avoidance of doubt this deed does not settle any remaining claims by Waikato-Tainui.
- 1.4. Ngāti Tamaoho gave the mandated body, Ngāti Tamaoho Trust, a mandate to negotiate a deed of settlement with the Crown by resolution on 22 November 2009.
- 1.5. The Crown recognised the mandate on 23 April 2010.
- 1.6. The mandated body and the Crown -
 - 1.6.1. by terms of negotiation dated 1 October 2010, agreed the scope, objectives, and general procedures for the negotiations; and
 - 1.6.2. by agreement dated 20 December 2012, agreed, in principle, that Ngāti Tamaoho and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
 - 1.6.3. 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

- 1.7. In July-August 2012, Ngāti Tamaoho approved the governance entity receiving the redress, by a majority of 98.69%.
- 1.8. Ngāti Tamaoho have, since the initialling of the deed of settlement, by a majority of -
 - 1.8.1. **51%**, ratified this deed; and
 - 1.8.2. **96%** approved its signing on their behalf by Ngāti Tamaoho Settlement Trust a minimum of 5 of the mandated signatories.
- 1.9. Each majority referred to in clauses 1.7 and 1.8 are of valid votes cast in a ballot by eligible members of Ngāti Tamaoho.
- 1.10. The governance entity approved entering into, and complying with, this deed by resolution of trustees on 7 April 2017.
- 1.11. The Crown is satisfied -
 - 1.11.1. with the ratification and approvals of Ngāti Tamaoho referred to in clauses 1.7 and 1.8; and

DEED OF SETTLEMENT

- 1.11.2. with the governance entity's approval referred to in clause 1.10; and
- 1.11.3. the governance entity is appropriate to receive the redress.

AGREEMENT

- 1.12. Therefore, the parties -
 - 1.12.1. in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and
 - 1.12.2. agree and acknowledge as provided in this deed.

2 HISTORICAL ACCOUNT / NGĀ TĀTAI KŌRERO O NEHE

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

PRE-TREATY LAND TRANSACTIONS AND THE OLD LAND CLAIMS COMMISSION

- 2.2. Between 1836 and 1840, when te Tiriti o Waitangi/the Treaty of Waitangi was signed, Ngāti Tamaoho rangatira entered into a number of land transactions with missionaries and settlers who could provide an ongoing source of trade goods and commercial opportunities. These land transfers were a key means of encouraging European traders and missionaries to take up permanent residence in Ngāti Tamaoho's rohe.
- 2.3. In 1836, a transaction took place involving a settler who claimed to have purchased an estimated 50,000 acres of land in the Manukau Heads region. The Ngāti Tamaoho rangatira Wetera Te Kauae was one of the signatories of the 1836 deed. One of the vendors later stated that this large area had only been pointed out to the Europeans to illustrate the full extent of the vendors' interests, and that they had only intended to transfer rights to a much smaller area located around modern Cornwallis. A missionary from the area also wrote that Māori involved in the 'sale' had told him 'they had made a mark on some paper; but they had no idea that it was for land'. In 1838, following the death of the settler who purported to have made this purchase, his widow sold his claimed interest in the block (then estimated to contain 30,000-40,000 acres) to the Manukau and Waitemata Land Company for £500.
- 2.4. In January 1840, Lieutenant Governor William Hobson issued a proclamation stating that the Crown would not recognise the validity of any further private land purchases. Governor Hobson appointed the Old Land Claims Commission in June 1841 to investigate the validity of purchases made before that date. If the Commission found that purchases carried out before January 1840 were valid, Māori title over the whole area purchased was considered to have been extinguished, and the land would be deemed the property of the Crown. The Crown might then grant the European purchaser an amount of land (usually up to a maximum of 2,560 acres) based on the sums they had expended and other factors. The balance was retained by the Crown as 'surplus land'. Governor Hobson's proclamation also prevented Ngāti Tamaoho from entering into further transactions with settlers of their own choosing.
- 2.5. Te Tiriti o Waitangi/the Treaty of Waitangi was first signed in the Bay of Islands in February 1840. Several copies were then taken around New Zealand for further signatures, including two to Manukau and adjacent districts on the west coast of the North Island during March and April 1840. No Ngāti Tamaoho leaders signed te Tiriti o Waitangi/the Treaty of Waitangi. At one meeting in the Manukau area, several senior rangatira from other iwi refused to sign the Treaty because they felt slighted that they were among the last rangatira whose signatures the Crown had sought to obtain.
- 2.6. In 1841, the Old Land Claims Commission began to investigate the 1836 Manukau purchase. In October, the Governor sanctioned 'permissive occupancy' by settlers of a part of the Manukau land for a period of up to two years so that immigrants who had purchased sections from the Manukau and Waitemata Company, and were about to arrive in the area, would have somewhere to reside. After the two years had elapsed, land commissioners reported on the claim. They recommended that no grant be issued to the Company as the purchase had not been proved and no Māori evidence had been presented in support of the claim. In September 1844, Governor FitzRoy's Executive

Council carried out a 'special investigation' into the Company's claim. Local Māori had previously insisted that the original transaction had been for a much smaller area than the purchasers claimed in 1836. Despite uncertainty about the size of the area being transacted, the Governor issued scrip (certificate for land) worth £4,844 to seven settlers who held Manukau Company land orders, and in 1846, the Crown awarded the Company a grant of 1,927 acres.

- 2.7. The Old Land Claims Commission investigated several other pre-Treaty transactions involving Ngāti Tamaoho. In 1844, acting on the Commissioners' recommendations, the Crown granted 740 acres to Pākehā who had made claims in relation to three transactions involving Ngāti Tamaoho individuals. In a fourth claim, complexities around the subsequent death of the Pākehā grantee resulted in the Crown assuming ownership of 400 acres of land, instead of the settler to whom Ngāti Tamaoho had intended to transfer rights.
- 2.8. There were other pre-Treaty transactions in the Ngāti Tamaoho rohe that took place without the involvement of Ngāti Tamaoho, including the large 1836 Fairburn purchase. Ngāti Tamaoho did not receive payment for their interests in this block until 1851.

POST-1840 CROWN PURCHASING

- 2.9. In March 1841, Governor Hobson confirmed a site on the south shore of the Waitemata Harbour as the colony's new capital. Ngāti Tamaoho and other iwi from around the region sought to develop trading relationships with the rapidly expanding settlement and to engage with the new Pākehā economy. By September 1843, Manukau iwi, almost certainly including Ngāti Tamaoho, had cleared and planted fifty to sixty acres of forest and bush land to produce potatoes and other crops for the nearby Auckland market. The Ngāti Tamaoho rangatira Epiha Putini obtained a contract for building work in the growing settlement and arranged to sell timber to settlers.
- 2.10. In December 1841, a Crown official recommended that the Crown take 'immediate measures' to purchase land in the Manukau district, noting the quality of much of the area and its proximity to the new capital. In the following month, the first Crown purchase of south Auckland lands took place when a number of Māori sold the 9,000-acre Papakura block. Between 1848 and 1858, Ngāti Tamaoho or Ngāti Tamaoho rangatira participated in Crown purchases involving tens of thousands of acres.
- 2.11. The Crown usually justified the low prices it paid by emphasising the 'collateral' advantages of future Pākehā settlement. Ngāti Tamaoho expected that once they had transferred their land interests, they would derive economic benefits from the growth of European settlement on the land they had alienated.
- 2.12. The Crown's objective in land purchases at this time was to advance the interests of settlement by securing as much land as possible, as quickly as possible, and for as little expenditure as possible. Having purchased land cheaply, the Crown expected to subdivide and sell much of it to settlers at very much higher prices. The Crown expected that such sales would provide a major proportion of its revenue. The Crown's pre-emptive right (exercised between 1840 and 1862, apart from the brief period when pre-emption was waived in 1844) meant that if Ngāti Tamaoho wished to sell land they could only sell to the Crown.
- 2.13. The Crown often made payments to iwi and hapū groups who first offered land before investigating the rights of other groups in the land offered to it. In the Auckland area the Crown commonly made supplementary payments to other groups who later came forward or expressed opposition. The Crown did not always investigate all customary

interests in the blocks, convene hui with all right-holders in advance of purchases in order to identify relative interests, or clearly identify boundaries before negotiating with all Māori with interests in the land it was seeking to purchase. In several cases, the Crown extinguished iwi rights and interests within the Ngāti Tamaoho rohe through overlapping 'blanket' purchases of large and sometimes ill-defined areas subject to multiple claims. This could lead to tensions between iwi, especially when the Crown was seeking to purchase large blocks in which several iwi claimed interests. In late 1845, during the pre-emption waiver period, tensions between Ngāti Tamaoho and a neighbouring iwi, exacerbated by earlier Crown land purchasing practices erupted into fighting resulting in a number of deaths.

- 2.14. The Protectorate of Aborigines, established by Hobson in 1840, was tasked, among other things, with ensuring Māori land sales were conducted in a fair and equitable manner. This included ensuring all relevant customary interests were taken account of. In 1846, however, Governor Grey abolished the Protectorate of Aborigines.
- 2.15. In 1844 the Crown paid four Ngāti Tamaoho rangatira £200 for the Ramarama block. Ramarama consisted of around 15,000 acres, forming a long narrow strip stretching from the Pahurehure Inlet on the Manukau Harbour to the Waikato River near present day Mercer. In 1846, Ngāti Tamaoho signed a deed for Ramarama that involved a Crown payment of £200 in cash, bullocks, horses, a plough, a wagon and other goods. Ngāti Tamaoho wished to adopt European farming techniques, and wanted settlers to teach them how to use their bullocks to plough their land and cultivate wheat.

THE WAIVER OF CROWN PRE-EMPTION AND THE SALE OF NGĀTI TAMAHOHO LANDS

- 2.16. By 1858 the Crown had acquired about sixty per cent of the land in the south Auckland and Manukau districts west of the area known as Wairoa, located in the Hunua Ranges. This included most of the land best suited to agriculture.
- 2.17. In March 1844, Governor FitzRoy issued a proclamation conditionally waiving Crown pre-emption over certain land. This followed requests from Ngāti Tamaoho and other rangatira that they should be allowed to sell land directly to settlers, in part because this would enable them to sell small blocks as opposed to the 'large tracts' that the Crown wished to purchase. One section of the 1844 proclamation stipulated that ten per cent of the land (or tenths) from each pre-emption waiver transaction was to be set aside for public purposes, especially for the future benefit of Māori. The Crown's lifting of pre-emption allowed Ngāti Tamaoho rangatira to sell land in Remuera to settlers. They subsequently conducted around 20 pre-emption waiver sales in 1844 involving approximately 650 acres in the Remuera area.
- 2.18. On the same day as the Governor gazetted the lifting of pre-emption, he assured rangatira gathered at Government House in Auckland that the tenths set aside from each pre-emption waiver transaction would be 'chiefly applied to, your future use, or for the special benefit of yourselves, your children, and your children's children'. The Governor also indicated that revenue accruing from the tenths would be used for the construction of schools and hospitals that would further benefit Māori.
- 2.19. Governor Grey reimposed pre-emption and abandoned FitzRoy's policy of setting aside tenths reserves from pre-emption waiver transactions in 1846, almost certainly without consulting Ngāti Tamaoho or any other Māori. The Crown appointed commissioners to investigate the pre-emption waiver purchases. In cases where the Commissioners considered a transaction was supported by the vendors, and was not opposed by other iwi, the land was deemed to belong to the Crown. The Crown then had the

discretionary power to issue grants to the Pākehā claimant for all of the land involved in the pre-emption waiver transactions, or portions of it. Under the 1846 Land Claims Act, the Crown could also sell the tenths set aside from pre-emption waiver transactions to the claimant for £1 per acre if the claimant applied to purchase the additional land.

- 2.20. In 1847, a land commissioner investigated pre-emption waiver claims to Remuera lands. The Ngāti Tamaoho rangatira Wetera Te Kauae, Epiha Putini and Wata Te Hana were involved in pre-emption waiver transactions involving these lands. These rangatira supported the pre-emption waiver sales involving Remuera lands in which they had interests and the Commissioner upheld the transactions. In some cases, all or part of the tenth reserves set aside from the Remuera transactions were retained by the Crown for roads or other purposes including as a source of scoria. Most of the claimants who were permitted to purchase the tenths under the provisions of the 1846 Act took advantage of this opportunity and the additional land was included in their grants.
- 2.21. Larger blocks in South Auckland around the Manukau Harbour were also sold by various iwi, including Ngāti Tamaoho, under pre-emption waivers. The Crown did not always thoroughly investigate customary interests before approving these transactions. Larger blocks were affected by the Crown's 'surplus' lands policy. Governor Grey specified that the Crown would not grant more than 500 acres for each pre-emption waiver purchase within twenty miles of Auckland. The Crown retained the balance of purchased land as 'surplus'. Land which Ngāti Tamaoho claimed an interest in at Oruarangi was sold without their consent, and a large portion then taken as surplus by the Crown. After repeated protests by Wetera Te Kauae the Crown made a payment to Ngāti Tamaoho for their interests in the block.

NGĀTI TAMAOHO AND THE KĪNGITANGA

- 2.22. In 1844, Governor FitzRoy had described Wetera Te Kauae as 'always friendly to the Europeans' and reported that Epiha Putini, was 'one of the most promising young Christian chiefs in the country'. Epiha Putini professed his support for the Crown and for Pākehā settlers in 1845 and 1847. In 1856, he also cooperated with the authorities after a settler had allegedly been assaulted by Māori from his iwi. By the mid-1850s Ngāti Tamaoho had been reasonably successful in engaging with the emerging Pākehā economy. In addition to their land transactions, Ngāti Tamaoho had engaged in a number of commercial dealings with local settlers. At Pokeno they possessed extensive cultivations and a flour mill.
- 2.23. During the early 1850s, Māori around the North Island began to discuss establishing a Māori King. Their main aims were to achieve a form of Māori self-government and prevent further land alienation. In 1857, Wetera Te Kauae hosted a meeting at Ihumatao where prominent Waikato rangatira expressed a determination to 'suppress strife and disorder', to 'adopt and enforce laws' and for disputes to be heard before authorised tribunals.
- 2.24. Ngāti Tamaoho shared Kīngitanga aspirations, but did not believe these were necessarily incompatible with loyalty to the Crown. In 1860, a Ngāti Tamaoho rangatira helped defuse an incident which threatened to spark a major conflict between Waikato iwi and the Crown.

GOVERNOR GREY'S ULTIMATUM

- 2.25. In 1860, fighting between Crown forces and Māori broke out in Taranaki. In 1861, George Grey returned to New Zealand to replace Governor Gore Browne who had

succeeded him in 1855. The Crown was determined that Kīngitanga Māori should accept the Queen's authority and obey Crown laws. In the early 1860s, the Crown constructed a number of fortifications within the Ngāti Tamaoho rohe and in June 1862 a 'strong detachment' of British troops occupied Queen's Redoubt at Pokeno. The following May, 200 British troops were stationed at the redoubt.

- 2.26. On 9 July, 1863 Governor Grey ordered all Māori living between Auckland and the Waikato River to immediately swear an oath of allegiance to the Queen and give up their arms. Māori who refused to comply were ordered to retire south of the Mangatawhiri River or face ejection from their settlements. Between 10 July and 15 July, Resident Magistrates took the Governor's proclamation to settlements within the Ngāti Tamaoho rohe including Mangere, Pukaki, Ihumatao, Patumahoe, Tuakau, Pokeno and Pukekiwiriki. Ngāti Tamaoho people lived at Pokeno, Tuakau and elsewhere. A number of Māori failed to fully understand Grey's notice. Some interpreted it to mean that they must leave their settlements, while others believed that if they swore the oath they would be required to fight against their Waikato kin. Others were willing to cooperate but declined to give up their guns. Most Māori refused to swear the oath and indicated they would move to the Waikato. Soldiers arrived at Pokeno on 10 July and Tuakau on 12 July. The troops took possession of carts, harnesses, saws and other items at Pokeno. Many iwi and rangatira of south Auckland, including Ngāti Tamaoho, left their settlements and gathered at Pukekiwiriki, a former pā site near Papakura. Former Māori residents of Pokeno later stated that they left the settlement hastily, abandoning their property, because they feared being 'slain by the Europeans'. They insisted that they had not 'run away for the purpose of fighting the Europeans, but to save themselves from soldiers'.
- 2.27. On 11 July, troops acting without authority burnt buildings at Pokeno. There was also a report that property had been burnt at Tuakau. Over the following days troops looted further property at Pokeno. On 14 July, the Crown issued a notice that said if the reports were correct it would cause the Governor 'deep regret' and that the Crown would pay for any loss or damage of property sustained by Māori if they applied to the Native Office. However, travelling to the Native Office in Auckland would have required passing through the lines of the British troops who were massing for the invasion of Waikato, some of whom had been responsible for the looting and burning at Pokeno. Concerned by the possibility of Māori retaliating and attacking settlers, military commanders issued orders prohibiting further looting. Māori who had resided at Pokeno later attempted to obtain compensation for their property.
- 2.28. In a further proclamation, dated 11 July, 1863, the Governor asserted that Europeans had been driven from the Waikato and their property plundered, and some Waikato rangatira had been responsible for killing soldiers in Taranaki. In addition, the Governor claimed that Māori were planning to "ravage" Auckland. The Proclamation made it clear that Māori who remained armed and threatened the lives of "peaceable subjects" of the Queen would "...forfeit the right to the possession of their lands guaranteed to them by the Treaty of Waitangi...".
- 2.29. British troops crossed the Mangatawhiri River and invaded the Waikato on 12 July. Grey's Proclamation, while dated 11 July, was not gazetted until 15 July and did not appear in newspapers until the following day. Ngāti Tamaoho were not aware, when called upon to swear the oath between July 10 and 11, that a failure to do so could result in the confiscation of their remaining lands. On 14 July, a resident magistrate reported that Māori at Pokeno had not taken the oath of allegiance, having left the settlement. At the time that Ngāti Tamaoho were instructed to take the oath or retire south of the Mangatawhiri River they were not in rebellion. Ngāti Tamaoho believe that

the Crown began its war against Ngāti Tamaoho before General Cameron crossed the Mangatawhiri River.

- 2.30. Native Minister Francis Dillon Bell and Crown officials went to Pukekiwiriki on 14 July. A rangatira present indicated to a Crown agent that he had left his home because he understood Grey's 9 July Proclamation to be an order to do so. The following day, Bell urged a number of the south Auckland Māori assembled there to swear the oath of allegiance and return to their settlements. Several indicated that had they known they could have sworn the oath and remained at their homes they would have done so. Some of those gathered at Pukekiwiriki still declined to swear the oath, however, because they had been evicted from their homes without any apparent justification. A Crown official later recalled that during these meetings a rangatira present had not refused to take the oath, but had agreed to do so as soon as an authorised person came to administer it. Native Minister Bell then informed Māori at the settlement that the Governor had issued the 9 July Proclamation after being told that there was a conspiracy to attack Auckland. A number of the south Auckland Māori present denied any knowledge of this, and stated that if the Governor would identify his source they would swear the oath as they considered any plan to attack Auckland as a betrayal.
- 2.31. Governor Grey ordered the arrest of Māori present at Pukekiwiriki on 15 July. Troops advanced on Pukekiwiriki and took 23 Māori prisoners. A number of Māori, including Ngāti Tamaoho individuals, avoided capture and either remained behind General Cameron's lines in the heavily forested Hunua Ranges or joined the King in the Waikato.
- 2.32. Māori, including Ngāti Tamaoho, who had resisted the invasion from their base in the Hunua Ranges and elsewhere made their way through the British lines to join the Waikato tribes. Ngāti Tamaoho warriors were later present at the battle of Rangiriiri. Ngāti Tamaoho also took part in a number of other engagements in which Māori were killed.
- 2.33. In April 1864, nine months after the outbreak of hostilities, the final battle of the Waikato War took place and the Māori King and many of his followers, including Ngāti Tamaoho, went into exile in the King Country. Most Ngāti Tamaoho remained in the King Country for several years. Ngāti Tamaoho recall that this exile led to the loss of much traditional knowledge and *tuhonohotanga* (connections in many dimensions).

RAUPATU

- 2.34. The New Zealand Settlements Act 1863 provided for the confiscation of land belonging to Māori considered to have been in 'rebellion'. As a consequence of their involvement in the Waikato War, Ngāti Tamaoho were included among the iwi classified by the Crown as 'rebels'. In 1865, the Crown confiscated the majority of Ngāti Tamaoho's remaining land interests. The confiscated blocks included East Wairoa (58,000 acres), Waiuku North (27,350 acres) and Waiuku South (16,500) within the Ngāti Tamaoho rohe.
- 2.35. In 1926, the Crown established the Sim Commission to inquire into the raupatu. A review of the events in south Auckland leading up to 15 July 1863 led the Commission to conclude that "it is clear that a grave injustice was done to the Natives in question by forcing them into the position of rebels, and afterwards confiscating their lands". The Commission found that the Waikato confiscations were excessive, "particularly so in the case of the Mangere, Ihumatu [sic], and Pukaki Natives".

THE COMPENSATION COURT

- 2.36. Confiscated land was deemed to be Crown land, and all previous customary interests and rights were legally extinguished. The New Zealand Settlements Act and amending legislation provided for the establishment of a Compensation Court, which could make awards of land or cash to 'loyal' Māori whose land had been confiscated, and 'rebels' who submitted to the Queen's authority. On 7 April, 1865, the Crown gazetted a notice calling on the 'rebel' tribes, including Ngāti Tamaoho, to submit to the law. Those who failed to do so would not be entitled to compensation. Ngāti Tamaoho believe that no Ngāti Tamaoho accepted this invitation. Almost all Ngāti Tamaoho were considered by the Crown to be 'unsurrendered rebels' who were not eligible for compensation. The Ngāti Tamaoho rangatira, Paora Te Iwi, had not joined the King, and he was considered 'loyal' and was thus able to make claims in the Compensation Court. A newspaper reported that a Ngāti Tamaoho woman had also remained 'loyal'. Between 1865 and 1867, Paora Te Iwi was awarded 132 acres in his own right and shared in several other blocks containing 205 acres. He also received a small amount of cash compensation. He was granted land and cash as compensation for his personal interest in the land.

THE WAIUKU NO. 2 PURCHASE AND RESERVES

- 2.37. In November 1864, the Crown purchased the 68,000-acre Waiuku No. 2 block from a number of signatories including Paora Te Iwi. The boundaries of the Waiuku No. 2 block included earlier Crown purchases (some of them involving Ngāti Tamaoho) and later included the Waiuku North and Waiuku South confiscation blocks. The purchase deed named a number of reserves for individual rangatira, including a 'special' reserve of 100 acres for Paora Te Iwi.
- 2.38. In 1865, Paora Te Iwi and six others were named as trustees of the 159-acre Awhitu Native Reserve for 'loyal' Ngāti Tamaoho and another iwi. However, as the Crown considered the majority of Ngāti Tamaoho to be 'rebels' who had not surrendered, they could not benefit from the reserve land. In the same year, rangatira from other iwi were named as trustees of two reserves at Pehiakura on behalf of 'loyal' Ngāti Tamaoho and other iwi. Māori including Paora Te Iwi agreed in 1874 to have reserves at Waiuku surveyed so they could be allocated free of any trust to individuals and families. In 1876, the Crown promoted the Waiuku Native Grants Act allowing grants of land at Waiuku and Awhitu to be issued to individuals. As a result, Paora Te Iwi and other rangatira became individual owners with equal shares in 1,509 acres of former trust lands, though the Crown imposed sale restrictions on the blocks. The Waiuku Native Grants Act recorded Paora Te Iwi as a co-owner of the 82-acre Otoika reserve. The Crown removed restrictions on the alienation of the 1,000-acre block at Pehiakura, which had been awarded to trustees on behalf of Ngāti Tamaoho and other iwi, to permit the trustees to sell the land.

LAND FOR 'LANDLESS REBELS'

- 2.39. In 1867, the Confiscated Lands Act provided for former 'rebels' to have a portion of the confiscated lands returned at the Crown's discretion. In 1871, the Crown set aside a number of reserves for 'surrendered rebels'. These included 25 acres at Te Riparoa reserve for Pipi Te Ngahuru of Ngāti Tamaoho. In 1879, the Governor 'set apart' further land for individual Māori who had been in rebellion but had 'subsequently submitted to the Queen's authority'. This included 2,061 acres of land shared by individuals of Ngāti Rewha (a hapū of Ngāti Tamaoho) and Māori of other iwi and 27 acres for Pipi Te Ngahuru of Ngāti Tamaoho at Koheroa. In the 1870s, a Crown official conditionally promised Ngāti Tamaoho approximately 800 acres at Onewhero

and the Native Minister instructed a Crown official to reserve 1,940 acres for Pakahorahora, a hapū associated with Ngāti Tamaoho, at Pukeotaka on condition that they were 'sincere in returning their allegiance to Crown'. The Crown subsequently sold 200 acres of the land at Onewhero. In 1892, a Crown official informed members of Pakahorahora hapū that two blocks containing 563 acres would be reserved for them at Mangatangi. In 1926, a Native Land Court Judge considered the land at Onewhero Native Reserve (Raungawari) to be unsuitable for Māori occupation due its poor quality.

- 2.40. The Crown did not award legal titles for the land at Mangatangi until 1915 and for Raungawari until 1949. The Ngāti Tamaoho individuals occupying these blocks lived for decades in a state of great uncertainty, as they were occupying Crown land where their legal rights remained precarious. The Crown awarded the 563 acres at Mangatangi, which a Native Department official described as 'very bad' land, to 56 individuals including some Ngāti Tamaoho. The Crown also awarded the 608 acres at Raungawari to a number of Māori, including members of the iwi. The heavily fragmented titles limited the owners' ability to manage their lands and effect improvements, and contributed to much of the land (including the whole of the Raungawari block) being alienated over succeeding years. Prior to receiving title, a Crown official said that Māori at Mangatangi could not provide the necessary site for a Native School because they lacked the necessary land.

THE NATIVE LAND COURT AND INDIVIDUALISATION OF TITLE

- 2.41. While blocks like Patumahoe Reserve within the Ngāti Tamaoho rohe were confiscated by the Crown under the New Zealand Settlements Act, a number of small reserves set aside for Māori vendors during earlier Crown purchases were not confiscated and subsequently passed through the Native Land Court.
- 2.42. Growing opposition among Māori to Crown purchasing led the Crown to introduce a new system of laws governing Māori land, which it intended, amongst other things, to facilitate the alienation of Māori land for Pākehā settlement. The Native Land Court was established under the Native Lands Acts of 1862 and 1865 to determine the owners of Māori land "according to Native Custom" and to convert customary title into title derived from the Crown. It was anticipated that transforming customary Māori land ownership to individual rights under Crown title would allow land to be transferred more easily from Māori to settlers. The Crown expected that this change would eventually lead Māori to abandon their traditional communal land-holding structures, and promote their 'amalgamation' into European society.
- 2.43. Through the Native Lands Acts the Crown's pre-emptive right of land purchase was set aside, enabling individual Māori named as owners by the Native Land Court to lease and sell their lands to private parties as well as the Crown. A freehold title from the Court was necessary for Māori to sell or legally lease land or to use it as security to enable development of the land.
- 2.44. There was no consultation with Ngāti Tamaoho or any other Māori concerning the 1862 and 1865 Native Lands Acts prior to their being enacted and Māori were not represented in the New Zealand Parliament until the passage of the Maori Representation Act in 1867. The legislation did not reflect Ngāti Tamaoho's customary tenure system, which accommodated complex and fluid relationships and land and resource usages. The Native Land Court awarded titles to named individuals, who were also free to apply for investigations of title without reference to other right-holders. Ngāti Tamaoho consider this undermined the communal basis of their customary land tenure and the ability of the iwi and its hapū to manage their lands in a considered way.

Puhitahi

- 2.45. On 29 April, 1854, the Crown set aside the 142-acre Puhitahi block as a reserve from the Waiuku No. 1 Crown purchase, which was signed by Ngāti Tamaoho rangatira and individuals with affiliations to the iwi. The reserve was also included in the 11 November 1854 Whakaupoko purchase. The 1854 Whakaupoko deed specifically included Ngāti Tamaoho as vendors. In 1862, Puhitahi was recorded as a Ngāti Tamaoho reserve within the Waiuku block. The unconfiscated Puhitahi block came before the Native Land Court in 1867. During the hearing, Paora Te Iwi testified that Ngāti Tamaoho and another iwi owned Puhitahi. The Court issued a Certificate of Title for 50 acres at Puhitahi to Paora Te Iwi and three others. An individual from another iwi later succeeded to Paora Te Iwi's interests in Puhitahi, then known as Karaka Lot 68.

Whatapaka

- 2.46. In 1862, the Crown had set aside the 133-acre Whatapaka reserve from the Pukekohe block. The Crown did not confiscate the reserve and title was investigated by the Native Land Court in October 1867 (on the same day as it considered Puhitahi) after Whatapaka had been surveyed and found to contain 150 acres. During the hearing, Paora Te Iwi stated that the names on the Whatapaka grant should be the same as those on the Puhitahi grant, and that the land had been reserved for Poharama, a Ngāti Tamaoho rangatira. The Native Land Court awarded a Certificate of Title to Paora Te Iwi, Paratene Te Takake and two others from another iwi as individuals. In 1885, a Māori from another iwi succeeded to Paora Te Iwi's interest in Whatapaka, which was then officially known as Lot 64 Karaka. In 1918, a Ngāti Tamaoho individual purchased Lot 64 Karaka for £1,245.
- 2.47. The Crown's sale of lands surrounding Lot 64 Karaka led to the block becoming landlocked by the early-1930s, and its utility was severely reduced. The owners were forced to carry milk cans on their backs through an adjoining Pākehā-owned property. In 1932, the Māori owners petitioned for road access. Although the Native Affairs Committee recommended the 1932 petition should be considered by the Crown, the Minister decided that no action should be taken. In 1935, a Crown official informed the Native Minister that his department had no funds to pay for the road access. In 1937, the Waikato-Maniapoto District Māori Land Board agreed to loan the Māori owners funds for the road and two of the Māori occupiers of the block agreed to repay the loan from their milk cheques. The land was dedicated as a public road in 1938.

Purapura

- 2.48. Ngāti Tamaoho's Purapura lands straddled what had once been an important trade route on the Awaroa Stream and the block was associated with the Ngāti Tamaoho rangatira Wetera Te Kauae, Te Tuhi of the Maungaunga hapū of Ngāti Tamaoho, and his son Epiha Putini. In 1854, the approximately 2,500 acre Purapura reserve containing good quality land on the north bank of the Waikato River was excluded from the 1854 Waiuku No. 1 and Whakaupoko Crown transactions. In 1865, the Native Land Court investigated the Purapura claim. The land was awarded to an individual from another iwi and was subsequently sold in 1866.
- 2.49. In 1866, the Native Land Court conducted a title investigation into the Opuatia block in northern Waikato after it had been surveyed. The deceased Wetera Te Kauae's relatives tried to obtain redress regarding an agreement they claimed Te Kauae had reached with a rangatira from another iwi whereby the proceeds of the sale of Purapura would be used to survey Opuatia, following which Ngāti Tamaoho members would receive land from the block. In 1891, the Native Land Court considered an application

to partition Opuatia. When Ngāti Tamaoho individuals did not receive land in the block, protracted litigation, petitions, and special legislation followed.

- 2.50. In 1890, a witness from the iwi that had been awarded title to Purapura testified in the Native Land Court that the agreement required Wetera Te Kauae's Ngāti Tamaoho relative, Mere Kataraina Paepae, to receive part of Opuatia. The judge instructed the parties to come to an arrangement outside the Court, but as they could not reach a consensus the judge adjourned the case.
- 2.51. During the 1891 court hearing, a former Chief Judge of the Native Land Court testified that he was certain Purapura had belonged to Wetera Te Kauae and that his successor Mere Kataraina Paepae was entitled to land at Opuatia in settlement of the agreement. However, as Purapura had been awarded to another iwi in 1865, the judge at the 1891 hearing rejected the Ngāti Tamaoho individual's claim.
- 2.52. In 1901, Parliament enacted the Native Land Claims Adjustment and Laws Amendment Act allowing the investigation of Ngāti Tamaoho individuals' claims to money from the sale of the Purapura block. Section 5 of the Act permitted the court to investigate the claims of 'descendants' of the deceased Wetera Te Kauae in relation to the sale of the Purapura block, but he had no surviving children and therefore had no descendants. Consequently, in 1903 a Native Land Court judge rejected the claims of the Ngāti Tamaoho individuals to Purapura.

Karikako Island (Waikato River)

- 2.53. The Native Land Court also considered some blocks that had not been reserved for Māori. In 1875, the Native Land Court named Paora Te Iwi as an owner of Karikako Island in the Waikato River. Paora Te Iwi said he was Ngāti Tamaoho and gave the names of five owners including himself. Title was issued to Paora Te Iwi and the four individuals.

NGĀTI TAMAHOH LANDLESSNESS

- 2.54. Mechanisms that the Crown established to compensate those affected by raupatu or to ensure they were not left landless did not prevent Ngāti Tamaoho individuals from becoming landless. In 1900, the Crown recorded 207 people of the 'Ngatitamaoho hapu' and an associated hapū as landless. The Crown awarded Ngāti Tamaoho small blocks of land that in some cases were of poor quality.
- 2.55. By the early twentieth century, the socio-economic position of Ngāti Tamaoho was far below that of their Pākehā neighbours with many iwi members forced to adopt a migratory lifestyle. A 1900 police report noted that Māori at Mangatangi were 'in very poor circumstances' with younger Māori at the settlement making a living by digging gum. In 1906, a Crown official reported that following a potato blight Māori in Manukau were 'scattered about, working in small gangs' draining and clearing land, cutting flax for Pākehā or digging gum.
- 2.56. Ngāti Tamaoho had engaged in land transactions in the 1840s and 1850s on the understanding that European settlement in their rohe would lead to ongoing economic benefits for the iwi, including an increase in the value of any land they retained. Landlessness undermined Ngāti Tamaoho's long-term ability to profit from these expected benefits and participate in the economic success of the region. The adverse effects of landlessness on the local Māori population were particularly felt in Pukekohe, a town in the centre of the Ngāti Tamaoho rohe.

DISCRIMINATION AND POOR LIVING CONDITIONS IN PUKEKOHE

- 2.57. By the 1920s Pukekohe had become the site of an extensive market gardening industry which was a major employer for Māori in the region. In 1929, a Crown report found the accommodation available to Māori working at the Pukekohe gardens was 'disgraceful', overcrowded and unsanitary. A report prepared by the Borough Health Inspector in the same year described the homes of these workers as 'shacks', with "no privy accommodation, or sanitary conveniences and no suitable water supply... no floors and are not weather proof and have no proper means of ventilation or lighting". Conditions had not improved when a Māori Welfare Officer visited Pukekohe in 1931. This inadequate and unsanitary housing had an effect on Māori health and, in 1931, it was reported that as many as seventy per cent of Māori living in the district had tuberculosis.
- 2.58. The effects of poverty on Māori were compounded by racism and discrimination from members of the Pākehā community. The Crown did not encourage such discrimination, although nor was it proscribed, and at times Crown officials sought to mitigate its effects. Crown attempts to solve Māori housing problems by building new homes for Māori in Pukekohe were opposed by the Borough Council and some Pākehā residents, who feared Māori neighbours would lower the value of their own properties. In 1943, the Pukekohe Primary School Committee wrote to the Education Board and requested the establishment of a separate Māori school in the area. They expressed concern about the difference in age between Pākehā and Māori pupils at the school and poor Māori attendance, and believed that a native school could better meet the needs of the Māori students. A school inspector then visited the school. He found that Māori attendance was low, but that the school had 'shown little interest in the Maori people', and believed the school was attempting to push out its Māori students rather than take responsibility for their wellbeing.
- 2.59. Although the inspector opposed the establishment of a Native school, members of the community continued to push for one. In 1945, the Education Department reported that the school was already imposing a certain degree of segregation on its students. Separate toilets were provided for Māori students, and Māori were only allowed to use the school pool immediately prior to the water being changed. The school bus driver was also reported to attempt to keep the Māori and Pākehā students on opposite sides of the bus.
- 2.60. In 1944, the Native Minister and the Minister for Education met with the Pukekohe Maori Tribal Committee. A committee member told the ministers that they also wanted a separate Māori school for Pukekohe, as the lack of 'friendly feeling' between Māori and Pākehā in the area led Māori children to 'feel they are not wanted and stay away'. The Tribal Committee repeated their requests for a Native school in 1946.
- 2.61. Following political pressure from both the Māori and Pākehā communities, the Crown established the Pukekohe Maori School in 1952. It was initially thought that the new school could become a 'rallying point' for the revitalisation of local Māori culture and identity. However, racial prejudice within the community continued to impact Māori education. In 1954, the Maori Schools Officer reported that there was trouble staffing the new Māori school as Māori teachers were unable to find nearby accommodation, a fact he attributed to the 'racial problem' in the town. In 1964 the Department of Education recommended that the Pukekohe Maori School no longer remain a Māori school, in part because it found that it 'encouraged segregation'.
- 2.62. In 1961, a newspaper reported on the discrimination that Māori still experienced in Pukekohe, with local businesses such as hairdressers and bars refusing to serve Māori

and the local cinema only allowing Māori to sit in the certain parts of the theatre. It was not until 1971 that the Crown enacted legislation to prevent racial discrimination.

ENVIRONMENTAL ISSUES

- 2.63. Ngāti Tamaoho have always relied heavily on a wide range of mahinga kai and natural resources, utilising the sea, coastal areas, rivers, lakes, swamps and forests for their own use and for trade with other iwi. Resources were strictly controlled and managed in accordance with tribal tikanga. Ngāti Tamaoho were kaitiaki of these resources, and this role was central to their identity and the exercise of their rangatiratanga.
- 2.64. Close Pākehā settlement and colonisation resulted in significant modification of the natural landscape, waterways and flora and fauna within the Ngāti Tamaoho rohe, particularly after the war when confiscated land became available for settlement. Ngāti Tamaoho did not foresee the nature and extent of these changes, or their consequences for the tribal economy, when they first engaged in land dealings in the 1840s and 1850s.
- 2.65. From the 1850s, land and resource management was dealt with at the local level within the Ngāti Tamaoho rohe by an array of local bodies, including provincial councils, county and borough councils, drainage boards, river boards, catchment boards, harbour boards and acclimatisation societies. The Crown delegated some of its power and responsibilities to these local bodies, but failed to ensure that they considered Māori values and aspirations or protected Māori interests. Landless non rate-paying Ngāti Tamaoho were not represented on the local bodies and were completely excluded from decision-making processes.
- 2.66. Pākehā settlement had a significant impact on the environment. Many swamps were drained and forests cleared. There was awareness of the potential for large-scale forest and bush clearance that took place in the 1860s causing flooding, erosion and a reduction in water depth as well as impacting on native bird species, but this did not result in measures to preserve forest areas until early in the twentieth century. The Crown's primary focus was on economic development rather than preserving the environment.
- 2.67. In 1867, Parliament passed legislation that encouraged the establishment of acclimatisation societies that began introducing fish species and game animals on a large scale for sporting purposes with little consideration of their environmental impact. This had severe consequences for native flora and fauna with some native species, including eels, identified as vermin requiring extermination. The legislation impacted on Ngāti Tamaoho, given their lack of land and increasingly heavy reliance on mahinga kai.
- 2.68. Environmental change and pollution ultimately resulted in the degradation of wetlands, rivers, streams and lakes within the Ngāti Tamaoho rohe. Ngāti Tamaoho access to mahinga kai and natural resources, and their ability to fully exercise their kaitiakitanga and manaakitanga, were adversely affected. Subsequent conservation measures further limited the ability of Ngāti Tamaoho to access and use traditional resources.
- 2.69. Environmental damage and degradation has continued until recent times. The vast Whangamarino wetland - confiscated in 1863 - remained largely untouched by development for a considerable time. In 1956, the Crown promoted the establishment of the Waikato Valley Authority. Although Crown agencies protected some areas of the Whangamarino wetland, during the 1970s and well into the 1980s the Waikato Valley Authority effected significant changes to Whangamarino. Large areas were drained for

agricultural development, and other parts were heavily modified in connection with managing the Waikato River. Some wetland areas were reclaimed using waste dumped from the nearby Kopuku opencast coal mine.

- 2.70. The Hunua Ranges were identified as a possible future water supply area for Auckland. This protected the environment of the upper catchment of the Mangatangi Stream and Mangatawhiri River for a time, but the construction of Cosseys dam in 1955, Hays Creek dam in 1963, Upper Mangatawhiri dam in 1965, Wairoa dam in 1975 and the Mangatangi dam in 1977 had a significant environmental impact and resulted in the submersion of areas above the dams.
- 2.71. Below the protected water supply catchment areas, the Mangatangi Stream and Mangatawhiri River were also modified and polluted as a result of land development, river control and drainage works. The Mangatangi Stream was also affected by shingle extraction.
- 2.72. Significant modification of these waterways went on until at least 1979 in connection with the Mangatawhiri Drainage Scheme. The dams and river modifications affected the river fisheries, particularly eels, and impacted on Ngāti Tamaoho.

- 2.73. I takea mai te whakaaetanga a te Karauna me tōna whakapāha ki a Ngāti Tamaoho kei te wāhanga 3, i ēnei tātai kōrero.

NGĀ WHAKAWHITINGA O MUA I TE TIRITI ME TE KŌMIHANA MŌ NGĀ KERĒME WHENUA TAWHITO

- 2.74. I waenga i ngā tau 1836 me 1840, arā, te tau i hainatia ai te Tiriti o Waitangi/the Treaty of Waitangi ka puta te whakaae a ētehi o ngā rangatira o Ngāti Tamaoho rangatira ki ētehi whakawhitinga whenua ki ngā mihingare me ngā manene, e wātea ai ngā huarahi hokohoko rawa, arumoni hoki, ki te iwi. He tino wāhi nui ēnei whakawhitinga whenua nō ngā tikanga akiaki i ngā kaihokohoko o Ūropi me ngā mihingare kia noho tūturu ki te rohe o Ngāti Tamaoho.
- 2.75. I te tau 1836, i haere tētehi whakawhitinga ki tētehi manene, nāna te kerēme i hokona e ia ētehi whenua 50,000 eka te rahi, i te pūaha o Manukau. Ko te rangatira nei ko Wetere Te Kauae o Ngāti Tamaoho tētehi o ngā kaihaina ki te tīti o 1836. E ai ki tētehi o ngā kaihoko, i ngā tau o muri mai, i tūtohutia tēnei whenua rahi ki ngā tāngata o Ūropi hei whakaahua noa iho i tino rahi o ngā whenua katoa o ngā kaihoko, heoi anō nei tō rātou hiahia, kia whakawhitia ngā pānga ki tētehi wāhi iti noa, i te takiwā o te tāone o Cornwallis o ēnei rā. I tuhi hoki tētehi mihingare nō taua rohe, nā ngāi Māori i whakauru atu ki te 'hoko' i kī ki a ia, 'i tuhia he tohu ki tētehi pepa; engari kāore kau rātou i mārama he tohu mō tētehi whenua.' I te tau 1838, i muri i te matenga o te manene i kī rā ia nāna tēnei hoko, ka hokona ōna pānga ki taua poraka e tana pouaru (i matapaetia i taua wā 30,000-40,000 eka kei roto) ki te Manukau and Waitemata Land Company mō tētehi £500.
- 2.76. I Hānuere 1840, nā Rūtene Kāwana Wiremu Hōpihana i whakaputa tana pānui e kore te Karauna e whakaae kia whakamanaia ētehi atu hoko whenua tūmataiti. Ka tohua e Kāwana Hōpihana te Kōmihana mō ngā Kerēme Whenua Tawhito i te Hune 1841 hei tūhura i te whāinga mana o ngā hoko i mua atu i taua wā. Me i kitea e te Kōmihana he whai mana ngā hoko o mua atu o te Hānuere 1840, i whakaarotia kua weto katoa te taitara Māori tuku iho ki te katoa o te rohe i hokona, ā, ka kīa aua whenua he rawa nō te Karauna. I reira ka karātitia pea e te Karauna ki te kaihoko Pākehā tētehi rahinga whenua (mō te nuinga tae atu ki te rahinga rawa 2,560 eka) i runga anō i ngā moni i whakapaua me ētehi atu āhuatanga. Ka puritia tētehi atu wāhanga, te toenga, e te Karauna hei 'whenua toenga'. Nā ngā pānui a Kāwana Hōpihana i aukati te hoko whenua a Ngāti Tamaoho ki ētehi atu manene, me i hiahia te iwi ki te hoko whenua ki aua manene.
- 2.77. Ko ngā hainatanga tuatahi i te Tiriti o Waitangi/the Treaty of Waitangi i whakapiria atu ki te pukapuka i te Pēwhairangi i Pēpuere 1840.
- 2.78. I haria haeretia ētehi kape ki ngā tōpito o Aotearoa ki hainatia anō, ā, e rua i haria ki Manukau me ētehi atu takiwā i te tai hauāuru o Te Ika a Māui i Māehe me Āperira 1840. Kāore he rangatira o Ngāti Tamaoho i haina i te Tiriti o Waitangi/the Treaty of Waitangi. I tētehi hui i te takiwā o Manukau, i huri tuarā ētehi rangatira mātāmua ki te haina i te Tiriti nā te mea, ki a rātou i whakaitingia rātou nā te waiho i a rātou hei mutunga rawatanga o ngā rangatira kia whāia ā rātou hainatanga e te Karauna.
- 2.79. I 1841, ka tīmata te wherawhera a te Kōmihana mō ngā Kerēme Whenua Tawhito i te hoko o Manukau i te tau 1836. I Oketopa i taua tau anō, ka whakaae te Kāwana ki tētehi tikanga i kīa rā he 'noho i runga i te whakaae' mō tētehi wāhi o ngā whenua o Manukau, tae atu ki te rua tau te roa kia āhei ai ngā manene kua hokona e rātou ētehi tekiana i te Manukau and Waitemata Company, te noho i taua takiwā. Ka taka te rua tau, ka whakahoki pūrongo mai ngā kaikōmihana whenua mō te kerēme. Ka tūtohu

rātou kia kaua e whakawāteatia he karāti ki te Kamupene nā te mea kāore anō te hoko kia whakamanaia, kāore hoki i tāpaea mai he taunaki Māori hei tautoko i te kerēme. I te marama o Hepetema 1844, ka kawea e te Kaunihera Whakahaere a Kāwana Pitiroi tētehi 'wherawhera motuhake' ki te kerēme a te Kamupene. Kua roa ngā tāngata Māori o te takiwā e kī ana he tino iti iho te whakawhitinga taketake i tā ngā kaihoko mai i kī ai i te tau 1836. Ahakoa he rehurehu ngā whakaaro mō te rahi o te whenua e whakawhitia ana, ka whakaputaina e te Kāwana he 'scrip' (he tiwhikete mō te whenua), tōna wāriu £4,844 ki ētehi manene tokowhitu pupuri i ētehi ōta whenua nā te Manukau Company, ā, i te tau 1846, ka whakawhiwhia e te Karauna tētehi karāti mō te 1,927 eka ki te kamupene.

- 2.80. I wherawheratia hoki e te Kōmihana mō ngā Kerēme Whenua Tawhito ētehi atu whakawhitinga whenua kei roto rā a Ngāti Tamaoho.
- 2.81. I runga anō i ngā whakahau a te Kaikōmihana, i te tau 1844 ka karātia e te Karauna tētehi 740 eka ki ētehi Pākehā kua tahuri ki te mahi kerēme mō ētehi whakawhitinga e toru kei roto rā ētehi tāngata o Ngāti Tamaoho. I tētehi kerēme tuawhā, i ara ake ētehi uauatanga i muri i te matenga o te Pākehā whiwhi i aua whenua, ko te tukunga iho ka riro te mana o tētehi 400 eka o taua whenua i te Karauna, kāore kē i riro atu ki te manene i hiahia rā a Ngāti Tamaoho ki te whakawhiti i ngā mōtika.
- 2.82. Arā atu ngā whakawhitinga o mua atu i te Tiriti i te rohe o Ngāti Tamaoho kāore i whakaaetia e Ngāti Tamaoho, ko tētehi ko te hoko a Fairburn i 1836. Kāore kē a Ngāti Tamaoho i whiwhi utu mō ō rātou pānga taea noatia te tau 1851.

NGĀ HOKO WHENUA A TE KARAUNA I MURI I 1840

- 2.83. I te marama o Māehe 1841, ka whakapūmautia e Kāwana Hōpihana tētehi papa kāinga hōu i te takutai whaka-te-tonga o Waitematā hei tāone matua mō te koroni. I te whai a Ngāti Tamaoho me ētehi iwi huri noa i te rohe ki te whakahoa atu ki ngā kaihokohoko o te hunga manene kua waipuke anō te haere mai, me te mahi tahi ki te ao ōhanga o te iwi Pākehā.
- 2.84. Tae tonu ki te marama o Hepetema 1843, kua oti tētehi rima tekau ki te ono tekau eka whenua ngahere, mauwhā hoki te waere e ngā iwi o Manukau, kāore e kore ko Ngāti Tamaoho tētehi. I waerea ai hei whakatupu taewa, me ērā atu kai mō te māketete i Tāmakimakaurau i kō tata atu.
- 2.85. Ka riro i te rangatira o Ngāti Tamaoho i a Epiha Putini tētehi kirimana mō ngā mahi waihanga whare i te kāinga hōu, ā, nāna hoki i whakarite tikanga hei hoko rākau ki ngā manene noho mai.
- 2.86. I Tīhema 1841, ka puta te tūtohu a tētehi āpiha o te Karauna kia tahuri te Karauna ki te 'kōkiri inamata' i te hoko whenua i te takiwā o Manukau, i runga i te titiro ki te momona o te whenua me tōna tata ki te tāone matua hōu. I te marama tonu i muri mai, ka oti ngā hoko tuatahi o ngā whenua o te tonga o Tāmakimakaurau, i te hoko a ētehi Māori i te poraka o Papakura, 9,000 eka te rahi. I waenga i ngā tau 1848 me 1858, ka whakauru a Ngāti Tamaoho, ōna rangatira rānei ki ngā hoko a te karauna, e whia tekau mano eka te rahi.
- 2.87. Mō te nuinga he kaha tonu te Karauna ki te kauwhau i ngā painga 'hua mai i te taha' ka puta ake ki te Māori, i muri i te nohonga mai o te Pākehā hei raurangi. Ko te tūmanako i waenga i a Ngāti Tamaoho, hei te whakawhitinga o ō rātou pānga whenua, tērā tonu ngā painga ōhanga ka taka mai ki a rātou i te tupunga o ngā kāinga Pākehā i runga i ngā whenua kua tukua atu e rātou ki te tangata kē.

- 2.88. Ko te whāinga a te Karauna i roto i ngā hoko whenua o aua wā he kawē whakamua i ngā āhuetanga e tere ai te nohonoho mai o te hunga tauhou, mā te hoko i te tino horanga whenua ka taea, i roto i te wā poto rawa, mō te utu iti rawa atu ka taea te whakarite. Kua hokona ngā whenua mō te utu iwi rawa, nā reira ko te tūmanako o te Karauna kia hokona te nuinga ki ngā manene mō tētehi utu tino nui noa atu. I tūmanako te Karauna kia puta mai te nuinga o āna moni hua i aua momo hoko. Te tikanga ia o te mōtika hoko tōmua o te Karauna, kotahi anō te hunga ka whakaaetia kia hoko whenua i a Ngāti Tamaoho, ko te Karauna tonu. I whakamahia taua mōtika i waenga i 1840 me 1862, hāunga tētehi wā poto i whakatārewatia atu te mōtika hoko tōmua, i te tau 1844.
- 2.89. Te mahi ia a te Karauna he utu moni ki ngā iwi me ngā hapū i tāpae tuatahi i te whenua ki a ia, arā, kāore i tahuri ki te wherawhera i ngā take whenua o ētehi atu rōpū whai pānga ki aua whenua i tāpaetia rā. I te rohe o Tāmaki-makaurau i auau anō te tāpae moni tāpiri a te Karauna ki ētehi atu rōpū i puta mai i muri ki te kōrero, i whakahē rānei ki aua hoko. Kāore te Karauna i wherawhera i ngā pānga tuku iho katoa ki aua poraka, kāore i karanga nui ki te hunga whai take i mua i aua hoko hei tautohu i ngā pānga o tēna, o tēnā, kāore hoki i āta tautuhi i ngā whaitua o ngā whenua i mua i tana kōrerotanga ki a ngāi Māori katoa i whai pānga ki ngā whenua i hiahia rā te Karauna ki te hoko. I ētehi wā, ka whakawetohia e te Karauna ngā mōtika me ngā pānga o te iwi i roto i te rohe o Ngāti Tamaoho, nā ngā hoko, 'maka paraikete' ki runga i ētehi rohe nui, rehurehu tonu ngā whaitua, me te tini o ngā kerēme mō aua whenua. Nā konei ka tauwehe te iwi, otirā mō ngā poraka tino nui rawa i whāia e te Karauna he maha ngā iwi kei roto, he nui hoki te tauwhāinga o aua iwi, ka tino tauwehe. I te wā o te tuku i te mōtika tōmua, i ngā marama whakamutunga o 1845, ka pakaru mai ngā tauwhāinga i waenga i a Ngāti Tamaoho me tētehi iwi i te taha, otirā nā ngā tikanga hoko whenua a te Karauna i tino kino rawa ai te kiriweti, me te matemate anō o te tangata.
- 2.90. I whakatūria te Tari Tiaki i te Iwi Taketake e Hōpihana i te tau 1840. Ko ētehi o ngā mahi i utaina ki runga i taua tari he whakaputa kaha kia kawea ngā hokonga whenua i runga i te tikanga tapatahi, ōrite hoki mō ngā taha katoa. Tētehi wāhi o ēnei āhuetanga he whai kia tutuki katoa ngā pānga tuku iho o ngā rōpū katoa. Kāti, i te tau 1846, ka whakahoroa e Kāwana Kerei te Tari Tiaki i te Iwi Taketake.
- 2.91. I 1844 ka utu e te Karauna tētehi £200 ki ētehi rangatira tokowhā o Ngāti Tamaoho mō te poraka o Ramarama. Ko te poraka o Ramarama he 15,000 eka te rahi, he wāhanga whenua whāiti tonu, tīmata mai i te pūaha o Pāhurehure i te whanga o Manukau, toro atu ki te awa o Waikato, tata ki te tāone o Mercer i ēnei rā. I te tau 1846, ka hainatia e Ngāti Tamaoho tētehi tīti mō Ramarama i utua ai e te Karauna tētehi £200 moni wātea, ā, he ōkiha, he hōiho, tētehi parau, tētehi wākena me ētehi atu rawa tētehi wāhi o te utu. Ko te hiahia o Ngāti Tamaoho he tango ake i ngā tikanga ahuhū whenua a te Pākehā, kia ākona hoki rātou e ngā manene me pēhea te whakamahi ōkiha hei parau i te whenua, hei whakatupu hoki i te witi.

TE TUKU I TE MŌTIKA HOKO TŌMUA A TE KARAUNA ME TE HOKONGA O NGĀ WHENUA O NGĀTI TAMAHOHO

- 2.92. Ka tae nei ki te tau 1858 kua oti te hoko e te Kāwantanga te ono tekau ōrau o ngā whenua i ngā rohe o Tāmaki-kī-te-tonga me Manukau, i te hauāuru o te takiwā o Wairoa, ko ēnei whenua kei te pae maunga o Hunua. Kei roto i tēnei hoko te nuinga o ngā whenua papai mō te whakatō kai.
- 2.93. I te marama o Māehe 1844, ka whakaputaina e Kāwana Pitiroi tāna pānui tuku, i raro i ētehi here, te mōtika hoko tōmua a te Kāwana i ētehi whenua. Nō muri tēnei i ngā tono a Ngāti Tamaoho me ētehi atu rangatira kia āhei rātou te hoko hāngai atu i te whenua

ki ngā manene, i runga i te whakaaro, mā konei e taea ai e rātou te hoko poraka moroiti, hāunga ngā “wāhanga whenua whānui” i hiahia rā te Karauna ki te hoko. Tētehi wāhanga o te pānui o 1844 he whakahau kia rāhuitia tētehi tekau ōrau (he tekau) o ngā whenua o ia whakawhitinga o mua i te tuku mōtika tōmua, hei painga mō te katoa hei raurangi, otirā hei painga mō te iwi Māori te whakaaro nui. Nā te hikinga a te Karauna i te mōtika hoko tōmua a te Karauna i āhei ai ngā rangatira o Ngāti Tamaoho te hoko whenua ki ngā manene i Remuera. Nō muri ka kawea e rātou ētehi hoko tuku mōtika tōmua tata pea ki te 20 i 1844, ā, ko aua whenua i te takiwā o Remuera, he 650 eka te huinga.

- 2.94. I taua rangi anō o te whakatārewatanga a te Kāwana i te mōtika hoko tōmua, ka puta tāna kī taurangi ki ngā rangatira i te hui i te Whare a Te Kāwana i Tāmaki-makaurau mō ngā tekau ka rāhuitia i ia hokonga tuku mōtika hoko tōmua, arā, ko tana kī ka ‘whakahāngaitia aua tekau ā tōna wā hei painga mō koutou motuhake, mō ā koutou tamariki, hei painga hoki mō ngā tamariki a ō tamariki.’ I puta hoki te kōrero a Te Kāwana ko ngā hua ka puta ake i ngā tekau, ka whakamahia hei hanga kura, hei hanga hōhipera hoki, hei painga mō te iwi Māori.
- 2.95. Nā Kāwana Kerei i whakahoki te mōtika hoko tōmua me te whakarere i ngā kaupapa rāhui i ngā tekau a Kāwana Pitiroi i te tau 1846, me tana kore i kōrero tahi ki a Ngāti Tamaoho me ētehi atu tāngata Māori i te tuatahi. Kātahi ka tohua e te Karauna ētehi kaikōmihana hei wherawhera i ngā hoko i raro i te tukunga mōtika hoko tōmua. Mō ngā hoko i whakaarotia e ngā kaikōmihana i tautokona ngā hoko e ngā kaihoko, ā, kāore hoki i whakahētia e ētehi atu iwi, i kīa nō te Karauna motuhake te whenua. Ka riro i reira mā te Karauna e whiriwhiri mehemea ka whakaputa karāti ia ki ngā kaikerēme Pākehā mō te katoa o ngā whenua i roto i ngā hoko tuku mōtika tōmua, mō ētehi wāhanga rānei. I raro i te Ture Kerēme Whenua 1846, i āhei te Karauna te hoko i ngā tekau i rāhuitia i ngā whakawhitinga tōmua ki te kaihoko mō te £1 mō ia eka, me i tono te kaitono kia hokona mai e ia te whenua tāpiri.
- 2.96. I 1847, i wherawheratia e tētehi kaikōmihana whenua ngā kerēme i raro i te tuku i te mōtika hoko tōmua mō ngā whenua i Remuera. Ko ngā rangatira o Ngāti Tamaoho i whai wāhi ki aua whakawhitinga tuku mōtika hoko tōmua mō ēnei whenua ko Wetere Te Kauae, rātou ko Epiha Putini, ko Wata Te Hana.
- 2.97. I tautoko ēnei rangatira i ngā hokonga i raro i te tuku mōtika hoko tōmua kei roto nei ngā whenua o Remuera i whai pānga ai rātou ki roto, ā, i tautokona aua whakawhitinga e te Kaikōmihana. Mō te nuinga, i puritia te katoa, tētehi wāhi rānei o ngā rāhui tekau mai i ngā whakawhitinga whenua o Remuera e te Karauna mō ngā rori me ērā atu kaupapa, hei keringa rangitoto hoki. Ko te nuinga o ngā kaikerēme i whakaaengia kia hoko i ngā tekau i raro i ngā whakaritenga o te Ture o 1846 i peke ki te tango i tēnei tika ki te hoko, ā, i tāpiritia hoki ngā whenua tāpiri ki ō rātou karāti.
- 2.98. Tērā anō hoki ngā poraka nui kē atu i te tonga o Tāmaki-makaurau i te taha o te whanga o Manukau i hokona e ētehi iwi, tae atu ki a Ngāti Tamaoho, i raro i ngā tuku mōtika hoko tōmua. Kāore te Karauna i āta wherawhera mārire i ngā pānga tuku iho ki aua whenua i mua i tāna whakamana i ēnei whakawhitinga. I pāngia ngā poraka whenua nui kē atu e te kaupapa ‘toenga whenua’ o te Karauna. Nā Kāwana Grey i whakawhāiti te kaupapa, arā, e kore te Karauna e karāti neke atu i te 500 eka mō ia hoko tuku mōtika hoko tōmua mēnā he iti iho i te rua tekau maero i Tāmaki-makaurau te tawhiti. I puritia tētehi wāhanga o ngā whenua o te Karauna hei ‘toenga’. I hokona ētehi whenua i Oruarangi, ahakoa he pānga tō Ngāti Tamaoho ki te whenua, ā, kāore i whakaae kia hokona. I muri ka tangohia tētehi wāhanga nui hei toenga e te Karauna. He maha ngā whakahē a Wetere Te Kauae i muri, ā, ka utua e te Karauna tētehi pūtea ki a Ngāti Tamaoho mō ō rātou pānga ki te poraka.

KO NGĀTI TAMAOHO ME TE KĪNGITANGA

- 2.99. I te tau 1844, i puta te whakaaro a Kāwana Pitiroi mō Wetere Te Kauae, i kī, 'koia tētehi e whakahoa tonu nei ki te iwi Pākehā' me tana kōrero hoki mō Epiha Putini, 'tētehi o ngā tino rangatira taitama Karaitiana i te motu katoa, he nui ngā mahi ka oti a ia ā tōna wā'. I whakaputaina e Epiha Putini tāna tautoko i te Karauna me ngā manene Pākehā i te tau 1845 me 1847. I te tau 1856, i mahi tahi anō ia ki ngā mana i muri i te tukinga a tētehi manene e tētehi Māori o tōna iwi anō. Nō ngā tau i te takiwā o 1855 he nanakia tonu te whakauruuru a Ngāti Tamaoho ki te ōhanga Pākehā i te tupu haere i te motu. I tua atu i ā rātou whakawhitinga whenua, kua urutomo a Ngāti Tamaoho ki ētehi kaupapa arumoni i te taha o ngā manene o te rohe. He māra kai māhorahora, he mira parāoa hoki tō rātou i Pōkeno.
- 2.100. I ngā tau tuatahi mai i 1850, ka tīmata te kōrero nui a te Māori huri noa i te Ika-a-Māui mō te whakatū Kīngi Māori. Ko ngā whāinga matua i taua wā he whakatū tikanga whakahaere motuhake mā te Māori, he aukati hoki i te rironga o te whenua. I te tau 1857, ka karangatia e Wetere Te Kauae tāna hui ki Ihumātao i whakaputa ai ngā rangatira nunui o Waikato i tō rātou hiahia kia 'pēhia atu te whawhai me te raruraru', me te hiahia kia rapua he kaupapa hei 'whakamana, kia hāpai hoki i ētehi ture', ā, kia rangona hoki ngā tautohe i mua i ētehi rūnanga whakawā.
- 2.101. I whakaae a Ngāti Tamaoho ki ngā wawata o te Kīngitanga, engari kāore i tino whakapono ka taupatupatu aua wawata ki te piripono o te iwi ki te Karauna. I te tau 1860, ka āwhina tētehi rangatira o Ngāti Tamaoho hei takawaenga i roto i tētehi tautohe nui, te mutunga iho kīhai ngā iwi o Waikato me te Karauna i whawhai i taua wā tonu.

TE WHAKAHAU A KĀWANA KEREI

- 2.102. I te 1860, ka toro te pakanga i waenga i ngā hōia a te Karauna me te iwi Māori i Taranaki. I te tau 1861, ka hoki mai a Kāwana Hōri Kerei ki Aotearoa hei kaiwhakakapi mō Kāwana Koa Parāone, mō te tangata nāna i piki ki tana tūranga i te tau 1855. Kotahi anake te hiahia a te Karauna, kia whakaae a ngāi Māori tautoko i te Kīngitanga ki te mana o te Kuīni kia tāpapa hoki ki raro i ngā ture a te Karauna. I ngā tau tuatahi mai i 1860, ka hangaia e te Karauna ētehi maioro i roto i te rohe o Ngāti Tamaoho, ā, i Hune 1862 ka puta mai tētehi 'ope tino mārohirohi' arā, ngā hōia o Ingarangi, ka noho ki te Maioro o Te Kuīni i Pōkeno. Ka tae tēnei ki te marama o Mei i muri mai, e 200 ngā hōia o Ingarangi i te noho i te maioro nei.
- 2.103. I te 9 Hūrae 1863, ka puta te whakahau a Kāwana Kerei ki a ngāi Māori katoa i waenga i Tāmaki-makaurau me te awa o Waikato kia oati pūmau i tō rātou piripono ki te Kuīni, kia whakahekea ā rātou pū. Ko te hunga Māori kīhai i whakaae i whakahaua kia hoki whaka-te-tonga o te awa o Mangatawhiri, ki te kore, ka panaia i tō rātou pā. I waenga i te 10 Hūrae me te 15 Hūrae, ka kawea e ngā Kaiwhakawā Takiwā te whakahau a te Kāwana ki ngā kāinga i roto i te rohe o Ngāti Tamaoho, arā, ki Māngere, ki Pūkaki, ki Ihumātao, ki Patumāhoe, ki Tuakau, ki Pōkeno me Pukekiwiriki. I te noho ngā tūngata o Ngāti Tamaoho i Pōkeno, i Tuakau me ērā atu wāhi. Tērā ētehi tūngata Māori kāore i āta marama ki te pānui a Kerei. Ko te whakamāori a ētehi i ngā kōrero o roto, i pōhēhē me wehe atu rātou i tō rātou kāinga, ā, ko ētehi i whakapono me i oati rātou pērā i ngā kupu o te pānui, ka herea rātou kia whawhai ki tō rātou whanaunga o Waikato. Ko ētehi i whakaae ki te pānui, ko ētehi kāore i whakaae ki te tuku i ā rātou pū. Ko te nuinga o ngāi Māori i whakakāhore i te oatitanga, me te kī ka nuku atu rātou ki Waikato. I tae atu ngā hōia ki Pōkeno i te 10 Hūrae, ā, ka tae ki Tuakau i te 12 Hūrae. Ka tangohia e ngā hōia ngā kāta, ngā paraire hōiho, ngā kani me ētehi atu rawa i Pōkeno. He maha ngā iwi me ngā rangatira o te tonga o Tāmaki-makaurau, tae atu ki a Ngāti Tamaoho i wehe

atu i ō rātou pā me te hui ki Pukekiwiriki, tētehi pā tawhito tata ki Papakura. I puta te kī a ngāi Māori o Pōkeno i wehe atu rātou i te kāinga i runga i te ohorere, me te whakarere i ā rātou rawa, nā te mea i te wehi rātou 'kei patua rātou e te Pākehā'. E ai ki ā rātou kōrero 'kāore kau rātou i oma atu ki te whakatika i a rātou mō te whawhai ki te Pākehā, engari kia ora ai rātou i ngā hōia.'

- 2.104. I te 11 Hūrae, i pokanoa te haere mai o ngā hōia ki te tahutahu i ngā whare i Pōkeno. I hoki mai tētehi pūrongo kua wera tētehi whare i Tuakau. I ngā rā whai i muri ka whānakotia e ngā hōia ētehi o ngā rawa i Pōkeno. I te 14 Hūrae, ka puta te pānui a te Karauna e kī ana mehemea he pono ngā pūrongo ka 'tino pouri rawa atu' te Kāwana, ā, ka utu te Kāwana i ētehi kāpiheihana mō ngā taonga a ngāi Māori i ngaro i pakaru rānei, ina tono rātou ki te Tari Māori kua utua. Engari, ki te hiahia te tangata i taua wā ki te haere ki te Tari Māori i Tāmakimakaurau kua mate ia ki te haere mā roto i te tini o ngā hōia o Ingarangi i te huihui mai mō te whakaekenga o Waikato, ā, nā ētehi tonu o rātou a Pōkeno i pāhua, nā rātou hoki i tahu ngā whare. I runga i te āwangawanga, kei whakahoki ngāi Māori i te riri, kei whakaeke hoki i ngā manene noho tuawhenua, ka whakaputaina e ngā āpiha o te ope hōia ā rātou whakahau kia whakamutua te pāhua. I whakamātau ngāi Māori o Pōkeno i ngā tau o muri mai te kimi kāpiheihana mō ā rātou rawa.
- 2.105. I roto i tētehi atu pānui, o te 11 Hūrae 1863, ka puta te kī a te Kāwana kua panaia atu ētehi Pākehā i roto i Waikato, kua murua hoki ā rātou rawa, ā, ko ētehi rangatira Māori o Waikato i whakauru ki ngā mahi patu hōia i Taranaki. I tua atu i tērā, ka puta te kī a te Kāwana ko te whai a ētehi Māori he "whakaeke" i Tāmakimakaurau. He marama tonu ngā kōrero a te Pānui ko ngāi Māori i pupuru tonu i ā rātou pū, i whakatumatuma kia whakamatea ngā "tāngata o raro i te Kuīni āta noho i roto i te rangimārie" ka "...tino raruraru tō rātou mōtika kia noho ki ō rātou whenua kua kīa taurangitia ka noho pūmau ki a rātou i raro i te Tiriti o Waitangi...".
- 2.106. I whakawhiti ngā hōia i te awa o Mangatawhiri ki te huaki i Waikato i te 12 Hūrae. Ahakoa i tohua te Pānui a Kerei ki te rā 11 Hūrae, kāore i kāhetitia kia tae rā anō ki te 15 Hūrae, ā, nō te aonga ake rā anō kātahi anō ka puta i ngā niupepa. Kāore a Ngāti Tamaoho i te mārāma, i te karangatanga atu ki a rātou kia oati pūmau i waenga i te 10 me te 11 o Hūrae, ki te kore rātou e oati pūmau i taua wā, mā taua korenga pea ka murua ō rātou whenua e toe ana ki a rātou. I te 14 Hūrae, ka puta te pūrongo a tētehi kaiwhakawā takiwā kīhai ngāi Māori i Pōkeno i oati i te oati piripono, nā te mea kua wehe atu rātou i te kāinga. I te wā i puta ai te whakamārama ki a Ngāti Tamaoho me oati pūmau, me hoki whaka-te-tonga rānei i te awa o Mangatawhiri, kāore rātou i te tutū ki te Kāwana. E whakapono ana a Ngāti Tamaoho i tīmata te pakanga a te Karauna ki a Ngāti Tamaoho i mua i te whakawhitinga a Tianara Kameroni i te awa o Mangatawhiri.
- 2.107. I haere te Minita mō ngā Take Māori a Francis Dillon Bell me ngā āpiha o te Karauna ki Pukekiwiriki i te 14 Hūrae. Ko te kōrero a tētehi rangatira ki tētehi kaimahi Karauna i reira, heoi anō nei te take i wehe atu ai i tōna kāinga, nā te mea he whakahau kē te ia o te pānui a Kerei i te 9 o Hūrae kia wehe pērā ia. I te aonga ake, ka akiaki a Bell i ētehi o ngāi Māori o te tonga o Tāmakimakaurau i reira i te hui, kia oati i tētehi oati piripono ki te Kuīni, me te hoki ki ō rātou kāinga. I puta te kōrero a ētehi me i mōhio rātou ka āhei rātou ki te tuku i te oati, me te noho i ō rātou kāinga ake, kua pērā. Heoi anō ko ētehi atu o te hunga i te hui i Pukekiwiriki i whakakāhore i te oati, nā te mea kua panaia atu rātou i ō rātou kāinga, kāore he take. I maumahara hoki tētehi āpiha Karauna i muri mai, kāore tētehi o ngā rangatira i reira i whakaae ki oati piripono ia, engari i whakaae ia i te putanga mai o tētehi tangata whai mana ki te kawē i aua oati. Ka puta i reira te whakamārama a te Minita mō ngā Take Māori, a Bell, ki a ngāi Māori i te kāinga, kua whakaputaina e te Kāwana tāna Pānui o te 9 Hūrae i muri i te whākinga ki a ia kua

whakatakoto tikanga ētehi mō te kōkiri i Tāmakimakaurau. I whakakāhore rawa ētehi o ngāi Māori o te tonga o Tāmakimakaurau i ēnei kōrero, he kōrero hōu ki a rātou, me te kī, me ka tohua e te Kāwana te pūtaka o aua kōrero ka oati rātou i te oati piripono, nā te mea ki a rātou he kaikaiwaiū kē aua momo kōrero mō te kōkiri i Tāmakimakaurau.

- 2.108. Ka whakahau a Kāwana Kerei kia mauheretia ngāi Māori i te noho i Pukekiwiriki i te 15 Hūrae. Ka whakatata atu ngā hōia ki Pukekiwiriki, ā, 23 ngāi Māori i whakarautia. Tērā anō ētehi tāngata Māori, tae atu ki ētehi o Ngāti Tamaoho i tahuti, i noho ki muri i ngā rārangi hōia o Tianara Kameronā i ngā ngahere o Hunua, i rere rānei ki te Kīngi i roto o Waikato.
- 2.109. I rere atu a ngāi Māori tae atu ki Ngāti Tamaoho, kua ātete i te kōkiri i tō rātou pūtahi i te paewhenua o Hunua me ētehi atu wāhi, mā roto i ngā ope o Ingarangi kia tae atu ki ngā iwi o Waikato. I roto anō ētehi o ngā toa o Ngāti Tamaoho i te pakanga i Rangiriri i ngā marama o muri mai. I whai wāhi anō a Ngāti Tamaoho ki ētehi atu pākanga i matemate ai ētehi o ngāi Māori.
- 2.110. I te marama o Āperira 1864, e iwa marama i muri i te toronga o te pakanga, ka mutu te pakanga whakamutunga i Waikato, ā, ka rere te Kīngi Māori me te tini o āna kaitautoko, tae atu ki a Ngāti Tamaoho, ki roto i te rohe pōtae. I noho anō te nuinga o Ngāti Tamaoho i te rohe pōtae mō ētehi tau. E ai ki ngā maharatanga o Ngāti Tamaoho nā tēnei noho i reira ka ngaro tētehi wāhi nui o ōna kōrero tuku iho me ngā tūhonohonotanga ki ngā mea maha.

RAUPATU

- 2.111. I raro i te New Zealand Settlements Act 1863 ka horaina ētehi tikanga mō te muru whenua o ngāi Māori i whakaarotia he iwi 'tutū'. I runga anō i tō rātou whāinga wāhi ki te Pakanga o Waikato, ka uru a Ngāti Tamaoho ki roto i ngā iwi i kīa rā e te Karauna he 'tutū'. I te tau 1865, ka murua e te Karauna te nuinga o ngā whenua o Ngāti Tamaoho i te toe ki a rātou. Ko ētehi o ngā poraka i murua ko Wairoa-ki-te-rāwhiti (58,000 eka), Waiuku-ki-te-raki (27,350 eka) me Waiuku-ki-te-tonga (16,500 eka) i roto i te rohe o Ngāti Tamaoho.
- 2.112. I te tau 1926, ka whakatūria e te Karauna te Kōmihana Sim hei wherawhera i ngā take raupatu. I haere tāna uiui mō ngā āhuatanga i te tonga o Tāmaki tae noa mai ki te 15 Hūrae 1863, ā, ko te whakataua a te Kōmihana "he mārama tonu ki a mātou i takahia ngā mōtika o ngāi Māori o reira nā te mea i kīa hētia rātou he iwi tutū, me te muru anō i ō rātou whenua i muri". Te titiro a te Kōmihana i hē ngā raupatu i Waikato, "otirā mō ngāi Māori o Mangere, o Ihumatu [sic], o Pūkaki, he tino taumaha rawa atu".

TE KŌTI KĀPIHEIHANA

- 2.113. Ka kīa ngā whenua raupatu he whenua Karauna, me te whakaweto katoa i ngā pānga me ngā mōtika tuku iho o te iwi. Nā te New Zealand Settlements Act me ōna ture menemana ka whakatūria tētehi kōti Kāpiheihana, i āhei ai te whakawhiwhi whenua, moni rānei ki a ngāi Māori 'piripono' kua raupatuhia ō rātou whenua, ki ngā 'iwi tutū' i whakahauraro kia taka ki raro i te mana o te Kuīni rānei. I te 7 Āperira, 1865, ka kāhetitia e te Karauna tāna pānui karanga ki ngā iwi 'tutū', ko Ngāti Tamaoho tētehi i taua rārangi, kia whakahauraro ki te ture. Ko ērā kāore i whakaae kia pērā e kore e whiwhi ki te kāpiheihana. Kei te whakapono a Ngāti Tamaoho kāore kau he tangata o Ngāti Tamaoho i whakaae ki taua pōwhiri. Tata ki te katoa o Ngāti Tamaoho i whakaarotia he 'iwi tutū kāore anō kia whakahauraro' kāore i whai mana kia whiwhi kāpiheihana. Kāore anō te rangatira o Ngāti Tamaoho nei, a Paora Te Iwi, kia hono atu ki te Kīngi, nā reira i whakaarotia ia he tangata 'piripono' me tana āhei ki te tono

kerēme ki te Kōti Kāpiheihana. I puta hoki he pūrongo i tētehi niupepa i noho 'piripono' hoki tētehi wahine o Ngāti Tamaoho. I waenga i ngā tau 1865 me 1867, ka whakawhiwhia a Paora Te iwi ki tētehi 132 eka mōna anō, ā, i whai pānga hoki ia ki ētehi atu poraka, huia katoa he 205 eka. I whiwhi hoki ia ki ētehi moni wātea kāpiheihana. Ka whakawhiwhia ia ki ētehi whenua, moni hoki mō ōna pānga whaiaro ki aua whenua.

TE HOKO O WAIUKU NAMA 2 ME NGĀ RĀHUI

- 2.114. I Nōema 1864, ka hokona e te Karauna te poraka e kīa nei ko Waiuku Nama 2, 68,000-eka te rahi, mai i ētehi kaihaina, tae atu ki a Paora Te Iwi. Kei roto i ngā whaitua o te poraka o Waiuku Nama 2 ētehi hokonga o mua atu o te Karauna (kei roto i ētehi ko Ngāti Tamaoho) ā, nō muri mai ka uru ngā poraka o Waiuku-ki-te-raki me Waiuku-ki-te-tonga ki roto. I roto i te tītī hoko i whakaingoatia ētehi rāhui mō ētehi rangatira takitahi, tae atu ki tētehi rāhui 'motuhake', 100 eka te rahi mō Paora Te Iwi.
- 2.115. I te tau 1865, i whakaingoatia a Paora Te Iwi me ētehi atu e ono hei kaitiaki mō te Rāhui Māori o Āwhitu, 159-eka te rahi, mā ngā tāngata 'piripono' o Ngāti Tamaoho me tētehi atu iwi. Ahakoa rā, nā te tohutanga o te nuinga o Ngāti Tamaoho hei 'iwi tutū' e te Karauna, arā, he iwi kāore anō kia whakahauraro, kāore i taea e rātou kia whiwhi painga i ngā whenua rāhui. I taua tau anō, i whakaingoatia ētehi rangatira mai i ētehi atu iwi hei kaitiaki o ētehi rāhui e rua i Pēhiakura, mō ngā tāngata 'piripono' o Ngāti Tamaoho me ētehi atu iwi. I whakaae ētehi Māori tae atu ki a Paora Te Iwi i te tau 1874 kia rūritia ngā rāhui i Waiuku, kia taea ai te tohatoha, kāore he kaitiaki, ki ngā tāngata takitahi me ngā whānau. I te 1876, ka hāpainga e te Karauna te Waiuku Native Grants Act e āhei ai te tohatoha whenua i Waiuku me Āwhitu ki ētehi tangata takitahi. I raro i taua ture ka huri a Paora Te Iwi rātou ko ētehi atu rangatira hei kaupupuru takitahi o ētehi huinga hea taurite mō ngā whenua 1,509 eka te rahi, he whenua tautiaki i mua, engari i utaina ētehi here e te Karuana mō te hoko i aua poraka. I roto i te Waiuku Native Grants Act i tuhia te ingoa o Paora Te Iwi hei kaupupuru ngātahi o te rāhui o Otoika, 82 eka te rahi. I hikitia e te Karauna ngā here i te hoko o te poraka i Pēhiakura, 1,000-eka te rahi, kua oti kē te whakawhiwhi ki ngā kaitiaki mō Ngāti Tamaoho me ētehi atu iwi, i āhei ai ngā kaitiaki ki te hoko i te whenua.

HE WHENUA MŌ NGĀ 'IWI TUTŪ' KĀORE I WHAI WHENUA

- 2.116. I te tau 1867, i raro i te Ture mō ngā Whenua Raupatu ka tukua ki ngā 'iwi tutū' tētehi wāhanga o ō rātou whenua i raupatuhia ai, i runga anō i te whakaae a te Karauna. I te tau 1871, ka wehea e te Karauna ētehi rāhui mō ngā 'tāngata tutū kua whakahauraro'. I roto i tēnei ko ētehi eka 25 i te rāhui o Te Riparoa mō Te Ngahuru o Ngāti Tamaoho. I te tau 1879, i 'wehea atu' e Te Kāwana ētehi atu whenua mō ngāi Māori i kīa rā he tutū engari 'i whakahauraro i muri ki raro i te mana o te Kuīni'. Kei roto i tēnei whenua ko tētehi 2,061 eka i puritia tahitia e ngā tāngata takitahi o Ngāti Rewha (tētehi hapū o Ngāti Tamaoho) me ngāi Māori o ētehi atu iwi, me tētehi 27 eka mō Pipi Te Ngahuru o Ngāti Tamaoho i Koheroa. I te ngahuru tau 1870, ka puta te kī taurangi a Te Karauna ka tāpaetia tētehi 800 eka mā Ngāti Tamaoho i Onewhero, ā, ka puta te whakahau a te Minita Māori ki tētehi āpiha Karauna kia rāhuitia tētehi 1,940 eka mō Pakahorahora, tētehi hapū piri ki a Ngāti Tamaoho, i Pukeotaka, me i whakaae rātou he 'pono ō rātou ngākau mō te hoki mai ki te Karauna'. I muri ka hokona e te Karauna tētehi 200 eka o ngā whenua i Onewhero. I te tau 1892, ka puta te kī a tētehi āpiha Karauna ki ētehi tāngata o hapū o Pakahorahora, tērā tonu e wehea ētehi poraka e rua, kei roto nei te 563 eka whenua, mō rātou i Mangatangi. I 1926, ka puta te whakaaro i tētehi kaiwhakawā o te Kōti Whenua Māori, e kore te whenua o te Rāhui Māori o Onewhero (Raungāwari) e tika hei nohonga mō ngāi Māori, he kino hoki nō te whenua.

K KL

2.117. Nō te 1915 rā anō ka whakawhiwhia e te Karauna ētehi taitara ā-ture mō te whenua i Mangatangi, waihoki a Raungawari, nō te 1949 te whakawhiwhinga taitara. Ko ngā tāngata o Ngāti Tamaoho i noho i ēnei poraka mō te whia ngahuru tau i noho i roto i te rangirua me te āwangawanga nui, nā te mea i te noho rātou i runga i ētehi whenua Karauna, kāre kau ō rātou mōtika i raro i te ture. Ka whakawhiwhia e te Karauna ngā eka 563 i Mangatangi, he whenua hoki i kīa e tētehi āpiha nā Te Tari Māori he whenua 'tino kino', ki ētehi tāngata 56, tae atu ki ētehi o Ngāti Tamaoho. I whakawhiwhi hoki te Karauna i ngā eka 608 i Raungāwari ki ētehi tāngata Māori, tae atu ki ētehi nō te iwi. Nā te wāwāhanga o ngā taitara i pēhia ai te kaha me te āhei o ngā rangatira ki te whakahaere i ō rātou whenua, ki te whakapai hoki i ngā āhuatanga o runga, koia i hokona wawetia au te nuinga o ngā whenua (tae atu ki te katoa o te poraka o Raungāwari) i ngā tau o muri mai. I mua i te rironga mai o te taitara, i kī tētehi āpiha a te Karauna kāore i taea e te iwi Māori i Mangatangi te tāpae whenua tōtika hei whakatū Kura Māori, he kore whenua hoki nō rātou.

TE KŌTI WHENUA MĀORI ME NGĀ TAITARA Ā-TANGATA TAKITAHĪ

2.118. Ahakoa i raupatutia ētehi poraka pēnei i te Rāhui i Patumāhoe i roto i te rohe o Ngāti Tamaoho e te Karauna i raro i te Ture Whakatau Manene ki Aotearoa, tērā anō ētehi rāhui moroiti i wehea mā ngā kaihoko Māori rā roto i ngā hokonga Karauna o mua atu kīhai i raupatuhia, i uru ki roto i te Kōti Whenua Māori.

2.119. Nā te kahanga ake o ngā reo whakahē i waenga i te iwi Māori ki ngā mahi hoko whenua a te Karauna, i puta mai ai ētehi ture hōu hei whakahaere i ngā whenua Māori, otiia ko te whakaaro kei muri, he whakangāwari i te hoko o te whenua Māori hei kāinga noho mō te Pākehā. I whakatūria te Kōti Whenua Māori i raro i ngā Ture Whenua Māori o 1862 me 1865 hei tautuhi i ngā kaupupuru tika o ngā whenua Māori "i raro anō i ngā Tikanga Māori", hei whakawhiti hoki i te taitara Māori ki te momo taitara i tākea mai i te Karauna. Ko te whakaaro ia mā te whakawhiti i ngā tikanga pupuru whenua Māori tuku iho ki ngā mōtika takitahi i raro i te taitara Karauna e ngāwari ake ai te whakawhiti a te whenua Māori ki ngā manene. Ki te Karauna, mā tēnei huringa ka huri tuarā a Ngāi Māori i ō rātou tikanga pupuru whenua tuku iho, e ngāwari ake ai hoki tō rātou 'whakakotahitanga' ki roto i te ao Pākehā.

2.120. I raro i ngā Ture mō ngā Whenua Māori ka whakatārewatia atu te mōtika hoko whenua tōmua o te Karauna, i āhei ai ngā tāngata Māori takitahi i whakaingoatia hei kaupupuru whenua e te Kōti Whenua Māori kia rīhi, kia hoko rānei i ō rātou whenua ki te tangata takitahi, ki te Karauna anō hoki. He mea nui te taitara wātea nā te Kōti i homai ki te Māori, i āhei ai ia te hoko, te rīhi rānei i runga i te ture, te whakamahi rānei i te whenua hei punga mō te whakawhanaketanga.

2.121. Kāore kau he kōrero tahitanga ki a Ngāti Tamaoho, ki tētehi atu tangata Māori rānei mō ngā Ture Whenua Māori o 1862 me 1865 i mua i te whakamananga o aua Ture, ā, kāore hoki te iwi Māori i whai kanohi ki te Whare Pāremata o Aotearoa kia tae rā anō ki te Ture mō ngā Kanohi Pāremata Māori o 1867. Kāore hoki i puta i taua ture ngā tikanga tuku iho o Ngāti Tamaoho, i āhei ai te haumi i ngā tika o ngā hapū me ngā whānau, mō te tini o ngā mahi tuku iho. Ka whakawhiwhia e Te Kōti Whenua Māori ētehi taitara ki ētehi tāngata takitahi, i wātea ai i reira ki te rapu wherawheratanga taitara, kāore he tirohanga ki tētehi atu kaupupuru tika. E ai ki a Ngāti Tamaoho ka raru i reira te anga tuku iho o te pupuru whenua i waenga i a rātou me te kaha o te iwi me te hapū ki te āta whakahaere mārire i ō rātou whenua, pērā i mua.

Ko Puhitahi

2.122. I te 29 Āperira, 1854, ka rāhuiā e te Karauna te poraka o Puhitahi, 142 eka te rahi, mai i te hokonga a te Karauna i kīa rā ko Waiuku Nama 1, i hainatia ai e ngā rangatira o Ngāti Tamaoho me ētehi atu tāngata takitahi whai pānga ki te iwi. Ka whakaurua hoki te rāhui ki te hoko o Whakaupoko o 11 Nōema 1854. He mea āta whakauru a Ngāti Tamaoho hei kaihoko i raro i te tīti o Whakaupoko, 1854. I te tau 1862, i tuhia ko Puhitahi tētehi rāhui nō Ngāti Tamaoho i roto i te poraka o Waiuku. I tae atu te poraka o Puhitahi, arā, tētehi poraka kīhai i raupatutia, ki mua i te Kōti Whenua Māori i 1867. I roto i taua hui ka puta ngā taunakitanga a Paora Te Iwi nō Ngāti Tamaoho me tētehi atu iwi a Puhitahi. Kātahi ka whakaputaina e te Kōti tētehi Taitara Pūpuru Whenua mō te 50 eka i Puhitahi ki a Paora Te Iwi me ētehi atu tāngata tokotoru. Nō muri mai ka piki tētehi tangata takitahi nō iwi kē ki te tūranga o Paora Te Iwi ki roto o Puhitahi, i mōhiotia rā ko Karaka Lot 68.

Ko Whatapaka

2.123. I 1862, kua wehea atu te rāhui o Whatapaka, 133-eka te rahi, e te Karauna, i te poraka o Pukekohe. Kīhai te Karauna i raupatu i te rāhui, ā, i wherawheratia te taitara e te Kōti Whenua Māori i Oketopa 1867 (i te rā tonu i whiriwhiritia ai e ia a Puhitahi) i muri i te rūritanga o Whatapaka, me te kitenga iho he 150 eka kē te rahi. I ngā rā o taua whakawākanga, nā Paora Te Iwi te kī, tōna tikanga kia taurite ngā ingoa i te karāti mō Whatapaka ki ō te karāti o Puhitahi, waihoki, he tika kia wehea te whenua mō Poharama, tētehi rangatira nō Ngāti Tamaoho. Nā te Kōti Whenua Māori i whakawhiwhi te Tiwhikete Taitara ki a Paora Te Iwi, rātou ko Paratene Te Takake me tētehi atu tokorua nō iwi kē, hei tangata takitahi. I te tau 1885, ka piki tūranga tētehi atu Māori ki te pānga o Paora Te Iwi i roto i Whatapaka, i mōhiotia rā ko Lot 64 Karaka. I te tau 1918, nā tētehi Ngāti Tamaoho takitahi i hoko te Lot 64 Karaka mō £1,245.

2.124. Nā ngā mahi hoko i ngā whenua karapoti i Lot 64 Karaka a te Karauna i aukatia ai ngā huarahi ki taua poraka i ngā tau tuatahi mai i 1930, i tino heke ai ōna painga. I te mutunga me waha rawa ngā kēna miraka e ngā kaipupuru whenua i ō rātou tuarā, rā roto i tētehi whenua Pākehā i te taha. I te tau 1932, i pitihana ngā kaipupuru whenua Māori kia whakawāteatia he huarahi ki te poraka. Ahakoa te tūtohu a te Komiti mō ngā take Māori kia āta whakaarotia te pitihana o 1932 e te Karauna, ko te whakatau a te Minita kāore he painga o te whai i te tūtohu. I 1935, ka puta te kī a tētehi āpiha a te Karauna ki te Minita mō ngā Take Māori, kāore kau he moni i tana tari hei utu i tētehi huarahi. I te tau 1937, ka whakaae te Waikato-Maniapoto District Maori Land Board kia tukua atu ki ngā rangatira Māori ētehi moni mō te huarahi, ā, tokorua ngā Māori noho i te poraka i whakaae kia utu rātou i te moni taurewa i ā rātou haki miraka. I tohua te rori hei rori tūmatanui i te tau 1938.

Ko Purapura

2.125. I whakawhiwhi ngā whenua o Ngāti Tamaoho i Purapura i te huarahi kawē taonga tawhito i te awa o Awaroa, ā, he pānga tō te poraka ki ngā rangatira o Ngāti Tamaoho, ki a Wetere Te Kauae, rātou ko Te Tuhi o te hapū o Maungaunga o Ngāti Tamaoho, ko tāna tama ko Epiha Putini. I te tau 1854, i hātepengia atu te rāhui o Purapura, he whenua 2,500 eka te rahi, he whenua mōmona hoki i te ripa whaka-te-raki o te awa o Waikato i ngā whakawhitinga Karauna mō Waiuku Nama 1 me Whakaupoko o 1854. I 1865, ka wherawheratia te kerēme o Purapura e Te Kōti Whenua Māori. I whakawhiwhia te whenua ki tētehi tangata takitahi nō tētehi iwi kē atu, ā, ka hokona i te tau 1866.

- 2.126. I te tau 1866, ka wherawheratia e te Kōti Whenua Māori te taitara o te poraka o Ōpuatia i te raki o Waikato, i muri mai i tōna rūritanga. I whai ngā whanaunga o Wetere Te Kauae, kua mate i taua wā, i tētehi whakawā mō tētehi kupu i tatū i waenga i a Te Kauae me tētehi rangatira nō tētehi iwi tūtata, e whakamahia ai ngā moni o te hoko o Purapura hei rūri i Ōpuatia, me te whakaaro hei muri ka whiwhi whenua ngā tāngata o Ngāti Tamaoho i te poraka. I te tau 1891, ka whiria e Te Kōti Whenua Māori tētehi tono hei wehewehe i Ōpuatia. I te korenga e whiwhi o ngā tāngata takitahi o Ngāti Tamaoho i ngā whenua i te poraka, ka whai i ngā kōtitinga mō te wā roa, tae atu ki ētehi pitihana me ētehi ture motuhake.
- 2.127. I 1890, ka puta ngā kupu taunaki a tētehi kaikōrero nō te iwi i whakawhiwhia rā ki te taitara mō Purapura i mua i te Kōti Whenua Māori, pēnei, i raro i te kirimana me mātua whakawhiwhi hoki tētehi wāhanga o Ōpuatia ki tētehi whanaunga o Wetere Te Kauae nō Ngāti Tamaoho, ki a Mere Kataraina Paepae. Ko te whakahau a te kaiwhakawā ma mātua whakaae tahi ngā kaitono i waho i te Kōti, engari nā te kore e taea te take te whakatau, ka whakatārewatia te kēhi e te kaiwhakawā.
- 2.128. I te whakawā a te Kōti i 1891 ka puta ngā kupu taunaki a tētehi Kaiwhakawā o te Kōti Whenua Māori o mua, i mōhio pū ia nō Wetere Te Kauae te whenua o Purapura, ā, he tika kia whiwhi whenua tōna piki tūranga a Mere Kataraina Paepae i ētehi whenua i Ōpuatia hei whakatau i te kirimana. He ahakoa, nā te whakawhiwhinga o Purapura ki tētehi atu iwi i mua i 1865, i whakakāhore te kaiwhakawā i te kōtitinga o 1891 i te tono a te tāngata takitahi a Ngāti Tamaoho.
- 2.129. I te tau 1901, ka whakamanaia e Te Whare Pārenata te Native Land Claims Adjustment and Laws Amendment Act i āhei ai te wherawhera i ngā kerēme a ngā tāngata takitahi o Ngāti Tamaoho mō ngā moni i utua mō te hoko o te poraka o Purapura. I raro i te Tekihana 5 o te Ture i whakaaetia te kōti kia wherawhera i ngā kerēme o ngā 'uri' o Wetere Te Kauae, kua mate kē, i te hokonga o te poraka o Purapura block, engari kāore kau āna tamariki ake i te ora, i kore ai he uri mō te kaumātua nei. Nā konei, i te tau 1903 ka whakakāhoretia ngā kerēme o ngā tāngata takitahi o Ngāti Tamaoho ki te whenua o Purapura.

Ko Te Moutere o Karikako (Te Awa o Waikato)

- 2.130. I whiria e te Kōti Whenua Māori ētehi poraka kāore anō kia rāhuitia mō ngāi Māori. I te tau 1875, i whakaingoatia e te Kōti Whenua Māori ko Paora Te Iwi hei kaupupuru mō te moutere o Karikako i te awa o Waikato. I kī a Paora Te Iwi nō Ngāti Tamaoho ia, ā, e rima ngā kaupupuru whenua i huaina e ia, tae atu ki a ia anō. I whakaputaina he taitara ki a Paora Te Iwi me ētehi atu tokowhā.

TE NOHO KORE-WHENUA O NGĀTI TAMAHOHO

- 2.131. Ahakoa ngā huarahi i whakatūria e te Karauna hei utu kāpiheihana ki ērā i pāngia e te raupatu, kia kore ai e noho whenua kore, kāore ēnei i aukati i te waihotanga o ngā tāngata takitahi o Ngāti Tamaoho kia whenua-kore. I te tau 1900, ka tuhia e te Karauna te noho kore-whenua ētehi tāngata 207 o 'Ngatitamaoho hapu' me ētehi atu hapū piri ki a ia. Ka whakawhiwhia e te Karauna ētehi poraka whenua iti ki a Ngāti Tamaoho, he whenua koraha ētehi.
- 2.132. Te taenga ki ngā tau tuatahi o te rau tau rua tekau kei raro noa ake te noho ā-ōhanga, ā-pāpori o Ngāti Tamaoho i tō ō rātou hoa Pākehā, ā, he maha ngā tāngata o te iwi i rere ki wāhi kē ki te kimi mahi. E ai ki tētehi pūrongo pirihihama o 1900 i te noho ngāi Māori i Mangatangi 'i ngā kāinga mutunga mai o te rawakore' ā, ko ētehi o te rangatahi i reira, he kerī kāpia te orange. I te tau 1906, ka puta te pūrongo a tētehi āpiha nō te

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Karauna, mō te āhua o te noho a te iwi Māori i muri i tētehi korenga e hua o ngā tāewa i Manukau, i reira 'te hunga Māori e noho marara ana, e mahi ana i ngā kōawaawa i ō rātou rōpū iti, i te waere ngahere rānei, i te tapahi harakeke mā te Pākehā, i te kerī kāpia rānei.

- 2.133. I whakauru atu a Ngāti Tamaoho ki ngā whakawhitinga whenua o ngā ngahuru tau 1840, 1850 hoki nā te whakaaro iho mā te nohonoho mai o ngā Pākehā ki tō rātou rohe e piki ake ai ngā painga ā-ōhanga mō te iwi, me te piki haere anō o te wāriu o ō rātou whenua. Nā te noho kore whenua i raru ai te whiwhinga painga o Ngāti Tamaoho mai i ngā hua i tūmanakotia ai, me tō rātou whāinga wāhi ki ngā painga ōhanga o te rohe. Ko te wāhi i tino taumaha te rawakore mō te iwi Māori o te takiwā ko Pukekohe, tētehi tāone i te pūtahi o te rohe o Ngāti Tamaoho.

TE MAHI KAIKIRI KI TĒTEHI IWI ME TE TAUMAHA O TE NOHO I NGĀ KĀINGA RAWAKORE I PUKEKOHE

- 2.134. Nō te taenga ki te ngahuru tau 1920 kua noho ko Pukekohe te pūtahi mō tētehi wāhi whakatupu māra kai nui, koirā hoki te pūtahi whakawhiwhi mahi nui o te iwi Māori i te takiwā. I te tau 1929, ka puta tētehi pūrongo nā te Karauna e kī ana ko ngā whare i wātea ki a ngāi Māori i ngā māra i Pukekohe he 'whakarihariha', he apiapi rawa, he paruparu. E ai ki tētehi pūrongo nā te Kaitirotiro Hauora o te Takiwā i tuhi i taua tau anō ko ngā whare mō ngā kaimahi nei he 'wharau noa iho', ā, 'kāore he wharepaku, he turuma rānei, kāore he puna wai tōtika.. kāore he papa, kāore hoki e āraia atu te hau me te ua, kāre kau hoki he hau tōtika, he māramatanga tōtika o roto". Kāore anō ēnei āhuatanga kia pai ake i te pekanga atu o tētehi Āpiha Māori Toko i Te Ora ki Pukekohe i te tau 1931. Nā ngā whare kanukanu, paruparu hoki ka raru te hauora o te iwi Māori, ā, i te tau 1931, ka puta te pūrongo tata pea ki te whitu tekau ōrau o ngāi Māori i te rohe kua pāngia e te mate kōhi.

- 2.135. Hāunga anō te noho rawakore o te Māori, i hē kē atu te noho nā te kaikiri me ngā mahi takahi i te Māori a ētehi o ngā tāngata Pākehā o te hapori. Ehara i te mea nā te Karauna i whakahau kia pērā te takahi, engari kāore i tino āraia e te ture, heoi anō, i ētehi wā i whai ngā āpiha a te Karauna ki te whakangāwari i te taumaha. I whakahētia ngā mahi a te Karauna ki te whakatikatika i ngā raru kimi kāinga o te Māori, arā, tāna kōkiri kia hanga whare hōu ia mō te Māori i Pukekohe, e te Kaunihera o te Takiwā me ētehi tāngata Pākehā o te tāone. Tō rātou wehi kei heke iho te wāriu o ō rātou kāinga me i noho mai te Māori hei kiritata i tō rātou takiwā. I te tau 1943, ka tuhituhi te Komiti o Pukekohe Primary School ki te Poari Mātauranga me tā rātou tonu kia whakatūria tētehi kura Māori motuhake i te takiwā. Ka puta i te reta tā rātou āwangawanga mō te rerekētanga o te Pākehā me te Māori i te kura, te ngoikore o te taetae o te Māori ki te kura, me te whakapono mā tētehi kura Māori e tutuki pai ai ngā hiahia o ngā ākongā Māori. I muri ka peka atu tētehi kaitirotiro kura ki te kura. Ka whakaae ia, āe, he ngoikore te taetae o te Māori ki te kura, engari 'kīhai noa iho i aronui te kura ki te iwi Māori', me tana whakapono ko te whai o te kura he pei atu i ana ākongā Māori, nā te kore hiahia o te kura ki te whakaako i te Māori, ki te tiaki rānei i a rātou.

- 2.136. Ahakoa te whakahētanga a te kaitirotiro ki te whakatūranga o tētehi kura Maori, i kōkiri whakamua tonu ētehi tāngata o te hapori kia whakatūria he kura Māori. I te tau 1945, ka whakahoki kōrero te Tari Mātauranga kua tīmata kē te kura ki te wehewehe i ōna ākongā mō ētehi kaupapa. I whakatūria he wharepaku motuhake mō ngā ākongā Māori, ā, heoi anō nei te wā kaukau mō te Māori i te puna kaukau ko ngā wā i mua tata i te huringa o ngā wai o roto. E ai ki ngā kōrero i ngana tonu te kaitaraiwa i te pahī kura ki te wehewehe i ngā ākongā Māori, Pākehā hoki, kia noho wehe te Māori me te Pākehā i tētehi taha, i tētehi taha.

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- 2.137. I te tau 1944, ka tūtaki te Minita Māori me te Minita mō te Mātauranga ki te Komiti ā-Iwi o Pukekohe. I puta te kōrero a tētehi mema komiti ki ngā Minita, i hiahia ai rātou ki tētehi kura Māori motuhake mō Pukekohe nā te mea 'nā te kore e whakahoahoa tētehi ki tētehi' arā, o ngāi Māori me ngāi Pākehā, kua kore ngā tamariki Māori 'e rongō i tētehi aroha o te hapori, ā, noho atu ana i waho'. I hoki anō te tono a Te Komiti ā-Iwi kia tū tētehi kura Māori motuhake i te tau 1946.
- 2.138. I muri i te ākinga ā-iwi, arā, a te Māori me te Pākehā, ka whakatūria e te Karauna te Kura Māori o Pukekohe i 1952. Ko te whakaaro ia i te tuatahi, kia noho te kura hei 'mauri whakaoho' i ngā tikanga o te iwi me ngā āhuatanga Māori katoa. Ahakoa rā, ko te kaikiri ā-momo iwi tētehi mate nui i pā tonu ki te pai o te akoranga mō te Māori. I te tau 1954, i hoki mai te kōrero a te Āpiha mō ngā Kura Māori he uaua te kimi kaimahi mō te kura Māori hōu i te mea, kāore i taea te kite kāinga noho tūtata mō ngā kaiako Māori, nā te 'ngārara nei te kaikiri' i waenga i te hunga i te tāone. I te tau 1964 ka tūtohu te Tari Mātauranga kia kaua te Kura Māori o Pukekohe e noho hei kura Māori motuhake, nā te mea 'he wehewehe i ngā iwi e rua' te hua.
- 2.139. I te tau 1961, ka puta te kōrero a tētehi niupepa mō te kaikiri i tau ki runga i a ngāi Māori i Pukekohe, nā te mea ko ētehi o ngā umanga pēnei i ngā kaikuti makawe me ngā pāparakauta kāore i whakaae kia tomo te Māori ki roto, ā, ko te kī a ngā rangatira o te whare pikitia me noho te Māori ki ētehi wāhanga anake o te whare. Nō te tau 1971 rā anō ka whakatinanatia e te Karauna tāna ture aukati i te kaikiri ā-momo iwi.

NGĀ TAKE TAI AO

- 2.140. Mai rā anō kua whakawhirinaki a Ngāti Tamaoho ki te huhua o ngā mahinga kai me ngā rawa taiao, kua whakamahia te moana, ngā takutai, ngā awa, ngā roto, ngā repo me ngā ngahere hei whakamahi mā rātou hei hokohoko hoki ki ētehi atu iwi. He mea āta rāhui ngā rauemi e ngā rangatira, he mea āta whakahaere hoki i runga anō i ngā tikanga a te iwi. Ko Ngāti Tamaoho ngā kaitiaki o aua rawa, ā, nā te noho hei rangatira mō ēnei whenua me ōna rawa ka hua ake te kōrero, inā te rangatiratanga o te iwi ki tōna rohe.
- 2.141. Nā te noho o te Pākehā i tōna taha me te whakanohonoho a tau iwi ki te whenua hou ka tino rerekē te takoto o te taiao, o ngā rerenga wai, o ngā otaota, ngā manu, ngā ika, ngā kararehe i te rohe o Ngāti Tamaoho, otirā i muri i te wāteatanga atu o ngā whenua raupatu ki te hunga tauhou i muri i te pakanga, kātahi ka tino rerekē. Kāore kau a Ngāti Tamaoho i kite moata i te āhua me te whānui o ēnei rerekētanga me te pānga ki te ōhanga o te iwi, i tā rātou whakaurunga ki ngā whakawhitinga whenua tuatahi i ngā ngahuru tau 1840, 1850 hoki.
- 2.142. Mai i te ngahuru tau 1850, he mea whakahaere ngā whenua me ngā rawa taiao i te takiwā i roto i te rohe o Ngāti Tamaoho e tōna huhua o ngā kaunihera ā-takiwā, tae atu ki ngā kaunihera porowini, ngā kaunihera ā-county, ā-borough, ngā poari awakeri, ngā poari awa, ngā poari whāngainga wai, ngā poari pūaha me ngā rōpū whakanoho ika hou, manu hou, kararehe hou. I tukua atu e te Karauna tētehi wāhi o ōna mana me ōna haepapa ki ēnei poari ā-takiwā, engari kāore i āta mahi nui kia whakaaro rātou mō ngā uarā me ngā moemoeā o te Māori. Kāore a Ngāti Tamaoho i whai wāhi ki ngā poari ā-takiwā, ā, i hātepengia atu rātou i ngā mahi whakatau take.
- 2.143. He pānga nui tonu tō te noho mai a te Pākehā ki te taiao. He maha ngā repo i whakamimititia, ngā ngahere hoki i tuaina. I mārāma anō ētehi tērā tonu e tukia te takoto o Papatūānuku e ngā mahi tuatua ngahere nunui me te waerenga ururua i te ngahuru tau 1860, e hua ake ai te waipuke, te horohoro o te whenua me te pāpaku haeretanga o te wai, tae atu ki te pānga ki ngā manu tūturu, engari kāori i hua ake ētehi

tikanga hou e noho ora ai te ngahere i mua i ngā tau tuatahi o te rau tau rua tekau. Ko te aronga matua ia a te Karauna i hāngai ki te whanaketanga ōhanga, kaua ki te taiao.

- 2.144. I te tau 1867, ka whakamanaia e te ture o te Pāremata te whakatūranga o ngā rōpū whakanoho manu hou, ika hou, kararehe hou, ā, ka tīmata tā rātou whakatuputupu i aua momo ika, kararehe mō te whakangahau hoki hei tākarotanga mā te iwi Pākehā, kāore i whiria nuitia te pānga o aua kararehe ki te taiao. Ka pāngia nuitia i reira Te Aitanga a Tāne, Te Aitanga hoki a Puna, a Tangaroa, ā, ko ētehi momo taketake pēnei i te tuna ka kīa he pōrearea, me whakamōtī rawa. I pā nui tēnei ture ki a Ngāti Tamaoho, nā tō rātou kore whenua, tō rātou whirinaki hoki ki ō rātou mahinga kai.
- 2.145. Nā ngā huringa nui ki te taiao me ngā parahanga i te wai ka tūkinotia ngā repo, ngā awa, ngā awa iti me ngā roto i te rohe o Ngāti Tamaoho. I aukatingia te haere a Ngātitamaoho ki ā rātou mahinga kai, ki te kōhi i ngā otaota, i ngā mea katoa o te taiao, ka pēhia te kaitiakitanga a te Māori, ka uaua te manaakitanga a te iwi i ōna marae, i ōna kāinga. Nā ngā ritenga taiao o muri mai i raru ai hoki te kaha o Ngāti Tamaoho ki te uru atu ki te whakamahi hoki i ngā rawa taketake.
- 2.146. I pā haere tonu te tūkinotanga me te horonga whenua o te taiao, tae noa mai ki ēnei rā. Ko te repo o Whangamarino tētehi o ngā whenua i raupatuhia i 1863 – ā, ka noho hauora tonu, kāore he whakararunga mō tētehi wā roa tonu. I te tau 1956, ka whakatūria e te Karauna te Waikato Valley Authority. Ahakoa i tiakina ētehi wāhanga o te repo o Whangamarino e te Karauna i te ngahuru tau 1970 tae noa mai ki ngā tau i muri i 1980, nā te Waikato Valley Authority i whakauru mai ētehi whakarerekētanga nui ki Whangamarino. Tērā ētehi wāhanga nui i whakamimititia mō te whanaketanga ā-pāmu, ā, ko ētehi atu wāhi i tino whakarerekētia i runga i ngā mahi whakahaere i te awa o Waikato. Ko ētehi atu wāhi i whakamimitia hei whenua, nā te whakapipi atu ki runga o ngā parahanga toka mai i te keringa waro nui i Kōpuku, i kō tata atu.
- 2.147. Ka tohua ko te pae maunga o Hunua tētehi puna wai mō Tāmakiakaurau. I noho tēnei hei tiakitanga i te kāuru whakarunga o te awa o Mangatangi me te awa o Mangatawhiri mō tētehi wā, engari nā te hanganga o te matatara o Cosseys i te tau 1955, te matatara o Hays Creek i 1963, te matatara e kīa nei te Upper Mangatawhiri i te tau 1965, te matatara o te Wairoa i 1975 me te matatara e kīa nei ko te Mangatangi i 1977 i pāngia nuitia te taiao, ā, ka rumakina te whenua i runga ake i ngā matatara nei.
- 2.148. I whakarerekētia i whakaparuparutia hoki ngā wai o te awa o Mangatangi me te awa o Mangatawhiri, i raro i ngā kāuru rerenga wai i āta rāhuitia, nā ngā mahi whakawhaneke whenua, whakahaere awa, me ngā mahi awakeri anō hoki. I tūkinotia hoki te awa o Mangatangi, nā te mahi tango kirikiri.
- 2.149. I haere tonu te tino whakarerekētanga nui o ēnei rerenga wai, taea noatia te tau 1979, i raro i te Mangatawhiri Drainage Scheme. I pā nui ngā huringa matatara, awa hoki ki ngā puna ika o te rohe, otirā ko ngā tuna i tino whara, ā, ēnei mea katoa i pā ki a Ngāti Tamaoho.

3 ACKNOWLEDGEMENT AND APOLOGY / HE WHAKAAETANGA, HE WHAKAPĀHA

ACKNOWLEDGEMENT

- 3.1. The Crown acknowledges that Ngāti Tamaoho sought to establish friendly and cooperative relations with settlers and the Crown. To strengthen these relations, Ngāti Tamaoho participated in land transactions which have contributed to the development of the city of Auckland and New Zealand as a nation.
- 3.2. The Crown acknowledges that some of its investigations into pre-Treaty transactions in the Ngāti Tamaoho rohe were flawed and that by 1851 Ngāti Tamaoho found settlers occupying land Ngāti Tamaoho did not consider that they had been paid for. The Crown acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by -
 - 3.2.1. not always adequately considering the customary interests of Ngāti Tamaoho before granting land to settlers; and
 - 3.2.2. taking land it considered to be 'surplus' from some pre-Treaty transactions without assessing the adequacy of lands retained by Ngāti Tamaoho.
- 3.3. The Crown acknowledges that in regards to pre-emption waiver transactions -
 - 3.3.1. it retained Ngāti Tamaoho lands as 'surplus' from disallowed pre-emption waiver purchases, without assessing the adequacy of lands that Ngāti Tamaoho retained; and
 - 3.3.2. it did not always adequately investigate Ngāti Tamaoho interests before approving these transactions or retaining lands as surplus; and
 - 3.3.3. it failed to honour promises to set aside one tenth of the purchased lands for public purposes, especially for the benefit of Māori, including Ngāti Tamaoho.

The Crown acknowledges that these actions breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.4. The Crown acknowledges that it purchased a large amount of land in the Ngāti Tamaoho rohe without ensuring that Ngāti Tamaoho retained adequate reserves of land for their own use, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.5. The Crown acknowledges that its purchasing activities in the Ngāti Tamaoho rohe and the granting of pre-emption waivers to settlers contributed to tensions that led to conflict between Ngāti Tamaoho and other iwi.
- 3.6. The Crown further acknowledges that it led Ngāti Tamaoho to expect benefits from land sales, including the development of schools, medical care, and a range of commercial opportunities, which were not always realised, and this remains a grievance for Ngāti Tamaoho.
- 3.7. The Crown has previously acknowledged that its representatives and advisers acted unjustly and in breach of te Tiriti o Waitangi/the Treaty of Waitangi in its dealings with

- the Kīngitanga, which included Ngāti Tamaoho, in sending its forces across the Mangatawhiri River in July 1863, and occupying and subsequently confiscating land in the Waikato claims area, and these actions resulted in Ngāti Tamaoho being unfairly labelled as rebels.
- 3.8. The Crown further acknowledges that after the New Zealand Wars it confiscated additional lands in which Ngāti Tamaoho had interests known as the East Wairoa, Waiuku North and Waiuku South blocks. The confiscation was unjust and excessive, and in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.9. The Crown acknowledges that in July 1863 it required Ngāti Tamaoho to swear an oath of allegiance or retire south of the Mangatawhiri River. The Crown did so without ensuring they understood the conditions of the oath, including that a failure to comply could make the confiscation of their lands more likely, and without giving them sufficient time to consider it. The Crown further acknowledges that some members of Ngāti Tamaoho later considered swearing the oath but were taken prisoner by the Crown before they could do so.
- 3.10. The Crown further acknowledges that on 10-11 July 1863, prior to Governor Grey's declaration of war on the Kīngitanga, Crown soldiers attacked and looted Ngāti Tamaoho settlements despite Ngāti Tamaoho never having been in rebellion, and this led some Ngāti Tamaoho to flee their homes and take up arms to defend themselves.
- 3.11. The Crown acknowledges that, through the Compensation Court, and later, through the operation and impact of the native land laws, title to land was awarded to Ngāti Tamaoho individuals rather than the iwi, and this made those lands more susceptible to partition, fragmentation and alienation. This further contributed to the erosion of the traditional tribal structures of Ngāti Tamaoho, which were based on collective tribal and hapū custodianship of land and resources. The Crown failed to protect these traditional tribal structures and this had a prejudicial effect on Ngāti Tamaoho and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.12. The Crown acknowledges that the cumulative effect of its acts and omissions has left Ngāti Tamaoho virtually landless. The alienation of Ngāti Tamaoho from their lands hindered their economic, social and cultural development, and their effective participation in the developing settler economy. From the 1860s, Ngāti Tamaoho became socially and economically marginalised within New Zealand society and lived as if strangers in their own rohe. The Crown's failure to ensure that Ngāti Tamaoho retained sufficient land for their present and future needs is a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.13. The Crown acknowledges that for too long, Ngāti Tamaoho lived with poorer housing and worse health than many other New Zealanders, and that for too long the education system generally held low expectations for Māori educational achievement. The Crown further acknowledges the segregation and discrimination suffered by Māori students while attending a school in the Ngāti Tamaoho rohe during the 1940s.
- 3.14. The Crown acknowledges the significance to Ngāti Tamaoho of the natural resources in their rohe. The Crown further acknowledges that -
- 3.14.1. it has modified significant parts of the natural environment, by clearing forest, draining wetlands and diverting rivers for the construction of dams, which has resulted in the loss of mahinga kai and caused prejudice and distress to Ngāti Tamaoho; and

- 3.14.2. the modification and degradation of the environment has undermined the ability of Ngāti Tamaoho to exercise kaitiakitanga, manaakitanga and whanaungatanga and other rights and responsibilities; and
- 3.14.3. the Crown has failed to provide and protect the special relationship of Ngāti Tamaoho with the wahi tapu, culturally significant sites and environmental reserves in their rohe.

HE WHAKAAETANGA

- 3.15. Kei te whakaae te Karauna i mahi nui a Ngāti Tamaoho ki te whakahoa atu ki ngā manene noho tauhou me te Karauna, otirā ki te mahi tahi me rātou. Hei whakapakari i te noho whanaunga, ka uru a Ngāti Tamaoho ki ngā whakawhitinga whenua, i tupu ai te tāone o Tāmaki-makaurau, me Aotearoa nui tonu hei whenua pakari.
- 3.16. Kei te whakaae te Karauna ko ētehi o āna wherawheratanga i ngā whakawhitinga o mua i te Tiriti i te rohe o Ngāti Tamaoho i hē te whakahaere, ā, ka tae nei ki 1851 ka kitea Ngāti Tamaoho ētehi manene e noho ana i ngā whenua o Ngāti Tamaoho, e ai ki a rātou kāore anō kia ea te utu. Kei te whakaae te Karauna kāore rawa i tika ēnei hē i raro i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono nā tana –
- 3.16.1. kore e āta whiriwhiri i ngā pānga whenua tuku iho o Ngāti Tamaoho i mua i tana karāfitanga whenua ki ngā manene; ā
- 3.16.2. tangohanga i ngā whenua i whakaarotia ai e ia he 'whenua toenga' mai i ētehi o ngā whakawhitinga o mua atu i te Tiriti, kāore he whiriwhiri i te tōtika me te nui o ngā whenua i puritia ai e Ngāti Tamaoho.
- 3.17. Kei te whakaae te Karauna mō te āhua o ngā whakawhitinga i raro i te tuku mōtika hoko tōmua -
- 3.17.1. i puritia e ia ngā whenua o Ngāti Tamaoho hei 'toenga' mai i ngā hoko tuku mōtika hoko tōmua kāore i whakaaetia, me tana kore e āta whiriwhiri i te tōtika o ngā whenua i puritia ai e Ngāti Tamaoho; ā
- 3.17.2. kāore i āta wherawhera i ngā wā katoa ngā pānga o Ngāti Tamaoho i mua i tana whakaaetanga i ēnei whakawhitinga, i mua rānei i tana puritanga i ngā whenua hei toenga; ā
- 3.17.3. kīhai i tutuki āna kī taurangi kia wehea tētehi tekau o ngā whenua i hokona mō ngā mahi tūmatatanui, otirā hei painga mō te iwi Māori tae atu ki a Ngāti Tamaoho.
- 3.18. Kei te whakaae te Karauna ka noho ēnei mahi hei takahitanga i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.19. Kei te whakaae te Karauna i hokona e ia ētehi wāhanga whenua nunui i te rohe o Ngāti Tamaoho me tana wareware ki te whakaū i te tōtika o te rahi o ngā whenua rāhui hei whenua whakamahinga rawa mō Ngāti Tamaoho, ā, he takahanga anō tēnei o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.20. Kei te whakaae te Karauna nā āna mahi hoko whenua i te rohe o Ngāti Tamaoho me tana hoatunga i ngā tuku mōtika hoko tōmua ki ngā manene noho tauhou i tupu ai ngā kūruraku, i tupu ai ngā whaiwhai a Ngāti Tamaoho ki ētehi atu iwi.

- 3.21. Kei te whakaae hoki te Karauna, nā āna kōrero ka tupu te tūmanako i waenga i a Ngāti Tamaoho tērā e puta mai ētehi hua nunui i ngā hoko whenua, arā, te whakatū kura, te tiaki tūroro a te takuta, ngā whāinga wāhi ki ngā mahi oranga mō te iwi, ēnei mea kāore i tutuki katoa, ā, ka noho ēnei hei nawe nui mō Ngāti Tamaoho i ēnei rā.
- 3.22. Kua whakaae kē te Karauna i mua i hē te mahi o āna kanohi me āna kaitohutohu, me te mahi hē, me te takahi anō i te Tiriti o Waitangi/the Treaty i āna kōrero ki te Kīngitanga, tae atu ki a Ngāti Tamaoho, i tāna tononga i ana hōia kia whakawhiti i te awa o Mangatawhiri i te marama o Hūrae 1863, i tāna noho me tana raupatu o muri mai i ngā whenua i te rohe o ngā kerēme o Waikato, i hē te tapatanga o ngā tāngata o Ngāti Tamaoho hei iwi tutū.
- 3.23. Kei te whakaae hoki te Karauna, i muri i ngā pakanga o Āotearoa i raupatuhia e ia ētehi atu whenua i whai wāhi ai a Ngāti Tamaoho ki roto, arā, ngā poraka o Wairoa-ki-te-rāwhiti, Waiuku-ki-te-raki me Waiuku-ki-te-tonga. Kāore rawa i tika te raupatu, he taumaha tawa te whakawhiu, ā, he takahanga anō tēnei o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.24. Kei te whakaae te Karauna, i te marama o Hūrae 1863, ka whakahau ia kia oati a Ngāti Tamaoho i tōna noho piripono, me hoki whakamuri rānei ki te tonga o te awa o Mangatawhiri. I pērā anō te Karauna me tana kore e whakarite tikanga kia mārama te iwi ki ngā here o te oati, e mōhio ai rātou me i kore rātou e whakaae tērā tonu e murua ō rātou whenua, me te kore hoki a te Karauna e āta tatari kia pai ai te whiriwhiri a te iwi i tēnei take. Kei te whakaae hoki te Karauna ko ētehi o ngā mema o Ngāti Tamaoho i whakaae ki te oati i muri mai, engari i mauheretia rātou i mua i te āheinga kia pērā.
- 3.25. Kei te whakaae hoki te Kāwanatanga i te 10-11 Hūrae 1863, i mua i te kōkiritanga a Kāwana Kerei ki te Kingitanga, i whakaeke ngā hōia a te Karauna ki ngā kāinga o Ngāti Tamaoho me te muru i ā rātou rawa, ahakoa kāore rawa a Ngāti Tamaoho i tutū ki te mana kāwanatanga, ā, nā konei i tahuti ai ētehi o Ngāti Tamaoho i ō rātou kāinga, i hāpai hoki i ngā rākau whawhai hei kaupare i ā rātou anō.
- 3.26. Kei te whakaae hoki te Karauna, nā te Kōti Kāpiheihana, ā, nā ngā mahi me te pānga o ngā ture whenua Māori, otirā, te whakawhiwhinga tāitara takitahi te mea matua, ki ngā tāngata takitahi o Ngāti Tamaoho, hāunga ia te iwi me te hapū, te take i wāhia ai, i marara ai, i ngaro rawa ai aua whenua. Nā ēnei āhuatanga ka horohoro ngā tikanga here tuku iho a Ngāti Tamaoho, he tikanga ēnei i takea mai i te mana pupuru whenua o te katoa o te hapū, me tāna whakahaere i ngā whenua me ngā rawa. Kāore rawa te Karauna i tiaki i ēnei here whakahaere tuku iho o te iwi, ā, he taumaha rawa te whakawhiu mō Ngāti Tamaoho, ā, he takahanga anō tēnei o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.27. Kei te whakaae te Karauna nā te huinga o ēnei mahi katoa kua waiho whenua kore a Ngāti Tamaoho. Nā te wehenga o Ngāti Tamaoho i ō rātou whenua i pōraru ai te whanaketanga ā-ōhanga, ā-pāpori, ā-ahurea o te iwi me tōna whāinga wāhi ki te ōhanga whakatupu o ngā manene nohonoho i te whenua. Mai i te ngahuru tau 1860, ka parea a Ngāti Tamaoho ki tahaki, ā-pāpori, ā-ōhanga hoki i Aotearoa nui tonu, ā, ka noho hei tauhou ki tō rātou rohe ake. Nā ngā mahi hē a te Karuana, i kore ai e whakarite tikanga e mau ai tētehi rahinga whenua tōtika mō ō rātou hiahia o aua wā, mō raurangi hoki, he tika tēnei kia kīa he takahanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.
- 3.28. Kei te whakaae te Karauna i noho a Ngāti Tamaoho mō ngā tau roa rawa i roto i ngā kāinga kino kē atu, me te hauora kino kē atu i ō te nuinga o ngā tāngata o Aotearoa, ā, mō te wā roa rawa kāore ngā kura me ngā whare mātauranga o te motu i tūmanako nui

mō te kakenga taumata o ngāi Māori. Kei te whakaae hoki te Karauna ki ngā mahi wehewehe ā-tinana, me te kaikiri anō i pā ki ngā ākonga Māori i tētehi o ngā kura i te rohe o Ngāti Tamaoho i te ngahuru tau 1940.

- 3.29. Kei te whakaae te Karauna ki te hira me te manako nui a te iwi ki ngā rawa taiao o te rohe ki a Ngāti Tamaoho. Kei te whakaae te Karauna -
- 3.29.1. kua whakahōutia e ia ētehi wāhi nui o te taiao māori, nā te tuatua i te ngahere, nā te whakamimiti i ngā repo, te parepare kē i ngā awa hei hanga matatara, ā, nā ēnei mea katoa kua ngaro ngā mahinga kai, kua taumaha rawa te whiu me te mamae mō Ngāti Tamaoho; ā,
- 3.29.2. I pēhia te kaiakitanga a Ngāti Tamaoho, ka uaua te manaakitanga a te iwi i ōna marae, ka raru hoki te whanaungatanga o ngā hapū, te āhua o te kawenga i ngā tikanga tauutuutu o ngā tūpuna, nā ngā whakarerekētanga me te tūkinotanga i te taiao; ā
- 3.29.3. kīhai rawa te Karauna i tiaki i ngā here o Ngāti Tamaoho ki ōna wāhi tapu, ki ōna wāhi mana nui, tae atu ki ngā rāhui taiao i tō rātou rohe.

APOLOGY

- 3.30. The Crown makes the following apology to the iwi of Ngāti Tamaoho, to your tūpuna and to your mokopuna.
- 3.31. The Crown apologises for its failure to honour its obligations to you under te Tiriti o Waitangi/the Treaty of Waitangi and recognises that this failure has harmed successive generations of Ngāti Tamaoho. For too long you have endured adversity and been treated as strangers within your own rohe. The Crown is deeply sorry for failing to appropriately respond in a timely and meaningful way to your long-standing and acutely felt grievances.
- 3.32. The Crown sincerely regrets unfairly labelling Ngāti Tamaoho as rebels and confiscating much of your remaining land. The Crown also unreservedly apologises for the hurt and ongoing grievance caused by the burning and looting of Pokeno. The Crown attacked the settlement prior to its invasion of Waikato despite Ngāti Tamaoho never having been in rebellion and for this it is truly sorry.
- 3.33. The Crown is deeply sorry for the loss of life and injuries Ngāti Tamaoho suffered during the New Zealand wars of the 1860s, and the resulting destruction of property and disruption of social life.
- 3.34. The Crown's acts and omissions and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined your rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy. The Crown profoundly apologises that the cumulative effects of its actions have led to Ngāti Tamaoho's landlessness and socio-economic marginalization.
- 3.35. Through this settlement, the Crown seeks to atone for the past injustices it has inflicted upon Ngāti Tamaoho. The Crown hopes to restore its honour and relieve Ngāti Tamaoho's justified sense of grievance. The Crown looks forward to building a new relationship with Ngāti Tamaoho based on cooperation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

HE WHAKAPĀHA

- 3.36. Tēnei te Karauna te tuku whakapāha nei ki te iwi o Ngāti Tamaoho, ki ō koutou tūpuna me ā koutou mokopuna.
- 3.37. Kei te tino whakapāha te Karauna mō tana kore e whakatutuki i ōna haepapa ki a Ngāti Tamaoho, i raro i te Tiriti o Waitangi, me tana whakaae nā tēnei tino korenga i whara ai ngā whakatupuranga o Ngāti Tamaoho. Kua whiua koutou, kua mamae koutou i ngā taumahatanga nui, ā, kua noho koutou hei manene i tō koutou rohe ake. Kei te tino pouri te Karauna mōna i kore ai e hoki ki te whakautu, ki te whakatikatika i ā koutou nawe nui, i noho tārewa mō te whia tau, me te mamae anō o ō koutou ngākau.
- 3.38. Kei te tino pouri te Karauna mō tāna tapa i te ingoa iwi tutū, ki a Ngāti Tamaoho me tāna murunga i te rahi o ngā whenua i te toe ki a koutou. Kei te tino pouri hoki te Karauna mō ngā mamae me te nawe nui i pā ki a koutou nā te weranga me te murunga rawa o Pōkeno. I whakaekea taua kāinga e te Karauna i mua i tōna huaki i te rohe o Waikato, ahakoa kāore rawa a Ngāti Tamaoho i tutū, ā, e tino pouri ana mō tēnei āhuatanga.
- 3.39. Kei te tino pouri te Karauna mō ngā mate me ngā wharanga i pā ki a Ngāti Tamaoho i ngā pakanga o Aotearoa i te ngahuru tau 1860, mō te ngaromanga o ngā rawa me te whakamararatanga o te iwi.
- 3.40. Nā ngā mahi me ngā ngoikoretanga o te Karauna me tana kōkiritanga i ngā ture me ngā kaupapa tūkinu i whara ai a Ngāti Tamaoho, i horoa ai tō rangatiratanga, i ngaro ai te mana motuhake o Ngāti Tamaoho. Kei te tino pouri te Karauna mō ngā āhuatanga kino i noho whenua kore ai a Ngāti Tamaoho, i parea hoki te iwi kia noho rawakore noa.
- 3.41. Mā roto i tēnei whakataunga, kei te whai te Karauna kia ea ngā hara o mua, nāna i uta ki runga i a Ngāti Tamaoho. Ko te hiahia o te Karauna kia tū tonu anō tōna mana, kia tino whakamāmātia hoki ngā nawe o Ngāti Tamaoho. E titiro whakamua ana te Karauna ki tōna whanaungatanga hou ki a Ngāti Tamaoho, i runga i te whakapono, tētehi ki tētehi, te mahi tahi, me te whakamana i te Tiriti o Waitangi me ōna kaupapa nui.

4 SETTLEMENT

ACKNOWLEDGEMENTS

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

SETTLEMENT

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

REDRESS

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

IMPLEMENTATION

- 4.6. The settlement legislation will, on the terms provided by sections 15 to 21 of the draft settlement bill, -
- 4.6.1. settle the historical claims; and
 - 4.6.2. exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and

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- 4.6.3. provide that the legislation referred to in section 17 of the draft settlement bill does not apply -
- (a) to a redress property or the Papakura property if settlement of that property has been effected; or
 - (b) for the benefit of Ngāti Tamaoho or a representative entity; and
- 4.6.4. require any resumptive memorial to be removed from a computer register for, a redress property or the purchased Papakura property if settlement of that property has been effected; and
- 4.6.5. provide that the rule against perpetuities and the Perpetuities Act 1964 does not -
- (a) apply to a settlement document; or
 - (b) prescribe or restrict the period during which -
 - (i) the trustees of the Ngāti Tamaoho Settlement Trust, being the governance entity, may hold or deal with property; and
 - (ii) the Ngāti Tamaoho Settlement Trust may exist; and
- 4.6.6. require the chief executive of the Ministry of Justice to make copies of this deed publicly available.
- 4.7. Part 1 of the general matters schedule provides for other actions in relation to the settlement.

5 CULTURAL REDRESS

STATEMENT OF NGĀTI TAMAHOHO CULTURAL VALUES

- 5.1. Ngāti Tamaoho and the Crown agree that the cultural redress provided for in this deed is designed to recognise the connection Ngāti Tamaoho has with the natural, cultural and historic environments within its area of interest.
- 5.2. For Ngāti Tamaoho, the aspiration is to see the mauri of a healthy environment sustaining abundant life and prosperous communities who, in turn, are responsible for restoring and protecting the health and wellbeing of the environment for generations to come. To make this happen, Ngāti Tamaoho want -
 - 5.2.1. to rebuild the mana of Ngāti Tamaoho to exercise kaitiakitanga and have a meaningful role in influencing policies and share in the management of natural, historic, and cultural resources; and
 - 5.2.2. strong partnerships with local and central government agencies, and a seamless and well integrated approach to managing environmental and cultural issues with agencies and other partners; and
 - 5.2.3. Ngāti Tamaoho people - especially Ngāti Tamaoho youth - having knowledge of cultural practice, and having pride in who Ngāti Tamaoho are as a people - "Te Kotahi o Tamaoho"; and
 - 5.2.4. to see the needs of the present and future generations met in a manner that goes beyond sustainability towards an approach that enhances the environment; and
 - 5.2.5. protection, restoration, and conservation of the environment with an emphasis on waterways, protection from unnecessary development, and care for the reserves in the Ngāti Tamaoho rohe; and
 - 5.2.6. to build a stronger understanding of, and education around, environmental issues so that people are motivated to change behaviour in ways that benefit the environment.
- 5.3. The values that Ngāti Tamaoho will bring to its exercise of kaitiakitanga and to its relationships with local and central government agencies and other partners are those of -
 - 5.3.1. inclusiveness; and
 - 5.3.2. manaakitanga for all in the rohe; and
 - 5.3.3. conciliation and mediation; and
 - 5.3.4. collaboration (recognising that by working well with others Ngāti Tamaoho can achieve much more); and
 - 5.3.5. humility; and
 - 5.3.6. meeting the needs of both present and future generations; and
 - 5.3.7. achieving value for money.

- 5.4. Supporting the achievement of Ngāti Tamaoho aspirations through this settlement means -
- 5.4.1. promoting a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration and care within the Ngāti Tamaoho area of interest; and
 - 5.4.2. Ngāti Tamaoho working with public agencies and others to achieve mutually beneficial goals and objectives through joint projects, contracted delivery of goods and services, and providing advice, information and other assistance; and
 - 5.4.3. supporting the building of the capability and capacity of Ngāti Tamaoho in environmental management in a way that will be a legacy for future generations; and
 - 5.4.4. recognising the importance of encouraging pride in Ngāti Tamaoho cultural identity, and by encouraging awareness and use of mātauranga Tamaoho to support environmental management; and
 - 5.4.5. working together to ensure the whenua, the moana, and the awa are one day again capable of sustaining the cultural traditions, practices and uses of Ngāti Tamaoho.

STATUTORY ACKNOWLEDGEMENT

- 5.5. The settlement legislation will, on the terms provided by sections 29 to 36 of the draft settlement bill, -
- 5.5.1. provide the Crown's acknowledgement of the statements by Ngāti Tamaoho of their particular cultural, spiritual, historical and traditional association with the following areas:
 - (a) Awaroa River and its tributaries (as shown on deed plan OTS-129-01):
 - (b) Awhitu Conservation Area (as shown on deed plan OTS-129-02):
 - (c) Coastal Marine Area (as shown on deed plan OTS-129-03):
 - (d) Drury Conservation Area and Drury Creek Marginal Strip (as shown on deed plan OTS-129-04):
 - (e) Drury Creek Islands Recreation Reserve (as shown on deed plan OTS-129-05):
 - (f) Hingaia Stream and its tributaries (as shown on deed plan OTS-129-06):
 - (g) Hunua Stream and its tributaries (as shown on deed plan OTS-129-07):
 - (h) Karaka Creek and its tributaries (as shown on deed plan OTS-129-08):
 - (i) Kellyville Conservation Area (as shown on deed plan OTS-129-09):
 - (j) Lake Pokorua and Waraha Stream (unnamed) and its tributaries (as shown on deed plan OTS-129-10):

DEED OF SETTLEMENT

- (k) Lake Pokorua Conservation Area and Lake Pokorua Marginal Strip (as shown on deed plan OTS-129-11):
- (l) Maioro Sands Marginal Strip (as shown on deed plan OTS-129-12):
- (m) Mangatangi Stream and its tributaries (as shown on deed plan OTS-129-13):
- (n) Mangatawhiri Forest Conservation Area (as shown on deed plan OTS-129-14):
- (o) Mangatawhiri River and its tributaries (as shown on deed plan OTS-129-15):
- (p) Maramarua River and its tributaries (excludes Mangatangi Stream and its tributaries) (as shown on deed plan OTS-129-16):
- (q) Mauku Stream and its tributaries (as shown on deed plan OTS-129-17):
- (r) Miranda Scientific Reserve (as shown on deed plan OTS-129-18):
- (s) Mount William Scenic Reserve (as shown on deed plan OTS-129-19):
- (t) Ngakoroa Stream and its tributaries (as shown on deed plan OTS-129-20):
- (u) Oira Creek and its tributaries (as shown on deed plan OTS-129-21):
- (v) Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream and Waihoehoe Stream) (as shown on deed plan OTS-129-22):
- (w) Part Mercer Domain Recreation Reserve (Te Pou o Mangatawhiri) (as shown on deed plan OTS-129-23):
- (x) Paparimu Conservation Area (as shown on deed plan OTS-129-24):
- (y) Puhitahi Creek and its tributaries (as shown on deed plan OTS-129-25):
- (z) Raventhorpe Scenic Reserve and Raventhorpe Conservation Area (as shown on deed plan OTS-129-26):
- (aa) Richard Sylvan Memorial Scenic Reserve (as shown on deed plan OTS-129-27):
- (bb) Te Hihi Creek and its tributaries (as shown on deed plan OTS-129-28):
- (cc) Te Maketu Historic Reserve (as shown on deed plan OTS-129-29):
- (dd) Te Toro Recreation Reserve (as shown on deed plan OTS-129-30):
- (ee) Vining Scenic Reserve (as shown on deed plan OTS-129-31):
- (ff) Waipipi Scenic Reserve (as shown on deed plan OTS-129-32):

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- (gg) Waipokapū Stream Conservation Area (as shown on deed plan OTS-129-33);
 - (hh) Wairoa Gorge Scenic Reserve (as shown on deed plan OTS-129-34);
 - (ii) Whangamaire Stream and its tributaries (as shown on deed plan OTS-129-35);
 - (jj) Whangamarino River and adjacent Whangamarino River Marginal Strip (as shown on deed plan OTS-129-36);
 - (kk) Whangapouri Creek and its tributaries (as shown on deed plan OTS-129-37); and
- 5.5.2. require relevant consent authorities, the Environment Court and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 5.5.3. require relevant consent authorities to forward to the governance entity -
- (a) summaries of resource consent applications for an activity within, adjacent to or directly affecting a statutory area; and
 - (b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and
- 5.5.4. enable the governance entity, and any member of Ngāti Tamaoho, to cite the statutory acknowledgement as evidence of Ngāti Tamaoho association with an area.
- 5.6. The statements of association are in the documents schedule.

DEED OF RECOGNITION

- 5.7. 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 the following areas:
- 5.7.1. Mangatawhiri Forest Conservation Area (as shown on deed plan OTS-129-14);
 - 5.7.2. Mount William Scenic Reserve (as shown on deed plan OTS-129-19);
 - 5.7.3. Paparimu Conservation Area (as shown on deed plan OTS-129-24);
 - 5.7.4. Richard Sylvan Memorial Scenic Reserve (as shown on deed plan OTS-129-27);
 - 5.7.5. Te Maketu Historic Reserve (as shown on deed plan OTS-129-29); and
 - 5.7.6. Vining Scenic Reserve (as shown on deed plan OTS-129-31).
- 5.8. Each area that the deed of recognition relates to includes only those parts of the area owned and managed by the Crown.

- 5.9. The 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, -
- 5.9.1. consult the governance entity; and
 - 5.9.2. have regard to its views concerning Ngāti Tamaoho association with the area as described in a statement of association.

PROTOCOLS

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

RELATIONSHIP AGREEMENTS

- 5.12. On or before the settlement date, the governance entity will enter into a relationship agreement with -
- 5.12.1. the Minister of Conservation and Director-General of Conservation; and
 - 5.12.2. the Ministry for the Environment.
- 5.13. Each relationship agreement will be in the form set out in the documents schedule.
- 5.14. A failure by the Crown to comply with a relationship agreement is not a breach of this deed.

FORM AND EFFECT OF DEED OF RECOGNITION AND PROTOCOLS

- 5.15. The deed of recognition will be -
- 5.15.1. in the form set out in the documents schedule; and
 - 5.15.2. issued under, and subject to, the terms provided by sections 37 to 40 of the draft settlement bill.
- 5.16. Each protocol will be -
- 5.16.1. in the form set out in the documents schedule; and
 - 5.16.2. issued under, and subject to, the terms provided by sections 23 to 27 of the draft settlement bill.
- 5.17. A failure by the Crown to comply with the deed of recognition or a protocol is not a breach of this deed.

LETTER OF RECOGNITION WITH THE MINISTRY FOR PRIMARY INDUSTRIES

- 5.18. The Director General for Primary Industries must, by or on the settlement date, write a letter to the governance entity in the form set out in part 5 of the documents schedule outlining how Ngāti Tamaoho will have input into sustainability processes and decisions covering fisheries resources, and how Ngāti Tamaoho will be consulted on policy development led, and work undertaken, by the Ministry for Primary Industries, as these directly affect the area of interest.

APPOINTMENT AS AN ADVISORY COMMITTEE TO THE MINISTER OF PRIMARY INDUSTRIES

- 5.19. Clause 5.20 applies if, after the settlement date, the governance entity identifies areas of special significance to Ngāti Tamaoho and the Minister for Primary Industries agrees that they are areas of special significance (**areas of special significance**). To avoid doubt, clause 5.20 shall apply only once.
- 5.20. As soon as reasonably practicable after this clause applies, the Minister for Primary Industries must appoint the governance entity as an advisory committee to the Minister for Primary Industries under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 for the purpose of advising the Minister on changes in the management regime for the areas of special significance.

LETTERS OF INTRODUCTION

- 5.21. The Director of the Office of Treaty Settlements will, prior to or on the settlement date, write a letter of introduction in the form set out in part 6 of the documents schedule to each of the following entities, to introduce the governance entity and encourage each entity to establish or enhance an ongoing relationship with Ngāti Tamaoho:

Core Crown Organisations

- 5.21.1. Department of Corrections:
- 5.21.2. Department of Internal Affairs:
- 5.21.3. Education Review Office:
- 5.21.4. Ministry of Business, Innovation and Employment, in particular the following branches:
- (a) Construction and Housing:
 - (b) Immigration New Zealand:
 - (c) Tourism:
 - (d) Regional Economic Development:
- 5.21.5. Ministry of Education:
- 5.21.6. Ministry of Justice:
- 5.21.7. Ministry of Social Development:
- 5.21.8. Ministry of Transport:

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- 5.21.9. Ministry for Women:
- 5.21.10. New Zealand Police:
- 5.21.11. Statistics New Zealand:

Non-Core Crown Organisations and Non-Crown Organisations

- 5.21.12. Auckland Council:
- 5.21.13. Auckland District Health Board:
- 5.21.14. Counties-Manukau District Health Board:
- 5.21.15. Fish and Game Council of New Zealand:
- 5.21.16. Heritage New Zealand Pouhere Taonga:
- 5.21.17. New Zealand Transport Agency:
- 5.21.18. Ngā Taonga Sound and Vision:
- 5.21.19. Tertiary Education Commission:
- 5.21.20. Waikato Regional Council:
- 5.21.21. Waikato District Council:
- 5.21.22. Walking Access Commission:
- 5.21.23. Watercare Services Limited:

Museums

- 5.21.24. Auckland War Memorial Museum:
- 5.21.25. Museum of New Zealand Te Papa Tongarewa; and
- 5.21.26. Waikato Museum.

WATERWAYS OF THE MANGATAWHIRI RIVER AND MANGATANGI STREAM CATCHMENTS

- 5.22. The Waterways of the Mangatawhiri River and Mangatangi Stream catchment areas (as shown on deed plan OTS-129-42) (the **catchment areas**) are, and continue to be, of great cultural, historical and spiritual importance to Ngāti Tamaoho.
- 5.23. The historical claims of Ngāti Tamaoho in relation to the lower Mangatawhiri River and Mangatangi Stream are settled by the Waikato Raupatu Claims Settlement Act 1995 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Their interests in the lower Mangatawhiri River and Mangatangi Stream are represented by Waikato-Tainui in the Waikato River co-governance and co-management framework.
- 5.24. Even though the historical claims of Ngāti Tamaoho are settled by this deed and the settlement legislation, this deed may not provide for all redress in relation to the catchment areas. This redress is to be developed in further negotiations between the

Crown and other claimant groups who also have an interest in these catchment areas, including Ngāti Tamaoho.

- 5.25. The Crown will negotiate catchment areas redress in good faith with Ngāti Tamaoho in a manner consistent with the principles of te Tiriti o Waitangi/the Treaty of Waitangi.
- 5.26. Ngāti Tamaoho acknowledge that the Crown is not in breach of this deed if the redress referred to in clauses 5.24 to 5.25 has not been provided by any particular date if, on that date, the Crown is still willing to negotiate in good faith in an attempt to provide the redress.
- 5.27. Ngāti Tamaoho are not precluded from making a claim to any court, tribunal or other judicial body in respect of the process referred to in clauses 5.24 to 5.26.

CULTURAL REDRESS PROPERTIES

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

In fee simple

- 5.28.1. the fee simple estate in each of the following sites:

- (a) Clarks Creek property;
- (b) Karaka property; and

As a historic reserve

- 5.28.2. the fee simple estate in the Waitete Pā property as a historic reserve, with the governance entity as the administering body.

JOINT CULTURAL REDRESS PROPERTY VESTED IN THE TRUSTEES AND OTHER GOVERNANCE ENTITIES

- 5.29. The settlement legislation will, on the terms provided by sections 50 to 55 and 57 to 69 of the draft settlement bill, provide that -

Vesting

- 5.29.1. the fee simple estate in the Hūnua Falls property, known at the date of this deed as part of Hunua Falls Scenic Reserve, vests in undivided quarter shares as tenants in common in each of the following:

- (a) the governance entity;
- (b) an entity that represents the members of Ngaati Whanaunga for the purposes of the vesting;
- (c) an entity that represents the members of Ngāti Koheriki for the purposes of the vesting;
- (d) the trustees of the Ngāi Tai ki Tāmaki Trust; and

5.29.2. the fee simple estate in the Hūnua Falls property will vest on the latest of the following dates:

- (a) the settlement date:
- (b) the settlement date under the Ngāti Koheriki settlement legislation:
- (c) the settlement date under the Ngaati Whanaunga settlement legislation:
- (d) the settlement date under the Ngāi Tai ki Tāmaki settlement legislation; and

Reserve status

5.29.3. the Hūnua Falls property is to be a scenic reserve named Hūnua Falls Scenic Reserve; and

Auckland Council to be administering body

5.29.4. the Auckland Council is to be the administering body of the Hūnua Falls property, as if the council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977; and

5.29.5. while the Auckland Council is the administering body of the Hūnua Falls property -

- (a) the governance entity and the other entities in which the property is vested may grant, accept, or decline to grant any interest in land that affects the property, or may renew or vary such an interest, but must consult with the Auckland Council before determining an application to obtain such an interest; and
- (b) in any review by the Auckland Council of its regional parks management plan, to the extent it applies to the Hūnua Falls property, the council, and the governance entity and the other entities in which the property is vested, must jointly prepare and approve the section of the plan that relates to the property; and

Improvements

5.29.6. the provisions of section 51 of the draft settlement bill –

- (a) apply to improvements attached to the Hūnua Falls property as at the date of its vesting under the settlement legislation, including -
 - (i) an improvement owned by the Auckland Council immediately before the vesting of the property; and
 - (ii) an improvement attached to the property with the consent of the Crown or the administering body of the property at the time of its attachment; and
- (b) provide, in particular, that, despite the provisions of that section, the governance entity is not liable for an improvement for which they would, apart from that section, be liable by reason of its ownership of the property; and

Inalienability

5.29.7. that, in relation to the governance entity's share of the fee simple estate in the Hūnua Falls property, the Hūnua Falls property is inalienable other than to a new trustee of the governance entity.

GENERAL PROVISIONS IN RELATION TO CULTURAL REDRESS PROPERTIES

5.30. Each cultural redress property is to be -

5.30.1. as described in schedule 2 of the draft settlement bill; and

5.30.2. vested on the terms provided by -

(a) sections 48 to 69 of the draft settlement bill; and

(b) part 2 of the property redress schedule; and

5.30.3. subject to any encumbrances, or other documentation, in relation to that property -

(a) required by the settlement legislation; and

(b) in particular, referred to by schedule 2 of the draft settlement bill.

OFFICIAL GEOGRAPHIC NAMES

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

Existing Name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Unnamed	Kaikākā	BB31 506849	Historic site
Symonds Stream	Mangapū Stream	BB32 742 928 - BB33 801930	Stream
Slippery Creek	Otūwairoa Stream	BB32 729 942 - BB32 727928	Stream
Unnamed	Pakakina	BB31 433830	Historic site
Unnamed	Pēhiakura	BB31 437834	Historic site
Pehiakura Lake	Pēhiakura Lake	BB31 433837	Lake
Unnamed	Pōkino Kainga	BB32 796 777	Historic site
Unnamed	Puhitahi	BB32 588890	Historic site
Puhitahi Creek (recorded)	Puhitahi Creek	BB32 628869 - BB32 591886	Stream
Unnamed	Purapura	BC31 540727	Historic site

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Existing Name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Unnamed	Te Aparangi	BB32 760952	Historic site
Unnamed	Te Iaroa	BC32 793727	Historic site
Maketu Stream	Te Maketu Stream	BB32 797896 - BB32 751885	Stream
Unnamed	Te Māunu a Tū Bluff	BB32 697 862 - BB32 698 861	Bluff
Unnamed	Te Teoteo Pā	BC33 826707	Historic site
Unnamed	Tītī	BB32 600787	Hill
Waihoihoi Stream	Waihoehoe Stream	BB32 733931 - BB32 785909	Stream
Hays Stream	Waipokapū Stream	BB32 733938 - BB32 793951	Stream
Bald Hill	Whakaupoko	BB32 598778	Hill
Clarks Creek	Whatapaka Creek	BB32 596933 - BB32 587891	Creek
Unnamed	Whatapaka Pā	BB32 597929	Historic site

- 5.32. The settlement legislation will provide for the official geographic names on the terms provided by sections 43 to 45 of the draft settlement bill.

CHANGE OF NAMES OF SITES WITHIN CONSERVATION LAND

- 5.33. The parties agree that -

5.33.1. the settlement legislation will, on the terms provided by section 46 of the draft settlement bill, change the name of Pratts Road Historic Reserve to Te Maketu Historic Reserve; and

5.33.2. the Crown will change the name of Hays Stream Conservation Area to Waipokapū Stream Conservation Area on the settlement date.

CULTURAL REVITALISATION FUND

- 5.34. The Crown will pay \$590,000 to the governance entity on the settlement date. The governance entity may, at its discretion, apply all or some of that amount towards the development of a cultural education and revitalisation centre in Papakura.

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

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

- 5.36. However, the Crown must not enter into another settlement that provides for the same redress as set out in clause 5.29.

REDRESS IN THE WAIKATO CLAIM AREA

- 5.37. The Crown and Ngāti Tamaoho acknowledge that some of the sites subject to a statutory acknowledgement, deed of recognition or an official geographic name change overlap with the Waikato claim area as defined in Waikato Raupatu Claims Settlement Act 1995 and the Waikato River as defined in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

6 COLLECTIVE REDRESS

NGĀ MANA WHENUA O TĀMAKI MAKĀURAU COLLECTIVE REDRESS

6.1. Ngāti Tamaoho is -

6.1.1. one of the iwi of Ngā Mana Whenua o Tāmaki Makaurau; and

6.1.2. therefore, a party to the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed between the Crown and Ngā Mana Whenua o Tāmaki Makaurau.

6.2. The parties record that the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed -

6.2.1. provides for the following redress:

Cultural redress in relation to Tāmaki Makaurau area

- (a) cultural redress in relation to particular Crown-owned portions of maunga¹ and motu² of the inner Hauraki Gulf / Tīkapa Moana;
- (b) governance arrangements relating to four motu³ of the inner Hauraki Gulf / Tīkapa Moana;
- (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 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed, in relation to public conservation land in the Tāmaki Makaurau Region (as defined in that relationship agreement);
- (d) changing the geographic names of particular sites of significance in the Tāmaki Makaurau area:

Commercial redress in relation to RFR land

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

¹ Matukutūruru, Maungakiekie / One Tree Hill, Maungarei / Mount Wellington, Maungauika, Maungawhau / Mount Eden, Mount Albert, Mount Roskill, Mount St John, Ōhinerau / Mount Hobson, Ōhūiarangi / Pigeon Mountain, Ōtahuhu / Mount Richmond, Rarotonga / Mount Smart, Takarunga / Mount Victoria, and Te Tātuaa- Riukiuta.

² Rangitoto Island, Motutapu Island, Motuihe Island / Te Motu-a-Ihenga and Tiritiri Matangi Island.

³ Rangitoto Island, Motutapu Island, Motuihe Island / Te Motu-a-Ihenga and Motukōrea.

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Right to purchase any non-selected deferred selection properties

- (f) a right to purchase any property situated in the RFR area (as defined in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed) -
 - (i) in relation to which one of the iwi of Ngā Mana Whenua o Tāmaki Makaurau 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 Harbour and Manukau Harbour

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

PAPAKURA PROPERTY MAY BECOME NGĀ MANA WHENUA O TĀMAKI MAKAURAU COLLECTIVE REDRESS

- 6.3. The parties acknowledge that, if the Papakura property is not purchased by the governance entity and/or the trustees of the Ngāi Tai ki Tāmaki Trust in accordance with the Ngāi Tai ki Tāmaki settlement deed, redress is given in relation to that property -
 - 6.3.1. under part 7 (Right to Purchase Former Deferred Selection Properties in Comprehensive Settlements) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed; and
 - 6.3.2. if the redress under part 7 is not exercised, and if the Papakura property would have been subject to a lease back to the Crown under this deed and the Ngāi Tai ki Tāmaki settlement deed, under subpart 1 (RFR land) of part 4 (Commercial redress) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

CERTAIN PROPERTIES CEASE TO BE NGĀ MANA WHENUA O TĀMAKI MAKAURAU COLLECTIVE REDRESS

- 6.4. The Minister for Treaty of Waitangi Negotiations must, after the enactment date but before the settlement date, give notice to the relevant persons in accordance with section 120 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 that the following properties, that are redress under this deed, cease to be RFR land for the purposes of that Act:
 - 6.4.1. each cultural redress property that is situated in the RFR area (as defined in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed);
 - 6.4.2. each commercial redress property that is situated in the RFR area (as defined in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed) unless that commercial redress property is withdrawn in accordance with clause 8.7.
- 6.5. The Minister for Treaty of Waitangi Negotiations must, before the transfer of the

DEED OF SETTLEMENT

Papakura property to the governance entity and/or the trustees of Ngāi Tai ki Tāmaki, give notice to the relevant persons in accordance with section 120 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 that the Papakura property ceases to be RFR land for the purposes of that Act.

7 HARBOURS

NGĀTI TAMAHOHO ASSOCIATION WITH HARBOURS AND REDRESS ASPIRATIONS IN RELATION TO THEM

- 7.1. Te Mānukanuka O Hoturoa (Manukau Harbour) is central to Ngāti Tamaoho's identity. Through the story of their tūpuna Papaka, from the Tainui waka, Ngāti Tamaoho consider they are a people born from the very waters of the harbour itself. The harbour is an important part of Ngāti Tamaoho's turangawaewae and is central to their rohe. It features in all stages of Ngāti Tamaoho history, including its traditional use as a transport and trade route. The deeper waters were used for fishing by net and line, with the shallower waters being used by nets and weirs. The wetland fringes provided delicate habitats for many important fish and waterfowl species, as did the inter-tidal zones and tidal inlets. The harbour also provided building materials, rongoa and important species of edible plants. It also encompassed many wāhi tapu and sites of great spiritual importance and it remains a source of great mana to the Ngāti Tamaoho people.
- 7.2. Ngāti Tamaoho's connection with Te Wai O Te Matā (Waitematā Harbour), along with its tributaries and associated wetlands, also stretches back to the time of the earliest human settlement in Aotearoa and continues up to the present day. Traditional kōrero recalls that Ngāti Tamaoho tūpuna came to these waters to fish during the summer months and live with their whanaunga of other hapū. Ngāti Tamaoho also used the harbour as a trade and travel route into the wider Te Moananui o Toi (Hauraki Gulf) and its many islands, as well as Tikapa Moana (Firth of Thames) to the south east. The Te To Waka, Karetu, Pukaki and Te Whau portages allowed Ngāti Tamaoho tūpuna to travel between the Manukau Harbour and Waitematā Harbour (the **harbours**) with ease.
- 7.3. Over the course of centuries, Ngāti Tamaoho has developed a highly complex body of tikanga which governs its relationship with the harbours and the use of its resources. The harbours, along with its inlets and many tributaries, are the connecting tissue of Ngāti Tamaoho's rohe.
- 7.4. The harbours are, and continue to be, of great cultural, historical and spiritual importance to Ngāti Tamaoho.
- 7.5. Ngāti Tamaoho wish to record their aspirations for harbours redress to -
- 7.5.1. restore and enhance the ability of the harbours to provide nourishment and spiritual nourishment; and
 - 7.5.2. recognise the significance of the harbours as maritime pathways to settlements through their Tāmaki Makaurau rohe; and
 - 7.5.3. help facilitate the exercise by Ngāti Tamaoho of kaitiakitanga and rangatiratanga.

DEFERRAL OF HARBOURS NEGOTIATIONS

- 7.6. Even though the historical claims are settled by this deed and the settlement legislation, this deed does not provide for all redress in relation to the harbours. The harbours

DEED OF SETTLEMENT

redress is to be developed in further negotiations between the Crown and others, including Ngāti Tamaoho.

- 7.7. The Crown will negotiate harbours redress in good faith with Ngāti Tamaoho in a manner consistent with the principles of te Tiriti o Waitangi/the Treaty of Waitangi.
- 7.8. Ngāti Tamaoho acknowledge that the Crown is not in breach of this deed if the redress referred to in clause 7.7 has not been provided by any particular date if, on that date, the Crown is still willing to negotiate in good faith in an attempt to provide the redress.
- 7.9. Ngāti Tamaoho are not precluded from making a claim to any court, tribunal or other judicial body in respect of the process referred to in clauses 7.6 to 7.8.

8 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 8.1. The Crown must pay the governance entity on the settlement date \$2,054,000, being the financial and commercial redress amount of \$10,300,000 less -
- 8.1.1. \$2,000,000 being the on-account payment that was paid on 15 July 2014 to the Ngāti Tamaoho Settlement Trust on account of the settlement; and
 - 8.1.2. \$2,000,000 being the on-account payment referred to in clause 8.2; and
 - 8.1.3. \$3,150,000 being the total transfer values of the early transfer properties referred to in clause 8.3; and
 - 8.1.4. \$1,096,000 being the total transfer values of the commercial redress properties.

ON-ACCOUNT PAYMENT

- 8.2. As soon as reasonably practicable after the date of this deed, the Crown will pay \$2,000,000 to the governance entity on account of the financial and commercial redress amount.

EARLY TRANSFER PROPERTIES

- 8.3. As soon as reasonably practicable after the date of this deed, but after payment of the on-account payment referred to in clause 8.2, each early transfer property is to be transferred by the Crown to the governance entity, in accordance with the early transfer terms.

COMMERCIAL REDRESS PROPERTIES

- 8.4. Each commercial redress property is to be -
- 8.4.1. 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 6 of the property redress schedule; and
 - 8.4.2. as described, and is to have the transfer value provided, in part 3 of the property redress schedule.
- 8.5. The transfer of each commercial redress property will be subject to, and where applicable with the benefit of, the encumbrances provided in part 3 of the property redress schedule in relation to that property.
- 8.6. Each of the following commercial redress properties is to be leased back to the Crown, immediately after its transfer to the governance entity, on the terms and conditions provided by the lease for that property in part 7 of the documents schedule (being a

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

8.6.1. Te Hihi School site (land only); and

8.6.2. Hunua School site (land only).

WITHDRAWAL OF LEASEBACK PROPERTIES

8.7. In the event that any leaseback property becomes surplus to the land holding agency's requirements, the Crown may, at any time before the enactment date, give the governance entity notice that the property is no longer available for transfer as a commercial redress property.

8.8. If clause 8.7 applies, -

8.8.1. the amount referred to in clause 8.1.4 is reduced accordingly; and

8.8.2. the amount the Crown must pay to the governance entity under clause 8.1 is increased correspondingly; and

8.8.3. for the avoidance of doubt, redress is given in relation to that property under subpart 1 (RFR land) of part 4 (Commercial redress) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

JOINT DEFERRED SELECTION PROPERTY: PAPAURA PROPERTY

8.9. The parties acknowledge that the Crown, Ngāi Tai ki Tāmaki, and the trustees of the Ngāi Tai ki Tāmaki Trust entered into a deed of settlement of historical claims on 7 November 2015 (the **Ngāi Tai ki Tāmaki settlement deed**). The Ngāi Tai ki Tāmaki settlement deed included redress relating to the Papakura property.

8.10. The parties acknowledge and agree that -

8.10.1. this deed is an "approving Ngāti Tamaoho deed" for the purposes of paragraph 7.1.1 of the Ngāi Tai ki Tāmaki property redress schedule; and

8.10.2. the terms and conditions in the Ngāi Tai ki Tāmaki settlement deed relating to the Papakura property (including, without limitation, clause 6.22 of the Ngāi Tai ki Tāmaki settlement deed, and parts 7 to 10 of the Ngāi Tai ki Tāmaki property redress schedule) will apply to the governance entity as if it were a party to that deed, as contemplated by paragraph 7.1.1(b) of the Ngāi Tai ki Tāmaki property redress schedule; and

8.10.3. the Crown will not agree to any amendments to the Ngāi Tai ki Tāmaki settlement deed as it relates to the Papakura property without the prior written consent of the governance entity.

8.11. The parties acknowledge and agree that part 7 of the Ngāi Tai ki Tāmaki property redress schedule provides -

8.11.1. on the terms set out in that part, a conditional right to elect to purchase the fee simple estate in the Papakura property to the governance entity and/or the trustees of the Ngāi Tai ki Tāmaki Trust; and

- 8.11.2. the governance entity and/or the trustees of the Ngāi Tai ki Tāmaki Trust may give a notice of interest in the Papakura property for one year after the date on which the Crown gives a confirmation notice that the governance entity and the trustees of the Ngāi Tai ki Tāmaki Trust have rights in relation to an acquisition of the Papakura property; and
- 8.11.3. if the Crown has given a confirmation notice that a lease back to the Crown of the Papakura property is required, the Papakura property must be leased back to the Crown immediately after its purchase under part 7 of Ngāi Tai ki Tāmaki property redress schedule by the purchaser or purchasers, on the terms and conditions provided by the lease for that property in part 14 of the Ngāi Tai ki Tāmaki documents schedule.

SETTLEMENT LEGISLATION

- 8.12. The settlement legislation will, on the terms provided by sections 71 to 77 of the draft settlement bill, enable the transfer of the commercial redress properties and the Papakura property.

9 SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

SETTLEMENT LEGISLATION

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

SETTLEMENT CONDITIONAL

- 9.5. This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 9.6. However, the following provisions of this deed are binding on its signing:
- 9.6.1. clauses 8.2 and 8.3, and 9.4 to 9.10:
 - 9.6.2. paragraph 1.3, and parts 4 to 7, of the general matters schedule.

EFFECT OF THIS DEED

- 9.7. This deed -
- 9.7.1. is "without prejudice" until it becomes unconditional; and
 - 9.7.2. may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 9.8. Clause 9.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

TERMINATION

- 9.9. The Crown or the governance entity may terminate this deed, by notice to the other, if -
- 9.9.1. the settlement legislation has not come into force within 36 months after the date of this deed; and
 - 9.9.2. the terminating party has given the other party at least 40 business days' notice of an intention to terminate.

DEED OF SETTLEMENT

9.10. If this deed is terminated in accordance with its provisions -

9.10.1. this deed (and the settlement) are at an end; and

9.10.2. subject to this clause, this deed does not give rise to any rights or obligations;
and

9.10.3. this deed remains "without prejudice"; but

9.10.4. the parties intend that the on-account payments and early transfer properties
are taken into account in any future settlement of the historical claims.

10 GENERAL, DEFINITIONS AND INTERPRETATION

GENERAL

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

HISTORICAL CLAIMS

- 10.2. In this deed, **historical claims** -
- 10.2.1. means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngāti Tamaoho, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that -
 - (a) is, or is founded on, a right arising -
 - (i) from te Tiriti o Waitangi/the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law, including aboriginal title or customary law; or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992 -
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation; and
 - 10.2.2. includes every claim to the Waitangi Tribunal to which clause 10.2.1 applies that relates exclusively to Ngāti Tamaoho or a representative entity, including Wai 1126 - Ngāti Tamaoho Lands and Resources claim; and

10.2.3. includes every other claim to the Waitangi Tribunal to which clause 10.2.1 applies, so far as it relates to Ngāti Tamaoho or a representative entity, including the following claims:

- (a) Wai 1992 - Ngāti Mahanga, Ngāti Tamaoho and Ngāti Apakura (Tahapeehi) Lands claim;
- (b) Wai 2039 - Ngāti Amaru and Ngāti Pou Lands claim; and
- (c) Wai 8 – Manukau Harbour claim.

10.3. However, **historical claims** does not include the following claims:

10.3.1. Raupatu claims as defined by section 8(1) of the Waikato Raupatu Claims Settlement Act 1995:

10.3.2. raupatu claims as defined by section 88(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010:

10.3.3. a claim that a member of Ngāti Tamaoho, or a whānau, hapū, or group referred to in clause 10.6.2, may have that is, or is founded on, a right arising as a result of being descended from a tupuna who is not referred to in clause 10.6.1:

10.3.4. a claim that a member of Ngāti Tamaoho, or a whānau, hapū, or a group referred to in clause 10.6.2, may have that is, or is founded on, a right arising as a result of being descended from a tupuna other than Tamaoho:

10.3.5. a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 10.3.1 and/or clause 10.3.2.

10.4. To avoid doubt, clause 10.2.1 is not limited by clauses 10.2.2 or 10.2.3.

10.5. To avoid doubt, this settlement does not affect the right of any group to apply for recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.

NGĀTI TAMAHOHO

10.6. In this deed, **Ngāti Tamaoho** or the **settling group** means -

10.6.1. the collective group composed of individuals who descend from one or more of a Ngāti Tamaoho tupuna; and

10.6.2. every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 10.6.1; and

10.6.3. every individual referred to in clause 10.6.1.

10.7. For the purposes of clause 10.6.1 -

10.7.1. a person is **descended** from another person if the first person is descended from the other by -

- (a) birth; or
- (b) legal adoption; or

- (c) Māori customary adoption in accordance with Ngāti Tamaoho tikanga (Māori customary values and practices); and

10.7.2. a **Ngāti Tamaoho tupuna** means an individual who -

- (a) exercised customary rights by virtue of being descended from Tamaoho; and
- (b) exercised customary rights predominantly in relation to the Ngāti Tamaoho area of interest after 6 February 1840; and

10.7.3. **customary rights** means rights according to tikanga Māori (Māori customary values and practices), including -

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

MANDATED BODY AND SIGNATORIES

10.8. In this deed -

10.8.1. **mandated body** means the Ngāti Tamaoho Trust; and

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

- (a) Dennis Raniera Kirkwood (Chair), Karaka, farmer:
- (b) Te Roto Mary Jenkins, Mangere Bridge, retired:
- (c) Gordon David Katipa, Otara, kaiako:
- (d) Nicholas Maaka, Wellington, senior advisor:
- (e) Tori Ngataki, Papakura, administrator:
- (f) Panetuku Shaman Rae, Otahuhu, kaiako:
- (g) Lynette Ann Tamara Taka, Mangatangi, health co-ordinator:
- (h) George Tumohe Wheatley, Mangatangi, retired; and
- (i) Kiri Waitai Wilson, Pukekohe, lecturer/educator.

ADDITIONAL DEFINITIONS

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

INTERPRETATION

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

DEED OF SETTLEMENT

SIGNED as a deed on 30 April 2017

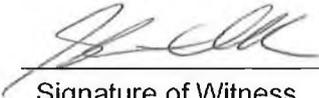
SIGNED for and on behalf of
NGĀTI TAMAOHO by the mandated
signatories, in the presence of -

)
)
)



Dennis Raniera Kirkwood

WITNESS



Signature of Witness

Stephen Church

Witness Name

Public Servant

Occupation

Wellington

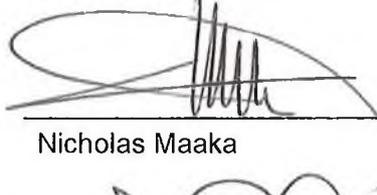
Address



Te Roto Mary Jenkins



Gordon David Katipa



Nicholas Maaka



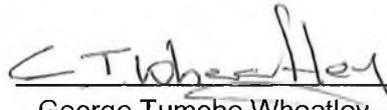
Tori Ngataki



Panetuku Shaman Rae

Tamara Taka

Lynette Ann Tamara Taka



George Tumohe Wheatley



Kiri Waitai Wilson



DEED OF SETTLEMENT

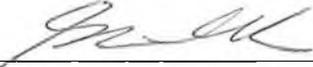
SIGNED by the trustees of the
NGĀTI TAMAOHO SETTLEMENT TRUST
in the presence of:

)
)
)



Dennis Raniera Kirkwood

WITNESS



Signature of Witness

Stephen Church

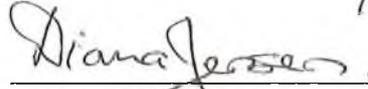
Witness Name

Public Servant

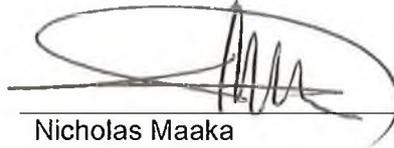
Occupation

Wellington

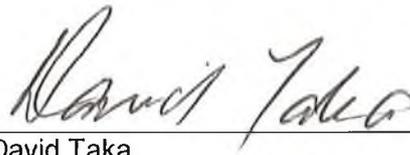
Address



Diana Jensen



Nicholas Maaka



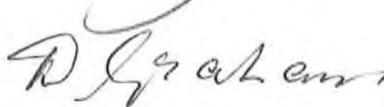
David Taka



Lynette Ann Tamara Taka



Te Roto Mary Jenkins



Other witnesses / members of Ngāti Tamaoho who support the settlement

Evelyn Edwards

Kataraina Erueti

Kataraina Hoha Edwards

Tua Erueti

Mosie Kotua Roberts Ormsby

Temanae Hauata Roberts (nee Paki)

Pekaira Tohikuri Pompey

Dion Hughie Waters

Gregory Paul Ormsby

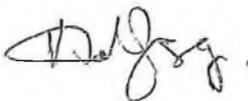
Jimmy Graham

Mona Pompey (Mona) 

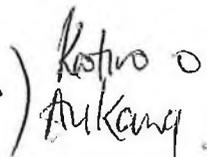
Thomas Ker Eholm

Rangimarie Graham

Shakira Kerehoma

Wilfred Rameka Graham / Kerehoma 

Melisa Joy Waikato / Kerehoma

Heravanuati Sally Brown (nee Edwards)  Koro o Aukangia Kerehoma Edwards. 82

KL

Newly taken

Wanita Wogadok

30/4/17

Yalla Yalla Ngait

30 04 17

Kora Waiere Kamber

30-04-17

Ronny Katherina Kamber Fox

30.04.17

Benjamin Jones Leonard

30.04.17

~~Benjamin Kamber~~

30-4-17

Maia Nethan Te Apurua Ngait

Maia Ngait 30/4/17

Te Aro Raanus Iaka Smith

30.4.17

Hereana Kirkwood

30-4-1917

Kangitahi Mahuta

30-4-17

Teri-Ron Kirkwood

30/04/17

Ramari Kirkwood

30/04/17

Ngara Kori Laika Maru

30/04/17

Una Campbell

30/04/17

Georgina Ngata

30/4/17

Mosson Ngata

30/4/17

maungatanihi

Historical Group

John Vernon Teuira Wheaty 3/4/17

Other witnesses / members of Ngāti Tamaoho who support the settlement

D Graham

J Pamprey

Gordon

Travan Jensen

Murray Jensen

Michael

Michael Latta

Peter Mack

Edwin Kipi Edwards

Hempay

Ranhou Ranpa

Mie Kahi

Garlie Tairua

Robert West

Parekura West

(Jean Cooper)
Guandad

Guia Hobai

Nana Blacki

Hera May Kirkwood-Kahi
Ngati Tamaho hkk

Melani Te Waiwai Kirkwood Kahi
Ngati Tamaho Ma..

Rangimohoa Maraea Mayana Rawiri
Ngiti Tamaho R

Nwa Taratu Tamaho A. Lohu
Te Keri Tiwaiwi Ngataki in hkk

Wally Ramonui Mangere

Teresa Kirkwood Watahaka

Hana Trusti Tamaho Mberga Tangi

○ Rireana Rawiri (nee Kirkwood) R

Ngairo May Kirkwood

Mero Kupa

Junmangu Kirkwood
Pae

Tearene Rawiri

Puparawa Rawiri

Mahuika Rawiri - Hui Ngakui

Mere Nutans Dewes

Ngare Kahira Fealavaa (nee Dewes)

Bronwyn Kirikowhai Taka

Puhia Maaka

(Grave Taikato van den Brink)

DEED OF SETTLEMENT

Other witnesses / members of Ngāti Tamaoho who support the settlement

Sophie Gladys Johnson 	30/4/17.
Charleen Elizabeth Beach 	30/04/17.
Laye Rubina Waiake Thompson	30/4/17
Millie Edwards	30/4/17
Hinewaimarie Rara	30/4/17
Stevie Jay Rara	30/4/17
Hingatu Darling Pompey	30/4/17
Edward Rori Kirkwood	30/4/17.
Alicia Aubrey Kirkwood 	30/4/17.
Finlay Jensen	30/4/17
Deana Jensen	30/4/17
Bevan Samuel Jensen	30-4-17
Helen M. Nepeia	30/4/17
Jessie Nepeia	30/4/17
Barton Thompson 	30/4/17
Harmon George Omsby 	30/04/17
Jean Rangiahaoko Yern	30/04/17
Olne Yern	30/04/17
Kieran Yern	30/04/17
Mara Kiriavoha Takea	30/4/17
Thomas Te Ringapowhiri; Takea Simms	30/4/17
Nellie Matene-mete	30/4/17
Raemon Matene	30/4/17 ⁸³
Ruth Joann Honey Nepe	30/4/17.

RJ
W

Other witnesses / members of Ngāti Tamaoho who support the settlement

Paula J Nepia	30-04-2017
Poututefangikowhiri A Uniuine Nepia-Pelston	30/04/2017
Mira Pompey	30/04.2017
Joseph Hare Meara	30/04/2017.
Jessica meana Ooariki	30.4.2017
Eric Ooariki	30.4.2017
Reuben Ooariki	30.4.17
Tewatoroto Tamui Ooariki	30.4.17
Dayne Ooariki	30.4.17
Floyd braxton Ooariki Dawson	30.4.17
Kauri Leah Ooariki Dawson	30.4.17
Ripeka Paki Roka Isaacs	30.4.17
Lisa-anna Puawai Ripeka Isaacs-Tona	" "
Selwyn Paki Isaacs	" "
Aaron Moses Isaacs	" "
Paki Rakuo Erueti	" "
Cyrus Anthony Selwyn Isaacs	" "
Patira Pairama	" "
Warren Dion Smith	" "
Hevemaia Paki Erueti Isaacs	" "
TOM KIRKWOOD	30-4-17
Loren Kirkwood	30-04-17
Jim-Bob Kirkwood	30-04-17

DEED OF SETTLEMENT

Other witnesses / members of Ngāti Tamaoho who support the settlement

George Huiarangi Wheatley 30/4/17
George Teuho Tunari Wheatley 30/4/17
Huiarangi Pihikese Roto Wheatley 30/4/17
v Chelsea N R Turner 30.04.17
Lorraine Purmel 30.4.17
Marilyn Rind 30.4.17
Rachel Te Rau Ewha Petero 30/4/2017
Marara Smith-Davey / SDavey 30/04/2017.
Mene Dass. Bhoonopal Katipa 30/4/2017
Penny Dunstan 12.25 pm
Janet Wheatby 12.26 pm
Lillian Wikitoria Pompey 30/4/2017
Mereana Emily Kelly 30.4.2017
Justize Nikita Te Rongonui Thompson 30.4.2017.
Dolly Katipa Tai-Rakena Paul 30/04/2017
Mahaki Thomas Cooper. 30/4/17
Patsy Maxwell nee Pompey 30/4/17
Taylor-Rose Maxwell 30/4/17
Daniel Maxwell 30/4/17
(Bill) Gordon Maxwell 30/4/17
(Bill Maxwell) 30/4/17
Clemmie-Rose Pompey & Maria Rosemary Paetoku Pompey 30/4/17
Sammie-Rose Pompey / Pompey 30.04.17

DEED OF SETTLEMENT

Other witnesses / members of Ngāti Tamaoho who support the settlement

Bella Akarana B.P. Akarana 30/4/17
 Annette Snodling. A.M. Snodling 30/4/17.
 Sharyn Gosson Dany Gosson 30/4/17
 Warahi Paiki
 Linda Paiki

Lolly Panapa P. Panapa 30/4/17

Justin Moana

Hine Panapa
 Phill Panapa

Lia Panapa Pariora



30-04-2017

Lorey DeThermy (Nee Waitaiti/Euriti) 30.4.2017
 In remembrance of my Aunty Corrie
 Aunty Kerri

J. Waitaiti

Monte Edwards

Leo Edwards

Gene Hemopo

Brian Hemopo R.I.P.

Matetu Hemopo

Jimmy Hemopo

Milthe Hemopo

Treia Hemopo

Korotangi Lalahi

Kierri Lalahi

Timi Hemopo

DJ Wheatley

30/4/2017

30/4/2017

30.04.2017

Kiriana Hemopo

Marino Hemopo

Maio Hemopo

Semi Hemopo

Joshua Uasila's



Riper Chase

Kimmi Hemopo

Pebisi Lalahi

30/4/17



Other witnesses / members of Ngāti Tamaoho who support the settlement

Poumoana Ptaka

Kirihi Matatahi

Linda Talley

Ariana Aamu

Welfred Anderson.

Sandra & George Ormsby

Toni Rivipeti Ngu Ngu Fenton - Ormsby

Lucas Kia Stevens

Booke Te Oraha Rivipeti Anne Stevens

Zaine Jean Jorge Maria Stevens

Huia & Stephanie Fenton & Whanau

SHANE KIA MAURI ORMSBY

Maurice Cooper chv

Mary Taka.

Wai Taka.

Temahuekino Rarua

Dick Cooper

Mardi Walker

Whanau Eru

Meruyn Hohoria

Mangu te Ono

Meruyn Joseph Pakarangi

Daniel Wilson - Tylee + Tamari + Rubee

Te dumihi Maria Knudsen Hohoria

Aaron M. Isaacs

Cyrus Anthony Selwyn Isaacs

Other witnesses / members of Ngāti Tamaoho who support the settlement

Taisha Jane Ikinofu - Edwards
Tania Renita Ikinofu - Edwards
Taueni Ikinofu
Te Mana Mauri Rendall - Ikinofu Edwards

Jay Ikinofu Edwards

Moroni Edwards

Jane Charles Mak - Rizo George Mak
Rene David Mak - Kayah Mak
Charlie Mak - Tina Mak
Anna Mak - Waimaria Nicole

Farahby Pio

Jadyn Rapata waikato Kelly

Mahinarang meveana Pawa Kelly
Paki Takua + Reweti

Selwyn Paki Isaacs

Jennifer Lynne Jauhari

Mary Ivana Oaraki

Matej Rae + Te Owai Rae + Puawai Rae + Hirimira Rae

DEED OF SETTLEMENT

Other witnesses / members of Ngāti Tamaoho who support the settlement

Te Teina Kirkwood Rawiri 

Kasey Albert KATIPA 

Yaukiri Katipa Heavaa:

Joana Lu Rangī-Aroha Ariha Katipa

Lee Leneaka Teleme Potini

Dennis Roger Te Ahuru Roberts

Johannah Riki-may Paremita RAWIRI

M. Heavaa.

T. Pompey

CHARLES HOETA POMPEY,

Denny Te Hinurangimoeaka Wilson-Iskaanini

Jay moana

Taylor Heavaa 

Barron Kirkwood & on behalf Rose Kirkwood Snr.

Anwarul Karim Thompson Korenci

Kylie Te Arihi Maia Jane Korenci Ngataua⁸⁹ 

Other witnesses / members of Ngāti Tamaoho who support the settlement

HAMĀURU EUGENE PAWIRI



NGĀTI PAOA NGĀTI WHANAUNGA

Tukahia Ngataki

ELL
Ngāti Tamaoho

Tuahuroa Ngataki
Ngataki
Ngāti Tamaoho

Tehataurangi Karena
Tuaha Karena
Ngāti Tamaoho

Tahau Kirkwood
Ngāti Tamaoho
Rosi Kirkwood
Ngāti Tamaoho

KW
K