

NGAI TAI
and
[*Governance Entity*]
and
THE CROWN

NGAKINGAKI TE WHENUA
DEED OF SETTLEMENT OF
HISTORICAL CLAIMS

Initialling version for presentation to Ngai Tai

[date]

PURPOSE OF THIS DEED

This deed –

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

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DEED OF SETTLEMENT

THIS DEED is made between

Ngai Tai

and

[Governance entity]

and

THE CROWN

1 NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

NGĀ KŌRERO TUKU IHO O NGAI TAI

Ko te whakapapa o Manaakiao, ka tīmata i a Māui

Māui Tikitiki a Taranga

Papa Tirau mae wa

Tiwaka Waka

Tara nui = Ranginui

Tara roa = Rangiroa

Ngai-Whare-Kiki

Ngai-Whare-Kaka

Ngai-Roki

Ngai-Reka

Ngai-Peha

Ngai-Taketake

Ngai-te-Hurumanu

Toi te Huatahi (Toi Kairākau)

Rauru

Taha-Uri

Taha-Titi

Rua-Tapu-Nui

Tama-ki-te-Hau

Tama-ki-te-Rā

Ruatangiawa

Manaakiao = Tōrerenuiārua

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Manaakiao

- 1.1. Kua takina te whakapapa mai i a Māui Tikitiki ā Taranga ki tō tātau tipuna a Manaakiao. Nā Māui te whenua i hutia ake, arā ko Te Ika a Māui. Nā, kia tahuri rā ngā kōrero ki ngā tātai whakapapa o tō tātau tipuna a Manaakiao ki tōna tipuna, ki te rangatira nei, ki a Toi te Huatahi.
- 1.2. Ko Toi te Huatahi tētahi tino tipuna i Hawaiki, i Aotearoa anō hoki. Ko tōna ingoa e whakaatu ana he huatahi, arā he taonga tuatahi ia. Tau ana te noho ā te tipuna nei ki ngā moutere o te Moana nui ā Kiwa. Nō tētahi wā ka tīmata he whakataetae tere waka i te hōpuapua o Pikopiko i Whiti. He toa ngā mokopuna a Toi te Huatahi ki ēnei mahi. Ko Whātonga rāua ko Tūrāhui ērā. Ka pai te teretere o ngā waka i te whakataetae. Heoi, ka mau te tokorua nei ki tētahi āwhā whakaohorere, ā, ka ngaro ki te moana. Nā te whai me te rapu a Toi i āna mokopuna, ka tae ia ki Aotearoa nei. Ka tūtaki a Toi me tōna tira rapu i āna mokopuna ki tētahi iwi, he pangopango te kiri, he turi pāraharaha. Ka moea e Toi te Huatahi a Kuraimonoa. Ko tōna pā kāinga kei runga ake i Te Rae o Kōhi, ko Kāpūterangi te ingoa. Ki reira ka huri tōna ingoa ki a Toikairākau, nā ngā kai o te wāhi rā, ko ngā kai o te ngahere. Kārekau he kūmara me wērā momo kai. Ka taunahatia e ia te whenua. I konei hoki ka hua mai āna uri, ko te Tini a Toi, ā, mohoa ake nei. Ka noho rangatira ia. Ko tāna tama a Rauru, koia nei te tātai hekenga o tō tātau tipuna a Manaakiao.
- 1.3. Ko Manaakiao, te uri o Toi-kai-rākau, te tangata i mau i ngā mātauranga o ōna tīpuna, te tohungatanga ki te mahi kai, te tiaki whenua, me te pupuri tikanga. Nōna te kawa o tō tātau iwi. Nāna hoki i whakatō te ora ki te whenua, nā Tōrerenuiārua i whakatō te mana o te rangatira ki te iwi, me tōna aho ariki nō te waka o Tainui.

Tōrerenuiārua

- 1.4. Kia tahuri rā ki ngā kōrero mō tō tātau tipuna wahine a Tōrerenuiārua me tōna taenga mai. Ko ia te mātaamua o ngā tamariki a Hoturoa rāua ko Whakaotirangi. Ko tōna ingoa o Tōrere he mea tapaina ki te ingoa o te tuahine o tōna matua, arā, a Hine-Tōrere, i mate i Hawaiki i mua i te hekenga mai o tō tātau waka o Tainui ki Aotearoa. Ko te wāhanga whakamutunga o tōna ingoa, (nui-ā-rua) he whakamaharatanga ki te wāhi i tanumia ai a Hine-Tōrere, he wāhi tuku iho kei tētahi o ngā moutere o Hawai'i i mua noa atu i te wehenga i Hawaiki, i whakakitea kētia e Tōrerenuiārua te whenua hōu, me te kāinga hōu mōna. Koinei tētahi o ōna raukura, ko te whakakite. E rua tekau mā iwa ōna pukenga, nō te kete arorangi. I mua i tōna wehenga i Hawaiki ka kohikohia e ia ētahi taonga nō tōna kāinga ka raua atu ki tōna kete motuhake. He kirikiri, he anga, he kōhatu ētahi o aua taonga, ā, nō te taenga mai ki tōna kāinga hōu i Aotearoa, ka ruia e ia ngā taonga nei ki te ākau kia mau tonu ai te herenga tāngaengae ki tōna kāinga i Hawaiki mōna, mō ōna uri anō hoki.

Te Waka o Tainui

- 1.5. I a Hoturoa mā e noho ana i Hawaiki, ka itiiti iho ngā kai, ka taumaha rawa ngā moutere i te tangata. Ka pupū ake ngā pakanga i waenganui i ngā iwi. Ko Te Rātōrua tērā, ko Hawaiki mātotoru i te tangata tērā. Nā ngā raruraru mō te whenua, ngā kai, me ngā pakanga i rangirua ai ngā iwi, ā, ka hoki ngā mahara mō ngā kōrero mō tētahi whenua hōu kei tua o te moana waiwai, o Te Moana nui a Kiwa. Ka huri ngā whakaaro o ngā rangatira

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

ki aua kōrero, ā, ka toko ake te whakaaro ki te whakarite waka hei wehe. Ka puta ko te hekenganui o ngā waka tēnei. Ko tētahi o ngā waka rongonui i hangaia mō taua haerenga, ko tō tātau waka, ko Tainui. He waka i ū ki ngā karakia tapu, i herea ki ngā tikanga tuku iho, ā, i whakarewaina i raro i te maru o ngā tohunga me ngā kaihautu whakaterere waka.

- 1.6. Ko te poro rākau i whakamahia mō te waka, he rākau i tipu ki Maungaroa ki runga ake o te tamaiti whakatahē i tāpukehia ki reira. Ko Tainui te pēpē rā, ko Hinauri rāua Tinirau ngā mātua. Koinei tētahi o ngā take i tapaina ko Tainui te ingoa o te waka. Ko Hinauri, ko Hinekura rānei tētahi o ōna ingoa, he tuahine nā Māui, koinei pū te hononga o te waka o Tainui ki a Māui te māia, Māui te nukurau, Māui te tinihanga, Māui i hī ake i te whenua hōu.
- 1.7. Tokorima ngā tohunga nā rātau te waka o Tainui i whakarite. Ko Rakataura te tohunga tārai. Ko ia i tohua hei waihanga i te waka. He tohungatanga tārai waka ia nā te toa nei a Rātā. E toru ngā toki i whakamahia e Rakataura, ko Hahau te pō te toki turaki, ko Paopao te rangi te toki wāwāhi, ā, ko Manutāwhiorangi te toki tārai. Ko Mahurangi te kuia, te ruruhi, i tohu, i tuku kōrero āwhina, ārahi hoki ki a Rakataura, i a rātau e waihanga ana i te waka. Ko Rakataura me tōna kāhui tārai waka i mahi i ngā mahi o te waka. Ko Hoturoa tētahi tohunga anō, ko ia me tōna whānau i whakarite ngā kai. Ko Hoturoa me tōna hoa rangatira a Whakaotirangi ngā hāpai ō ki muri. Ko Taikehu te tungāne o Whakaotirangi, ko ia anō tētahi tohunga waihanga i te waka. Nāna te hoe tapu ko Hauhauterangi. Ko Hāpopo rāua ko Whakatau-pōtiki ētahi o ngā tohunga. Ko tētahi o ngā kaiāwhina he hōhonu kakī, he pāpaku uaua, ā, ko tāna mahi he whakaparuparu i a ia i mua i te wā kai, anō nei he pukumahi ia. Ko Kōhitinui tēnei. Ka haere te wā, ka pukuriri a Rakataura, ā, ka patua e ia a Kōhitinui. Ka oti te tārai i te waka. Ka karakia a Rakataura kia neke, kia heke atu te waka ki te moana. Engari tē neke. Nā wai rā, ka karakia a Hoturoa, ā, ka neke, ka rere pai te waka. E ai ki te kōrero, i pēnei ai, nā te patunga a Rakataura i a Kōhitinui. Nā reira, ka noho ko Hoturoa te rangatira o te waka, ahakoa ko ia te kaimahi kai o te iwi.

Tōia, Tainui!

Tapotu ki te moana

Mā wai e tō?

Māku e tō, mā Whakatau e tō.

Whakarongo ake au ki te taha o te rangi,

He tarawai nuku, he tarawai rangi,

Pūhia te ahi, e

Nau mai, e Tāne! ka kau tāua i te awa i Pikopiko i Whiti,

Kia mātakitakina koe, e te tini e te mano,

Nāku koe e tiki atu ki te wao nui a Tāne;

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Mīroi, e Tāne, koakoa e Tāne.

Turuturu haere ana te wai

O te hika o Maruānuku

E patua ana mai, e te kōmuri hau

Nā runga ana mai o Waihihī, o Waihihā

Te Iranga tēnā o Tainui

Ura te rā, wewero te rā

Ngā tāngata i whakaririka,

Mamau ki te taura

Kia tū mātātorohia atu taku tū mātātoro

Ihu o waka

Tūruki, tūruki,

Paneke, paneke!

Haramai te toki, Haumie, Hūi e, Tāiki e.

- 1.8. Ka whakarewaina te waka ki te moana ki te whakamātautau, ā, ka āhua pukepuke te rere o te waka. Ka karanga atu a Whakaotirangi. “He tai nui rawa e Hotu.” Nā, ka tōia mai ki uta, ka waruwaruhia anō te waka. Nō te hokinga ki tai, ka pai rawa te rere o te waka. Koinei tētahi take anō i tapaina ko Tainui te ingoa o te waka.
- 1.9. Ko Tainui te waka. Ko Hoturoa te rangatira. Ko Whakaotirangi tōna wahine. Nāna i mau mai te kūmara me te taro. He whānau mahi kai, he ringa makuru. Ko Ngātoroirangi te tohunga ahurewa. I te rerenga mai a Tainui. Ka karanga ētahi i uta, “E Hotu, taihoa e haere, ko Tamatea tēnei.” He whakatūpato mō ngā rā e tatū mai ana, i te mea he rā tūpuhi ērā. Ka whakautu atu a Hoturoa, “Tukua māua ko Tamatea ki te moana whawhai ai.” Nā, ka haere tonu. Nā ngā karakia a Ngātoroirangi, me te whakapono nui a Hoturoa, ka marino te moana, ka whakapapapounamu, ka kārohirohi ngā wai, kia tae atu ai ki Rarotonga, ki Tangiia. Ka rite te wā kia wehe ai ngā waka. Ka karangatia a Ngātoroirangi e Tamatekapua kia āwhinatia rātau te puta atu ki te moana. Nā ka māmingatia a Ngātoroirangi e Tamatekapua kia noho tonu i tōna waka hei tohunga ahurewa mōna.
- 1.10. Nō te wehenga o Ngātoroirangi. Ka tū ko Riukiuta hei ārahi i te waka. Anei ngā kaitiaki o te waka. Ko Paneiraira e patu ana i ngā ngaru. Ko Ihe rāua ko Mangohikuroa e ārai ana i waho, ā, e ai ki te kōrero, waru tekau ngā ika taniwha me ngā manu moana nei. Ko Pōngarara tētahi kaitiaki anō i whai, i tiaki i te puhi, ko Tōrerenuiārua. I tere te waka i Te

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Moana-nui-a-Kiwa. He haerenga roa, he haerenga tawhiti. He nui ngā tohu ārahi i te iwi nei. Ko ngā whetū, ko te āhua o ngā ngaru, ko te au o te moana, ko te rere o ngā manu moana me te maha kē atu. Kāre e kore, i whakamātauria rātau e ngā āwhā, me ngā rā mārīe i ngā wā e pōturi ana te waka. Tērā tētahi wā i uru te waka ki te kohu mātotoru, ki te kohu tātaiore. I reira kē rātau e hurihuri ana i te kore hau. Kāre i kitea ngā whetū, te marama, te rā, ngā ngaru me ngā āhuatanga ārahi i te waka. Ka mau ki reira mō tētahi wā. Ka tukuna e rātau ngā karakia, kāre i roa ka rongona e rātau te tī, tī, tī o tētahi manu. Kātahi ka ti, ti, ti te manu. Ko tētahi he tohu kia huri matau, ko tētahi he tohu kia huri māui. Ko te wā e ngū ana te manu, e tika ana te haere. Koinei ngā tohu ā te manu tīwaiwaka kia puta pai ai te waka ki te ara tika. Nā tēnei āhuatanga, ka noho tēnei manu hei kaitiaki, hei kaiarataki mō ngā whānau. Ka ū anō te waka ki tōna ara tika, ki Aotearoa. Hāngai te ara ki te kuia a Whakaari. Kei tua atu ko Te Paepae o Aotea, kei reira te mauri i waihotia e Tainui waka

Whangaparāoa

- 1.11. Ka pātata mai te waka o Tainui ki Whangaparāoa. Nō waho mai rānō ka kitea te pōhutukawa e tū ana ki te taha tika, ka mau ki te raukura, ka rukenga ki te wai. Auē taukuri e! I pōhēhē te iwi he manu whero kē te rākau rā. Ka pai, hei raukura hōu, hei titi ki te upoko.
- 1.12. Ko Taunga Waka tērā, te wāhi i ū ngātahi mai ngā waka. Ka ū te waka ki uta, kāre i roa ki Hāpaua. He wherowhero ngā toka o taua takutai, ko ngā raukura i rukea ki te wai.
- 1.13. Kātahi ka huri te waka i te take o Tihirau maunga. Ka ū anō ki uta, ka tau te punga, ka here i te waka ki te toka. Ka tapaina taua toka ko Te Haika a Tainui, ā, ko Te Riu o Tainui taua takiwā. I reira hoki te waka o Te Arawa i taua wā, ā, ka rongohia ngā kōrero mō te nekeneke o te taura ki raro iho kia tohua ko wai i tae tuatahi mai. He nui ngā tautohetohe i waenganui i a rātau, ā, kāre rātau i roa i reira, ka haere tonu a Te Arawa.
- 1.14. Ka tau te iwi o Hoturoa, ka torotorohia te whenua o Whangaparāoa, ka mahi kai, ka nōhia te whenua. Ka rūmakina e Whakaotirangi āna tāpapa kūmara. Ka mahia ngā mahi hei painga mō te iwi. Heoi anō i a rātau e tau nei, ka tipu te aroha i a Taikehu, te kaihoe o te waka ki a Tōrerenuiārua, te puhi o te waka. Ka minamina atu a Taikehu ki tāna irāmutu, engari tē hiahia a Tōrerenuiārua ki a ia nā te mea i te mōhio kē ia ki tōna whenua hōu, me tōna ao hōu. Kua tau kē ōna whakakitenga ki roto i a ia, mō te wāhi ka taunahatia e ia.
- 1.15. Ko Hotuope te tungāne o Tōrerenuiārua, i werohia ia i roto i ngā tākaro ā ngā tamariki, i ngā mahi whakaparawai. Heoi anō, nō te urutanga o ngā mātua ki roto, kei te mau kē ko ngā rākau whawhai. He tohu tēnei, me mawehe. Ka haere tonu a Hoturoa me tōna iwi.

Te Whitianga mai o Tainui

- 1.16. Ka hikinuku te tira o Hoturoa ki te rapu nōhanga anō mō rātau. Ka wehe rātau i Whangaparāoa. Ka tere anō te waka o Tainui i Te Moana a Toi te Huatahi. Nō te hipanga iho i tētahi whanga, harakuku ana te waka ki ngā toka o te wai rā. Ka pae, ka mau te waka ki te toka. He puare, he kōhao kei ngā tahataha o te paritahataha o reira, he mea panaia e te hoe kia puta te waka. Nā wai rā, nā tētahi ngaru anō i hiki atu. Ka kawea te waka ki uta. Ka tapaina tēnei wāhi ko Te Whitianga mai o Tainui. Kei reira hoki he riu anō o Tainui.

- 1.17. I a rātau e whakatikatika ana i te waka, ka whakatō a Whakaotirangi he māra kai ki te wāhi e mōhiotia ana ināeanei ko Tokatā. Ka tapaina taua wāhi ko Te Māra a Whakaotirangi. Mai i te wā i ū mai ki uta, ko Whakaotirangi e tiaki ana i ngā purapura kūmara i tōna kete. Ko Te Kete Rukuruku a Whakaotirangi tēnei. Ki ētahi he kete rokiroki, ki a Ngai Tai, ki a Tainui he kete rukuruku. He kūmara kei roto i te kete nei, ko te taro kei tētahi kete anō. Ko ngā kūmara i a ia, he hutihuti, he mānawa, he rekamauroa, he pokerekāhu ngā momo.
- 1.18. Ka toko te wā, ka rongo a Tōrerenuiārua ki te whenua i kitea e ia i Hawaiki e karanga tonu ana ki a ia. Ka tika mai anō te waka, ā, ka haere tonu te iwi nei.

Taiehu

- 1.19. Ko Taiehu te tungāne o Whakaotirangi, me tētahi o ngā tino tāngata nō te waka o Tainui, ko ia te kaitiaki o te hoe tapu. I minamina ia ki te tamāhine a Hoturoa rāua ko Whakaotirangi, ki a Tōrerenuiārua. E ai ki ētahi, karekau ia i pīrangi ki te puhi o te waka, ko tāna kē, he matua kēkē whakaaro nui ki te haumarutanga o tāna irāmutu. I noho tonu ia, kia tutuki rānō āna mahi torotoro whenua ki roto mai o Whangaparāoa, kātahi ka whai mai mā raro, kia riro i a ia a Tōrerenuiārua hei wahine māna.
- 1.20. I te taenga o te waka ki te wāhi e mōhiotia nei e tātau ko Tōrere. I mōhio kau a Tōrerenuiārua, koinei te kāinga mōna. Koinei te wāhi i whakakitehia e ia i Hawaiki rānō. Koinei te kāinga taurikura mōna. Ka tono te puhi o te waka o Tainui ki tōna matua, kia āhei ia te heke me te noho mai.
- 1.21. Ka whakaae tōna matua. Ka ū ki uta, ki waenganui tonu o te ākau nei, ki Pukeiahunoa. Ka noho mai a Tōrerenuiārua me ngā taonga i waihotia mai e ōna mātua. Ka tipu te harakeke ki te ākau nei ka kīa ko ngā makawe ērā o Tōrerenuiārua. Ka huna ia ki raro i te onepū, kia kore a Taiehu e kite i a ia.
- 1.22. Ka pātata mai a Taiehu ki te wāhi i reira a Tōrerenuiārua, engari i mua i a ia he toka nunui e tū ana. Kore rawa e taea e ia te whakahipa nā ngā moana nui, kore rawa e taea e ia te whakapiki nā te tūpoupou hoki. Nā reira ka werohia e ia he ana ki te toka mā tōna hoe tapu kia pai ai te hīkoi mā roto, kia tae atu ia ki te wahine nei a Tōrerenuiārua. Ka hoko te tai, ka mahue he ana whakaputa, ko Te Toka Puta a Taiehu tērā. Ka hīkoi tonu a Taiehu, engari auare ake, ko te hā noa o Tōrerenuiārua i rongohia e ia.
- 1.23. Ka marere a Tōrerenuiārua ki uta. Ka whai ia i te awa o Wainui. Tau ana ki Maraetaha, ka karakia ia kia kotiti ai te ara whai a Taiehu. I te taenga atu a Taiehu, ka pōraruraru katoa ia, ka taka ā roto. Mōhio tonu ia kua riro atu tōna puhi. Ka oma whakauta ia ki te mātotorutanga o te wao nui a Tāne. Ka pikitia e ia he maunga i te puihi, ka poua e ia tōna hoe tapu ki te whenua, i te kaha mamae. Ko Te Hoe a Taiehu tēnā. Ka mahue ōna kōrero me ōna mahi i te Tairāwhiti. Nā ka hoki ia ki tōna tira o runga o Tainui waka.

Tōrere

- 1.24. Ko Tōrerenuiārua ka kaukau i ngā au marino o te awa o Wainui. Kātahi ka hiki runga tāna titiro, ka kitea he tāne purotu e tū mai ana, ko Manaakiao tērā. Ka kite iho hoki a Manaakiao i a Tōrerenuiārua, raru ana te uri a Toi te Huatahi i tōna hiahia. I rite anō te aroha o Tōrerenuiārua mō te tangata mārohirohi e tū mai ana i ngā pari tahataha o te awa. Ka

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

whoatu te mana o te rangatira ki runga i a Tōrerenuiārua. Ka whāngaihia a runga, ka whāngaihia a raro. Ka puta ko Tainui, nā Tainui ko Tairoa, nā Tairoa ko Taimanawapōhatu, nā Taimanawapōhatu, ko Tai. Ko Ngai Tai e tau nei. Ko ngā hapu kārangaranga e kōrero tonutia ana i tēnei wā, ko Ngā Pōtiki me Ngāti Ririwhenua.

- 1.25. Ko Tōrere te kāinga o ngā uri a Manaakiao rāua ko Tōrerenuiārua. Ko Ngai Tai te iwi. He papawhenua taurikura a Tōrere kei te taha rāwhiti o Ōpōtiki. Ko tōna rohe kei te taha takutai, ā, ahu atu ki ngā pae maunga, tatū atu ki uta. He whetū ki te rangi, ko Kapuārangi ki te whenua. He tohu ki uta, he tohu tai. He whenua tuku iho a Tōrere kei te Moana a Toi te Huatahi.

Te Hononga a Tōrere rāua ko Manaakiao

- 1.26. I moe a Manaakiao i a Tōrerenuiārua. He ringa makuru a Manaakiao. I mōhio ia, i te tatari hoki ia mō tōna wahine purotu. He āhuatanga nō te wairua tērā. Ko Manaakiao te rangatira o Ngai Tai. Ko ia te whakatinanatanga o tōna ingoa. Manaaki ki te kai, manaaki ki te whenua, manaaki ki te tangata, manaaki ki te ao whānui. Nāna i whoatu i te mana o te rangatira ki a Tōrerenuiārua. Ko ia i manaaki i tōna wahine. Ko ia i whakarangatira i a ia. I noho piri rāua ki te matenga rānō. He mana āki! E kitea tonutia ana rāua i te awa o Wainui. Ko te ariā o Tōrerenuiārua he toka mā, ko Manaakiao he rākau nikau e whakamarumarū i tōna whaiaipō. Ko ēnei tūtohu whenua e tū ana i ēnei rā, hei wāhi whakahirahira mō ngā uri whakaheke katoa o Ngai Tai.

Ngā Taonga i waihotia e ōna mātua

- 1.27. Ka whoatu e Hoturoa tētahi wāhanga o te waka i whati ki Whitianga, hei taura here ki te waka, hei pou here ki te whenua, hei taura here ki te tangata. Ahakoa ka mahue tāna tamāhine i a ia, ka waihotia te kei o te waka o Tainui, kia kore rawa a Tōrerenuiārua e wareware i ōna hononga whakapapa. Kei te kitea tonutia te kei o te waka o Tainui i ngā arero o ngā amo o te wharenuī o Tōrerenuiārua i Tōrere. Mai i te rangi, ki te whenua, mai i te whenua ki te rangi. E mau tonu ana ngā hononga nui ki a Tainui waka. Ko te whāea o Tōrerenuiārua, a Whakaotirangi. Nānā tētahi ineiti kūmara me te taro i takoha ki tāna tamāhine hei whāngai i āna uri whakaheke. Ko te māra o Hawaiki tērā. Ka ruia e Tōrerenuiārua ngā kiri o Hawaiki, ka rumakina ngā purapura i waihotia e tōna whāea ki a ia. Ki korā, tipu ai te māra tuatahi.
- 1.28. Ka huhua ngā uri, ā, nā te mōhio a Tōrerenuiārua ki tēnei āhua o te tokomaha me te āhua i pā ki ngā moutere, i tīmata rāua ko tōna hoa rangatira a Manaakiao ki te whakarite i tō rāua whenua. Āmua te haere. He koi, he mahi rangatira mō ngā uri whakatipu. Ka puta ko te rohe whaitua o Ngai Tai.

Te Rohe Whenua

- 1.29. Ka tīmata taku rohe ki te rāwhiti ki Tokaroa. Takahi ana i te one kirikiri ki Te Ana a Hinetekahu, hiki atu i Te Parinui ki a Rakaukatihī, titiro whakaroto ki a Otaitapu, ki Pukehou ki Puketoetoe ki Te Paritū. Heke atu ki a Mangakirikiri, ki te awa o Mōtū, ka rarā te waha o te wai kai roto i te kōpia. Ka ngunguru ana i te wai ko Te Paku e. Whai rawa atu i te awa ki runga ki Tāwharenga, ki te kāinga o Tāhinahina. Whakawhiti atu i te wahapū o te awa o Takapūtahi. Aruarungia te rori ki Peketutu, ki a Taungakākāriki, ki a Maromāuku. Whai

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

mai i ahau ki Te Rere-i-Kaitaura, wehe atu i te awa mō te Taumatakarete, hōpara ki Te Rewa o Nukuroa ki Tahunatoroa. Takatakahi ana ki Papamoa, ki Mangakākaho, ki Te Ropiha. Hangaia taku tiro i runga i Tūhangaia, ki te hauāurutanga o taku rohe. Kei waho o Tirohanga, ko Tūrangaāniu, kei waho ko Tokangāwekeweke. Ko te rohe whenua i whakatakoto ai a Tōrerenuiārua tēnā.

- 1.30. Kua whakawhāitihia te hora o te rohe nei, mae anō i tērā wā.

Te Taumata a Apanui

- 1.31. E ai ki ngā kōrero tuku iho o Ngai Tai, he pae maunga hiranga a Parahaki. Ko Pehitāiri tētahi o ōna tihi, ā, koinei te pā o te rangatira o Ngai Tai, a Te Roroku, he tangata whai mana nui.
- 1.32. Nō te wehenga atu o te hoa wahine o tētahi rangatira nō tētahi iwi noho tata, ka tae mai ia ki runga Parahaki. Nā Te Roroku ia i manaaki, ā, hei whakapūmau i te hononga whakapapa i waenganui i ngā iwi e rua, ka taumautia e ia ōna tuāhine, a Te Whaaki rāua ko Te Kohepare, hei wāhine mā taua rangatira.
- 1.33. Hei whakamaharatanga ki tēnei kaupapa whakahirahira, ka tapaina e Ngai Tai te taumata rā ko Te Taumata a Apanui. E tohu ana taua ingoa i te manaakitanga o Te Roroku, me te koha nui i a Te Whaaki rāua ko Te Kohepare, me te hononga whakapapa i whakatōkia i waenganui i ngā iwi e rua, ā, e mau tonu nei tae noa ki ēnei rā.

Tū ana au - nā Te Tāwhiro Maxwell

- 1.34. Mai i a rāua ka tīmata te toro atu i ngā hononga ki iwi kē. Ka tinaku ngā akaaka whakapapa o Tōrerenuiārua me Manaakiao puta noa i te motu. Ka hou, ka matomato te tipu o ngā uri whakatipu.

Tū ana au

I te aroaro o tōku tipuna

Ko Tōrere-nui-ā-rua

Titiro whakamoana (ki) te ūnga mai o Tainui

Ko Pukeiahunoa

Whiua aku mata ki Te Hānoa

Hīkina whakarunga

Ko Pehitairi

Ka takahi au i ngā tapuwae o Apanui

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Ko Te Whaaki, (ko) Te Kohepare

Ko Te Whānau a Apanui e

Ka piki au i ngā pukemānia o Tihirau

Ka titiro whakarunga

Ko Te Roroku, Kaorongārangi

Ko Hinematiaro, Te Kani a Takirau

Ka rongo aku taringa i ngā wai karekare

Ko Taupō te moana

Rongomaiteaururangi

Ko Hinemōtu, ko Tūwharetoa

Ka rere ki te tihi o Ruapehu

Pūkanakana ana

Ki te awa Whanganui, ki Ngāti Rauru

Ko Pūtiki te marae

Ngā whakairo tuku iho

Ngā tāonga aroha hī

He taurahere tangata

Ka hoki kōmuri ki te awa o Waikato

He piko he taniwha, he piko he taniwha

Ki Kāwhia te takotoranga o tōku waka

Ka piki au ki te taumata o Taupiri

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

He rua kōiwi

Ka huri ki te Rāwhiti ki Tauranga Moana

Ki a Ngai te Rangi e

E kīia nei, tūrere atu koutou hī

Ki Hakūrānui

Ka ruku au i ngā wai o ōku tipuna

Puea ake ai ki te ūnga mai o Nukutere

Ka mihi au kia Rongomai

Kia Hanenepounamu

Tūtāmure

Ki a Te Whakatōhea

Ka hoki au ki te mauri o tōku tipuna

Ko Tōrere-nui-ā-rua

Tainui te waka

Wainui te awa

Ngai Tai te iwi e

Ngā Pakanga

- 1.35. He iwi toa a Ngai Tai kāre i matakū ki te riri, e mōhiotia whānuitia ana ngā wāhine me ngā tāne mō tō rātau whakahirahira me tō rātau mātau ki ngā mahi whakangungu rākau. He pou pakanga hoki a Ngai Tai mō ētahi atu iwi. Hei tauira, i te tutūnga o te puehu ki runga o Toka ā kuku i Te Kaha. Ko ngā hōia o Ngai Tai ka hui i te taha o ngā hoatata hei whakakotiti i te hoariri. Nā ko ētahi atu o Ngai Tai i haere mā runga waka hei kawē kai ki te whāngai, ki te manaaki, ki te tautoko atu i ngā whanaunga. E ono ngā waka i tāraitia hei kawē i ngā kai nei. Ko ngā waka i hangaia mai i ngā poro rākau i tōia mai i te paraka whenua o Kapuārangi.

- 1.36. I muri tonu mai i tēnei āhuatanga i te tau 1836 ka tau mai tētahi rangatira nō Maketū ki runga o Tunapahore ki te titiro i tēnei āhuatanga o Ngai Tai, o te iwi ringa makuru. Ka whakamīharo atu ia ki ngā mahinga kai. I a rātau i reira, ka manaakihia rātau e Pūtiki, ā, ka nōhia e rātau te whare o Pūtiki, ko Te Kukume a Taitimu te ingoa. Nā te nui o ngā kai i tākohatia ki a ia hei mau ki te kāinga, heoi ka kī katoa te waka i te kai. Nā reira, ko Pūtiki rāua ko Te Rangihuatake i āwhina ki te whakahoki i tētahi wahine, ko Tiraroa te ingoa ki tōna kāinga o Maketū.
- 1.37. Ko Paripaopao anō tētahi pā matua. Ko Paetawa me Pātaua kei ōna tahataha. Ko ēnei pā e rua ka tiaki i te pā o Ōtūtāmure. Ko Pātaua kei reira te pōhutukawa e tipu ana, koinei te pā o ngā taua. Ko Ōtūtāmure te kāinga, kei raro i te ātaarangi o te pā o Paripaopao. I konei i whānau mai te rangatira nui ko Tūtāmure, te mokopuna a Rongomai. I reira tōna whaea a Hanenepounamu e noho ana, ko rātau katoa. Whānau mai, tipu mai ki konei. I te rāwhiti o taua wāhi ko Te Pākorokoro, i reira i mate te pāpā o Tūtāmure i te pakanga i waenganui i a Ngai Tai me tētahi atu iwi.
- 1.38. Ko tētahi pakanga nui anō i Te Hānoa, ka tū ngā hoariri ki runga i te hiwi, tatari ai kia tāmātemate a Ngai Tai i te kore kai, i te kore wai me te kore rawa. Ka kite atu rātau e inu wai ana a Ngai Tai mai i ngā kōhatu. Ka kīia he manawa pōhatu, nā te pōhēhē e kai kōhatu ana rātau. Engari he mātanga kē a Ngai Tai ki tōna taiao, me ōna rautaki pakanga. I mōhio pū rātau he rerenga wai kē ka puta i te keri kōhatu i tai. Anā, ka aruarungia, ka karapotihia te hoariri ki tētahi manga pakupaku, ka patua te nuinga. Ko ngā morehu i heria hei pononga. Ko te Waiokōtea tērā wāhi. I kōtea ai te hoariri. Nā te kaha o te iwi nei ki te kakari atu, ka puta te kōrero i ētahi atu, “Kia tūpato i a Ngai Tai he manawapōhatu, he merewhakatopa, he mūrere, he mūrere.”
- 1.39. He toa rongonui, he ika ā whiro a Tūterangikūrei nō te iwi. Ko tōna mana tiketike me tōna mātau ki ngā rautaki pakanga o Ngai Tai he āhuatanga whakaharahara. E horapa ana te nui o tōna mana, kua ki roto anake i ngā kōrero tuku iho a Ngai Tai, engari e te tini me te mano. I mōhiotia hoki ia mō te tautoko me te tauawhi i ngā iwi maha o te motu ahakoa te aha. E ai ki te kōrero, i whakahuihuihia ngā tohunga tokoiwa kia hinga ai a Tūterangikūrei. He mārama te whakaatu i tōna kaha me tōna toa rangatiratanga hei kaitiaki mō tōna iwi me ngā iwi huhua, ā, e ora tonu ana ia i ōna uri.
- 1.40. Ahakoa ngā wā o te wikitoria, ahakoa ngā wā o te hinganga, kāore rawa i memeha te mana me te māia o te iwi. E mau tonu ana te wairua o te whakatauākī, “Pou-tū, pou-hinga! Pou-hinga pou-tū! Tapahia te hinahina e kore e mate, he rite ki a Ngai Tai!”, hei tohu mō te manawapōhatu me te toitū o Ngai Tai tae noa ki ēnei rā.

Whare Wānanga

- 1.41. Ko Rangiata tētahi o ngā pā tawhito o Ngai Tai, ā, ko Rangiuru te whare wānanga i tū ki runga o Rangiata. He wāhi whakahirahira tēnei mō te ako i ngā tikanga tuku iho, ngā mahi mau rākau, me ngā rautaki o te pakanga. He maha ngā rangatira me ngā toa i haere mai ki reira ki te whai mātauranga. E mau ana i ngā kōrero tuku iho, i tae mai hoki a tētahi rangatira nō te Tairāwhiti ki Tōrere ki te whakawhanake i ōna pūkenga. Me te ako i ētahi āhai me ētahi rautaki hōu. Ko ngā wāhine toa a Nohopukepuke rāua ko Mamaerangi ōna tino pou whakaako. Nō muri mai i tōna whakapakari, ka ahu atu ia ki Te Tairāwhiti, mamahi ai i ngā mahi, ka tū hei rangatira mō tōna ake pā harakeke.

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

- 1.42. Ko te Whare Maire tētahi momo whare wānanga anō, he whare wānanga mō te hunga whaiwhaiā. I tū hoki te whare rūnanga o te iwi i te wā o ngā rangatira nei, i a Tūterangikūrei, i a Pikitaungahuru, i a Te Aururangi mā ki runga o Te Ngaere, ki te takiwā e mōhiotia ana ināeanei ko Te Iti Kōpara.

Hāhi - Wiremu Kīngi

- 1.43. He wāhi nui tō te Hāhi Mihinare ki roto i te hītori o Ngai Tai. E ai ki ngā kōrero tuku iho, i haere tō tātau tipuna a Wiremu Kīngi ki te riu o Waiapu, ki Rangitukia. I reira e manaakihia ana te whakapono i taua wā. Nāna aua mātauranga me te hāhi Mihinare i whakahoki mai ki roto o Ngai Tai. Ko Hiona, i Tunapahore, te whare karakia tuatahi i whakatūria mō te iwi. I muri mai ka puta ngā kōrero kua whakarērea e Ngai Tai te Hāhi Mihinare, kua tahuri kē ki tētahi atu hāhi. Nā taua rongo kōrero, ka tae mai tētahi ope nō te Tairāwhiti ki te muru. I taua wā ka tū a Wiremu Kīngi ki te whakautu, ā, ka waiatahia e ia tāna waiata rongonui, “Kāore te mānako ka roa nei ko te pō,” hei whakaū i tāna ūmanga ki te whakapono. Ko te aronga o āna kupu, ehara ia i te tangata rangirua, ehara hoki ia i te tangata ka whakarere noa i tōna whakapono, pēnei i te wahine pūremu. Engari ka mau tonu ki ngā whakaakoranga i kawea mai e ia ki tōna iwi. Nō reira, ka noho tonu te whakapono me te Hāhi Mihinare hei pou whakahirahira mō Ngai Tai. Nō muri mai ka tū he whare karakia i te taha o te kura.
- 1.44. Ko te akoranga nui, kia kaha tātau ki te whakapono ki tō tātau Atua, ā, ka mārie. Kia kaha hoki ki te whakaputa i ngā kōrero mō te kaupapa, kaua ko te tangata. He nui ngā wā ka tū kē te taiaha mō te tangata kaua ko te kaupapa.

Mahinga kai

- 1.45. E matomato ana te tipu o ngā kai ki te rohe o Ngai Tai, ā, he whānui ngā mātauranga o ngā whānau mō te kohi, te tiaki, me te whakahaere i ngā rawa o tō rātau ake takiwā. He kaitiaki ngā whānau mō ngā whenua, ngā awa, ngā repo, ngā ngahere me ngā takutai i noho ai rātau, ā, i whakautehia taua mana e te iwi whānui.
- 1.46. Ko ngā whānau noho tata, ko rātau ngā kaitiaki, kāre ngā whānau atu i haere poka noa. Ka tatari kia puta te karanga a ngā kuia i noho tata ki ngā mahinga kai. Ka tatari kia mōmona ngā kai. Kātahi ka puta ki te mahi kai. I ngā wā o te kohinga kai, ka mahi ngātahi te iwi hei painga mō te katoa. Ka āta tonoa ngā kaitiaki o ia takiwā i mua i te kohi kai. I mahi kai mō te katoa, kaua ko tō whānau anake. Nā ngā whānau i tiaki te taiao, i manaaki ngā rawa, ā, i whakapūmau ngā tikanga kia toitū ai ngā taonga o te whenua me te moana mō ngā uri whakatipu.
- 1.47. Me te mea hoki, he wāhi i āta whakaritea mō ngā kuia me ngā koroua, he wāhi mō ngā tāngata whiti tonu i taea te puta ki waho rānō, he wāhi hoki i whakaritea mō ngā tamariki. Hei tauira, ko Te Rua o Tanatui, he wāhi pai mō tēnei mō ngā koroua pakeke ki te mahi pāpaka, wheke hoki. Hei tauira anō, mena i puta te karanga i ngā whanaunga, ngā hoatata, ka ekehia ngā kōneke ki Tokaroa noho puni ai, hei wāhi whakatā i te haerenga atu ki Mōtū rā.
- 1.48. Heoi i te nuinga o te wā, ko ngā mahinga kai i noho ki tō mātau ake rohenga. Ko te ako, he noho ki ō ake kāpata kai. Ko tētahi atu o ngā ako, he wāhanga anō ngā rāhui, kia

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

manaakihia ngā kai. He wāhanga anō hoki tō ngā rāhui mō te matenga o te tangata. Ka whakatūhia he pou ki te ākau, ka raua atu he rimurimu ki runga, ka mana te rāhui. Kua rerekē te tirohanga me te mōhiotanga ā ētahi i ēnei rā.

- 1.49. He nui ngā kai o ngā kahupapa i te moana. Ko te kete kāwhiu ka mau ki ngā hope hei kohi mātaimai. Puta atu ki Pouwharenga, huri kau noa ki Pāuamāpihi ki te Tokaputa, tāwhana atu ki ngā toka kuku ki Te One rawa, ū mai ai ki Pouaka, ki Te Rangi.
- 1.50. He niania tētahi o ngā taonga rongonui o Ngai Tai. He kuku iti e whāngaihia ana e te wai Māori me te wai tai. Ko Te Kōpū o Pātiki anō tētahi pātaka kai mahi pātiki ai. Ka hao ika te iwi, ka tao kahawai. I taohia ki te hapi me te karamuramu, ā, ka kīnakihia ki te kūmara kao. Ka hopu kumukumu, kotahi tonu te kai a te rangatira. Koinei te ika rangatira o tēnei kāinga. Ka mau ko te mangō i tai hei pāwhara, ko te more tērā. Ka puta ngā whānau mā runga poti, he ingoa motuhake tō ia poti mō ngā whānau maha. Ka tere hoki te kahawai i te Tipi o Tamatea, ka mau ko te tāpurapura hei whakamānu i te hiakai.
- 1.51. Ko te pūriri te taonga pai hei waihanga matau. He taonga tuku iho ngā mātauranga hī ika me te whakahaere rawa mai i tētahi whakatipuranga ki tētahi. Ko te rākau tānekaha hoki i whakamahia, ka āta tiponaponahia te rākau kia tipu ki te āhua e hiahia ana mō te matau. I mātau, i mōhio ngā whānau kei hea ngā taunga hī ika.
- 1.52. Ko te kiokio hei whakatāwara i te hāngi.
- 1.53. He toitoi tuna te mahi i ngā repo o Te Kurepe, ki Tunapahore i Tāwera rā.
- 1.54. Kei uta ko ngā pua miro hei hopu i te kererū. Ko Waimanu te puna inu wai o te manu. Ko Korako te rākau taumatua, te rākau miro kōratarata. E kore rawa e pupuhi manu i tēnei rākau. Koinei te kōhanga o te iwi.
- 1.55. I tipu ngā mārā kai, ngā tāpapa kūmara me ngā rongoā o te ngahere puta noa i te rohe.
- 1.56. Nā te haramai o te Pākehā, ka huri te whenua. I ngā wā o te raumati, ka haramai ki tātai ki te ākau. I te wā o te makariri ka hoki ki tuawhenua. Kāre i haere ki tātai i te wā e tūpuhi ana te kai. Ka tatari mō te wā e tika ana kia mahia aua mahi.
- 1.57. He kaha tonu ngā tīpuna ki te tiroiro ki ngā whetū me te marama i te uma o Ranginui. He mātai hoki i te tātai whetū o Matariki, me te whai i ngā tohu o te rangi me te taiao hei ārahi i ngā mahi pērā i te whakatō kai, te hī ika, me te whakamahere mō te tau hou.

Muru Whenua

- 1.58. Ka toro atu te mana o te Kāwanatanga ki ngā whenua o Ngai Tai nā runga i te whakataunga iho o ngā rēti me ngā rūri kīhai i whakautua. Ka taka te wā, ka murua hoki te whenua, ka tukuna atu ki iwi kē. Hei tauira, ka whakahaua ngā iwi e noho mai ana ki tō mātau taha uru kia hūnuku atu ki Opape, noho ai. Ka tuhi reta a Wiremu Kingi ki te Minita Take Māori: “E hoa! E mihi ana ki a koe. He kupu tēnei hei whakamōhio atu i a koe ki te kōrero i waenga i a māua ko [tētahi āpiha Karauna] mō ōku whenua [kei] Ōpape”. Ka whāki atu a Kingi, i whakatūpatoria ia e te āpiha, “Mehemea ahau ka whai tonu atu, ka muru ia i

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1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

ōku whenua katoa.” I whiua te kupu nei ahakoa te noho tonu a Wiremu Kingi hei kautautoko i te Karauna.

Whakawhitiwhiti

- 1.59. Nō te taenga mai o te Pākehā, ka torokaha ngā hononga whakawhitiwhiti a Ngai Tai me te Pākehā. Nā Ngai Tai anō ō rātau ake kaupuke hokohoko i whakahaere, ko Te Wēra tētahi. I tere te waka nei i ngā wā e pai ana te moana, ā, ko Te Pako tōna taunga i te wā kāinga. He maha ōna haerērenga ki Ōpōtiki, ā, tae noa ki ētahi atu wāhi i tawhiti ki te hokohoko. Ko te poaka, ko te rīwai me te kānga ētahi o ngā taonga i whakawhitia e rātau. I te nui haere o ngā kaupuke hokohoko i tae mai ki te takiwā, ka nui haere hoki ngā rawa a Ngai Tai, ā, ka taea e rātau te hoko i tētahi atu kaupuke, ko Hera te ingoa.

Mahi Toi

- 1.60. Kua roa a Ngai Tai e mōhiotia ana mō te tiketike o ngā mahi toi Māori i ōroko mai i Tōrere. I aua wā, he mahinga kē nō ia rā, ko te tāruke, ko te hīnaki, ko ngā kete mahi, ngā whāriki, ngā mahi whatu korowai, tae atu ki ngā whakairo, ki te tārai waka me te whakatū whare whakairo. I a rātau katoa ēnei pukenga, he ringa makuru. He toa hoki ki ngā mahi a Tānerore rāua ko Hinerēhia.
- 1.61. Nō te wā i a Kaiwhakaruaki tētahi o ngā tīpuna rongonui o Ngai Tai, nō te ao kōhatu. Nāna i poro tētahi rākau nui i te paraka whenua o Kapuārangi mā te toki tonu hei tārai waka. He nui ngā tauira toi me ngā tauira whakairo i ahu mai i ngā kōrero tuku iho, ngā whenua, me ngā tohu motuhake o Ngai Tai, ā, e kitea tonutia ana aua āhua i roto i ngā mahi a ngā uri o ēnei rā. Ko ngā kuia me ngā koroua o te iwi ngā pou tokomanawa o ēnei mātauranga. E kitea tonutia ana ko ā rātau mahi toi, i ngā papa whakairo o te whare karakia, i ngā pou whakairo o te marae, e tū tonu ana hei tohu whakamaharatanga ki tō rātau pūmanawa me tō rātau aroha ki te iwi.
- 1.62. He wāhi nui tō te kōhatu ōnewa ki ngā mahi toi me ngā tikanga o Ngai Tai, ā, he taonga i whakamahia mō ngā taputapu, ngā mere, me ngā mahi whakairo. I mau hoki ngā mātauranga o te raranga, te whatu, te tā moko, me ngā mahi mere ki ngā whakatupuranga maha. Nā te hōhonutanga o ēnei mātauranga i tae mai ai ngā kairangahau me ngā ringatoi o te ao ki te hopu, ki te tuhi, ki te whakaū i ngā kōrero o te iwi, tae atu ki a Mick Pendergrast nāna i aro nui ki ngā mahi toi me ngā tauira raranga o tēnei rohe. Nō ngā whenua me ngā tāngata o Tōrere i puāwai mai ai te tini o ngā ringatoi rongonui, ā, e tika ana kia kīia ko Tōrere tētahi o ngā kāinga nui o te toi Māori, he puna mātauranga, he puna auahatanga hoki, e whāngai tonu nei i ngā toi o nāianei me ngā rā kei te heke mai. Ka mahia ngā mahi i runga i te hūmārie.
- 1.63. “Ngā moemoeā ki tua, ngā ara ki naeānei, ngā tapuwae ki mua.” nā Tāwhiro Maxwell

NGĀ KŌRERO TUKU IHO O NGAI TAI

Ko te whakapapa o Manaakiao, ka tīmata i a Māui

Māui Tikitiki a Taranga

Papa Tirau mae wa

Tiwaka Waka

Tara nui = Ranginui

Tara roa = Rangiroa

Ngai-Whare-Kiki

Ngai-Whare-Kaka

Ngai-Roki

Ngai-Reka

Ngai-Peha

Ngai-Taketake

Ngai-te-Hurumanu

Toi te Huatahi (Toi Kairākau)

Rauru

Taha-Uri

Taha-Titi

Rua-Tapu-Nui

Tama-ki-te-Hau

Tama-ki-te-Rā

Ruatangiawa

Manaakiao = Tōrerenuiārua

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Manaakiao

- 1.64. Our narrative commences with the recitation of the line of descent from Māui-tikitiki-a-Taranga to our ancestor, Manaakiao. Te Ika-a-Māui, the North Island of Aotearoa, was raised from the depths of the ocean by Maui. We now turn to the whakapapa connecting Manaakiao to his distinguished ancestor, Toi-te-huatahi.
- 1.65. Toi-te-huatahi was among the most significant ancestors of both Hawaiki and Aotearoa. His name reflects that he was an only child. He settled upon the islands of Te Moana-nui-a-Kiwa. At one time, a waka sailing regatta was held at the lagoon known as Pikopiko-i-Whiti. Among the competitors were the grandson of Toi-te-huatahi, Whātonga and Tūrāhui, both renowned for their skill in sailing waka. During the competition, however, an unexpected storm arose and the two young men were lost at sea. In searching for his grandsons, Toi eventually arrived in Aotearoa. During that journey, he and his party encountered people with very dark skin. Toi-te-huatahi, a man of chiefly rank, journeyed with his wife, Kura-imonoa. Their pā stood above Te Rae-o-Kōhi, its name is Kāpūterangi. It was here that he became known as Toikairākau, reflecting the abundant forest food resources of the area where cultivated foods such as kūmara were unavailable. He named the land, and in doing so asserted his authority over it. It was here that his descendants were born, establishing Te Tini-a-Toi, whose presence has endured in the region to this day. Toi became an eminent leader, and through his son, Rauru, the direct line of descent continues to our ancestor, Manaakiao.
- 1.66. Manaakiao, the descendant of Toi-kai-rākau, is the man who acquired the knowledge of his ancestors, including expertise in food production, care of the land, and retention of traditional practices. The traditional protocols of our people originate with him. Through this line came Manaakiao, a descendant of Toi-kai-rākau, who inherited the knowledge of his ancestors. He became the guardian of their mātauranga, preserving knowledge of food cultivation, stewardship of the land, and the continuation of traditional practices. Through him, the customary protocols of our people were maintained and passed from one generation to the next. He also grounded the wellbeing within the land itself, and it was Tōrerenuiārua who embedded the power of leadership within the iwi, with her lines of noble descent from the Tainui confederation.

Tōrerenuiārua

- 1.67. Our narrative now turns to our revered ancestor, Tōrerenuiārua, and her arrival in Aotearoa. She was the eldest child of Hoturoa and Whakaotirangi, the esteemed leaders of the Tainui waka. Named in honour of her father's sister, Hine-Tōrere, who passed away in Hawaiki prior to the migration of our waka, *Tainui*, to Aotearoa. The latter part of her name, nui-ā-rua, commemorates the place where Hine-Tōrere was laid to rest, a sacred site whose memory has been passed down on one of the Hawai'ian islands. Long before *Tainui* departed Hawaiki, Tōrerenuiārua foresaw the new land that would become her home. This gift of foresight was one of her twenty-nine inherited gifts belonging to *Te kete Arorangi*. Prior to her departure from Hawaiki, she gathered treasured taonga from her homeland, including sand, shells, and stones, placing them within a sacred kete for the voyage. Upon arrival in Aotearoa, she spread these taonga along the coastline of her new home, maintaining the umbilical bond between Hawaiki and the whenua upon which she and her descendants would establish their future.

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Te Waka o Tainui

- 1.68. While Hoturoa was residing in Hawaiki, food resources began to diminish as the population increased and the islands became heavily inhabited. Conflict began to surface among the people, Te Rātōrua, was the name of a battle fought during this time. Due to contention over land, food resources, and also warfare, dissension arose amongst the people, and their thoughts returned to the talk of a new land beyond the great ocean, Te Moana-nui-a-Kiwa. The leadership reflected on these accounts and conceived the idea of preparing vessels for departure. This resulted in the great migration of waka. Among these vessels was our waka, *Tainui*. It was constructed under sacred ritual, bound by traditional practices handed down through generations, and launched under the protection of the spiritual leaders and seafaring captains.
- 1.69. The timber used to construct the waka came from a tree that grew at Maungaroa, directly on top of the resting place of a stillborn child named Tainui, whose parents were Hinauri and Tinirau. This is one of the reasons the waka was named *Tainui*. Hinauri, was also known as Hinekura, the sister of Māui. This is the provenance of the connection of the Tainui confederation to Māui-the-bold, Māui-the-trickster, Māui who upraised the new land.
- 1.70. Five tohunga performed the rites over the construction of the waka. Rakataura presided over the construction and was entrusted with building the vessel. He was an expert builder in the tradition of the great Rātā. Rakataura used three adzes, Hahau-te-pō was the felling adze, Paopao-te-rangi was the splitting adze, and Manutāwhiorangi was the shaping adze.
- 1.71. Mahurangi, a female tohunga, instructed, offered words of assistance, and guided Rakataura as they were building the waka. The wider construction crew carried out the work associated with the waka. Hoturoa was a renowned tohunga, together with his family, for their knowledge and stewardship of the food resources that sustained the people. Taikahu, brother of Whakaotirangi, was another tohunga specializing in karakia. He was the guardian of the sacred paddle, Hauhauterangi. Other tohunga were Hāpopo and Whakatau-Pōtiki. One assistant, Kōhitinui, was noted for appearing industrious without matching action. During preparations he would often dirty himself before meals to give the appearance of hard work. This behaviour angered Rakataura, who eventually killed him. Following this, the construction of the waka was completed. Rakataura performed the incantations to move and shift the waka down to the water, but it would not move. Eventually, Hoturoa performed the incantations, and the waka moved freely. According to tradition, this was connected to the death of Kōhitinui. As a result, Hoturoa became the captain of the waka.

Haul *Tainui*!

Down to the sea.

Who will haul her?

I will haul her; Whakatau will haul her.

I listen

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

To the side of the sky,
Trouble on earth,
Trouble in the sky
Blow on the fire!
Come then, Tāne,
We two will swim the pass
At Pikopiko-i-whiti,
So that you may be seen
By the crowds, by the multitudes.
I fetched you
From Tāne's great forest;
Mīroi, oh Tāne,
Rejoice, oh Tāne

The water drips
From Maru-a-nuku's person
And is blown
By the breeze
From above
Wai-hīhī, Wai-hāhā,
That was the launching of *Tainui*.
The sun glowed, the sun stabbed,
The men were apprehensive.
Taking hold of the ropes

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

To stand mātā-torohia atu

Taku tū mātā-toro

In the bow of the canoe.

Turuki, turuki!

Paneke, paneke

- 1.72. The waka was launched onto the sea for trial and sailed unevenly. Whakaotirangi proclaimed this to Hotu. This is another reason the waka was named *Tainui*. The waka was then hauled ashore, and further refined. When it was returned to the sea, it sailed evenly.
- 1.73. *Tainui* is the ancestral waka. Hoturoa is its illustrious leader. Whakaotirangi is his wife who brought kūmara and the taro from Hawaiki. Their whānau were known as ringa makuru, their skilled and diligent hands that embodied their deep knowledge of sustaining the food resources of their people. Ngātoroirangi was the principal tohunga. The waka was launched during the Tamatea lunar phase. Some cautioned against departure during this phase, warning of difficult conditions ahead. Hoturoa replied, let Tamatea and I battle it out at sea, and so continued their journey. Through the incantations of Ngātoroirangi, and the great faith of Hoturoa, the sea became calm, and flat like greenstone, stretching across Te Moana-nui-a-Kiwa to Rarotonga, to Tangiia. Ngātoroirangi was asked by Tamatekapua to assist getting the Arawa waka beyond the breakers, and through Tamatekapua's deception, Ngātoroirangi became tohunga ahurewa for the Arawa waka.
- 1.74. On the departure of Ngātoroirangi, Riukiuta became the tohunga. The following are acknowledged as the kaitiaki of the waka: Paneiraira to break through the waves; he and Mangōhikuroa guided from a distance, and according to tradition, 80 marine kaitiaki and sea birds. Pōngarara is another kaitiaki that followed and protected our Puhī Ariki, Tōrerenuiārua. The waka sailed across the southern Pacific Ocean. It was a long, arduous journey. They navigated by the stars, waves, ocean currents, and the flight of sea birds. At times they were tested by storms, and at other times they drifted in calm conditions. There was a time they became stranded in thick fog with no visible stars, moon, or sun. They were stranded there for a time, and offered incantations. Before long they heard the call of a bird, the fantail, tī, tī, tī. This call signalled turning right, another call, ti, ti, ti signalled turning left, and silence indicated a steady course. The bird became a navigational guide and guardian for the people. The waka maintained its course all the way to Aotearoa ultimately arriving at Whakaari / White Island and beyond to Te Paepae o Aotea, where the mauri was placed into the land by Tainui.

Whangaparāoa

- 1.75. As the Tainui waka approached Whangaparāoa, the travellers saw the pōhutukawa trees lining the coast. Mistaking their blossoms for red feathers, they reached for their feathered adornments and cast them into the water, believing they had discovered a new source of feathers to adorn rangatira.

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

- 1.76. This place became known as Taungawaka Bay, where the waka made landfall together. *Tainui* made landfall at Hāpaua. It is said that the rocks along the foreshore remain red from the casting of their red feathered adornments into the water.
- 1.77. The waka then continued around the base of Tihirau where it again made landfall. There it was anchored and moored to a large boulder. That boulder is known now as Te Haika-a-Tainui, the anchor of Tainui, while an area close by was named Te Riu-o-Tainui, the valley of Tainui. The Arawa waka was also present, and traditions recount discussions over the positioning of the mooring rope as evidence of which waka arrived first. Although these accounts continue to be shared, Te Arawa resumed its journey.
- 1.78. Hoturoa and his people explored the lands of Whangaparāoa, establishing food resources, and settling there. Whakaotirangi planted the first kūmara gardens, ensuring a sustainable food source for the people noting the blossoming Pōhutukawa trees. Together they undertook the work necessary to establish their new home. While residing at Whangaparāoa, Taikehu, a member of the Tainui waka and a skilled navigator, developed feelings for Tōrerenuiārua, the Puhi Ariki of Tainui. However, his affection was not returned. Tōrerenuiārua had already embraced her prophecies regarding the place that would be named and claimed by her.
- 1.79. Hotuope, the brother of Tōrerenuiārua, was wounded while engaged in the pastimes of the young, and military training. By the time the adults intervened, weapons had already been drawn. This was taken as a sign that it was time for the people to separate, and Hoturoa continued his journey with his people.

Te Whitianga mai o Tainui

- 1.80. Hoturoa and his people continued their journey in search of a place for them to settle. Departing Whangaparāoa, the Tainui waka sailed across Te Moana-a-Toi. As they passed one particular bay, the waka scraped submerged rocks and became stranded. The waka was then brought ashore for repairs. Along the surrounding cliffs are holes and hollows said to have been formed where paddles were braced in an effort to free the waka. This place was named Te Whitianga-mai-o-Tainui. There is also a place named Te Riu o Tainui here, where the waka rested.
- 1.81. While the waka was being repaired, Whakaotirangi established a food garden at the place now known as Tokatā. At that time it was named Te Māra-a-Whakaotirangi. From the time of their arrival in Aotearoa, Whakaotirangi protected the kūmara seed stock in her kete known as Te Kete-rukuruku-a-Whakaotirangi. While some describe it is a “kete rokiroki”, to Ngai Tai and Tainui it is known as “kete rukuruku”. In her kete rukuruku were the kumara, and another kete held the taro. The varieties of kūmara she carried included Hutihuti, Mānawa, Rekamauroa and Pokerekāhu.
- 1.82. As time passed, Tōrerenuiārua once again felt the call of the land that had revealed itself to her long before leaving Hawaiki. With the repairs completed, the people resumed their journey.

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Taiehu

- 1.83. Taiehu, Whakaotirangi's brother, was the custodian of the sacred paddle and an important member of the voyaging party. He fell in love with Tōrerenuiārua, the daughter of Hoturoa and Whakaotirangi. However, according to some accounts, Tōrerenuiārua did not return his affection, regarding him instead as her uncle focused on the safety of his niece.
- 1.84. Taiehu remained in Whangaparāoa for a time exploring the land before continuing his pursuit on foot carrying his sacred paddle, hoping that Tōrerenuiārua might become his wife. When the waka reached the place now known as Tōrere, Tōrerenuiārua knew this was the land she had foreseen in Hawaiki - a place of peace where she would remain. She then requested permission from her father to disembark and settle there.
- 1.85. Her father consented. They landed ashore at the midpoint of the rocky shoreline, at Puke-i-ahu-noa. Tōrerenuiārua remained there with the items that her parents left for her. Flax growing along the coast was said to resemble her hair. She concealed herself beneath the sand so that Taiehu would not see her.
- 1.86. Taiehu approached the place where Tōrerenuiārua had concealed herself, but a cliff stood in his path. The sea prevented him from passing and the cliff face was too steep to climb. In desperation, he struck the cliff with his sacred paddle. The tide turned leaving an open cave now known as Te Toka-puta-a-Taiehu. Despite this, Taiehu did not reach her; instead, he perceived only the essence of her presence.
- 1.87. Tōrerenuiārua travelled inland, following the Wainui te Awa. Upon reaching Maraetaha, she recited the appropriate invocations so that Taiehu's pursuit would be diverted. When Taiehu arrived, he was overcome with grief and realized he had lost her. He then travelled inland into the depths of the great forest of Tāne, where he climbed a mountain and drove his sacred paddle into the ground in anguish. This place is known as Te Hoe a Taiehu. He left behind his achievements and legacy along the East Coast, before eventually returning to his people aboard the Tainui waka.

Tōrere

- 1.88. While bathing in the calm waters of the Wainui te Awa, Tōrerenuiārua raised her gaze and saw a handsome man standing on the riverbank. It was Manaakiao, a descendant of Toi-te-huatahi. Manaakiao also saw her beauty, and was overcome with affection. Tōrerenuiārua likewise felt a deep attraction toward him. It was through this union that the authority of leadership was bestowed upon Tōrerenuiārua. Their son was Tainui, Tainui who begat Tairoa, who begat Taimanawapōhatu, who begat Tai from whom Ngai Tai descends. The hapū designations that continue to be spoken of in these times are Ngā Pōtiki and Ngāti Ririwhenua.
- 1.89. Tōrere is the home of the descendants of Manaakiao and Tōrerenuiārua, and the iwi of Ngai Tai. It is a fertile coastal region east of Ōpōtiki, extending inland toward the ranges. A star glimmers in the sky, Kapuārangi stands firm on the ground. As it is on the land, so it is on the sea. Tōrere is an ancestral landscape within Te Moana-a-Toi, in the Bay of Plenty.

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Te Hononga a Tōrere rāua ko Manaakiao

- 1.90. Manaakiao and Tōrerenuiārua were married. Manaakiao was an expert in all aspects of his environment and the pre-eminent leader of Ngai Tai. Their union had long been foreseen, and its fulfilment was understood to be a matter of wairua as much as of whakapapa. Manaakiao lived the meaning of his name: to care for food resources, to care for the land, and to care for the people, and ultimately care for the world. It was Manaakiao who affirmed Tōrerenuiārua in her leadership. He honoured her, cared for her, and they remained together throughout their lives. Their union exemplified authority exercised through mutual care and respect.
- 1.91. According to tradition, Manaakiao and Tōrerenuiārua remain present at Wainui te Awa. Tōrerenuiārua is personified as a pale rock, while Manaakiao embodies a nikau palm standing beside her in perpetual shelter. These landmarks remain today as places of deep significance for the descendants of Ngai Tai.

Ngā Tāonga i waihotia e ōna mātua

- 1.92. Before departing, Hoturoa entrusted Tōrerenuiārua with a section of the Tainui waka that broke away at Whitianga when the waka scraped over the rocks. It was given as an enduring bond to the waka, a pou here anchoring her to the land, and a rope binding her to her people and their shared whakapapa. Although separated from his daughter, Hoturoa left her this portion of the stern of the Tainui waka so that she and her descendants would never lose sight of their ancestral connections. Today, the stern of the *Tainui* continues to be represented in the amo (anterior pillars) of the wharenuī Tōrerenuiārua, at Tōrere. Thus from the heavens to the earth, and from the earth to the heavens, the enduring connections to the Tainui confederation remain. Whakaotirangi likewise entrusted her daughter with kūmara and taro from her own kete, ensuring that future generations would be sustained. These were planted in the first garden known as Hawaiki.
- 1.93. Having witnessed in Hawaiki the consequences of dwindling food resources and increasing population, Tōrerenuiārua understood the importance of preparing for the future. Together with Manaakiao, they carefully established and cultivated the land with foresight and purpose, ensuring that the needs of their growing descendants would be met. Through this stewardship, the traditional estate of Ngai Tai was established.

Te Rohe Whenua

- 1.94. Our tribal estate commences in the east at Tokaroa. From there it follows the sandy coastline to Te Ana-a-Hinetekahu, ascending Te Parinui to Rakauatihi. It turns inland to Otaitapu, Pukehou, Puketoetoe and Te Paritū before descending to Mangakirikiri Stream, and the Mōtū River, where the waters ripple through the gorge. Te Paku roars from within the water. Closely follow the river up to Tawharenga Stream, to the settlement of Tāhinahina. Cross over the mouth of the Takapūtahi River. Follow the path to Peketutu, to Taungakākāriki, to Maromāuku. Follow me to Te Rere-i-Kaitaura, divert from the river for Taumatakarete, traverse over to Te Rewa-o-Nukuroa to Tāhunatoroa. Marching to Papamoa, to Mangakakaho Stream, to Te Ropiha. My gaze rises to Tūhangaia, to the western border of my traditional territory. Beyond Tirohanga is Tūrangaāniu and

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

Tokangāwekeweke. This is the traditional estate as set down by Manaakiao and Tōrerenuiārua.

- 1.95. The extent of this traditional estate has since been diminished.

Te Taumata a Apanui

- 1.96. According to the traditions of Ngai Tai, Parahaki is an ancestral ridgeline of great significance. At its highest point stood Pehitāiri, the pā of the Ngai Tai rangatira Te Roroku, whose leadership and mana were deeply respected.
- 1.97. Following the separation of a neighbouring rangatira from his wife, he came to Parahaki in his grief, where he was welcomed by Te Roroku. As an expression of manaakitanga and to establish a lasting whakapapa relationship between the two iwi, Te Roroku arranged his two sisters, Te Kohepare and Te Whaaki, in marriage.
- 1.98. In recognition of this significant event, Ngai Tai named the headland Te Taumata a Apanui. The name commemorates the manaakitanga of Te Roroku, the generosity of Te Kohepare and Te Whaaki, and the enduring whakapapa relationships forged through this act.

Tū ana au - nā Te Tāwhiro Maxwell

- 1.99. From Manaakiao and Tōrerenuiārua, relationships with other iwi expanded across the country. Their descendants continued to form new whakapapa connections, creating strong and enduring lines that continued through the generations.

I stand

Before my ancestor

Tōrerenuiārua

I gaze towards the landing place of *Tainui*

Pukeiahunoa

I cast my gaze to Te Hānoa

And raise it higher

To Pehitairi

I tread in the footsteps of Apanui

Te Whaaki, Te Kohepare

It is Te Whānau a Apanui

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

I ascend the foothills of Tihirau

I look above

To Te Roruku, Kaorongārangi

Hinematioro, Te Kani a Takirau

My ears hear the rippling waters

Of Lake Taupō / Taupōmoana

Rongomaiteaururangi

Hinemōtu, Tūwharetoa

I soar to the summit of Ruapehu

That is glaring fiercely

Towards the Whanganui River, to Ngāti Rauru

Pūtiki is the marae

The heirloom carvings

The gifts of rising compassion

Are bonds between peoples

I return back to the Waikato River

At each bend, an illustrious leader

To Kāwhia where my waka lays at rest

I scale the peak of Taupiri

A resting place of the deceased

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
1: NGĀ KŌRERO TUKU IHO O NGAI TAI – BACKGROUND

I turn to the east to Tauranga Moana

To Ngai Te Rangi

It is said that you flew

To Hakūranui

I dive into the waters of my ancestors

Rise back up at the landing place of Nukutere

I acknowledge Rongomai

Kia Hanenepounamu

Tūtāmure

And Te Whakatōhea

I return to the life force of my ancestor

Tōrere-nui-ā-rua

Tainui is the ancestral waka

Wainui is the river

Ngai Tai are the people

Ngā Pakanga

- 1.100. Ngai Tai were courageous people who did not shrink from warfare. Both men and women were renowned for their skill in battle and their mastery of traditional weapons, and were often sought as allies by neighbouring iwi in times of conflict. One such occasion was the battle at Tokaākuku, at Te Kaha where the warriors of Ngai Tai supported their eastern neighbours against their enemies while others travelled by waka carrying food to sustain and support allies. Six waka had been constructed earlier and were then utilized for this purpose from timber taken from the Kapuārangi land block.
- 1.101. Soon afterwards, in 1836, a rangatira travelled from Maketū to Tunapahore to witness the renowned expertise of Ngai Tai. He was astonished by the abundance of their gardens. While here they were cared for by Pūtiki, and stayed in his whare, Te Kukume a Taitimu. Such was the generosity of the gifts presented to the rangatira and his people that there

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was scarcely room in their waka for both the provisions and a passenger of his tribe. Pūtiki and Te Rangihuatake therefore accompanied them back, ensuring a woman named Tiraroa was returned home safely to Maketū.

- 1.102. Paripaopao was another important defensive stronghold, with Paetawa and Pātaua standing on either side to protect the settlement of Ōtūtāmure. At Pātaua stood the pōhutukawa beneath which the warriors assembled. Beneath the shelter of Paripaopao lay Ōtūtāmure, birthplace of the great leader, Tūtāmure, grandson of Rongomai. His mother, Hanenepounamu, also lived there, as did generations of their whānau. To the east lies Te Pākorokoro, where the father of Tūtāmure fell during the battle between Ngai Tai and another iwi.
- 1.103. In another great battle at Te Hānoa, the enemy combatants stood on the ridge and waited for Ngai Tai to perish from starvation, dehydration and lack of provisions. They noticed that Ngai Tai were drinking from stones. They were then known as stone hearted, due to the mistaken belief that they derived sustenance from the very stones. However, Ngai Tai were experts of their environment and their own battle strategies. They knew well that water would flow if they dug among the stones on the coast. Then, they pursued and surrounded the enemy at a small creek and overpowered the majority of them. The survivors were taken as slaves. That battle was Waiokōtea, where the enemy was forced into a confined space. Due to the power of this iwi in battle, others said about them, “be careful of Ngai Tai, they are stone hearted, their weapons soar, they are cunning, they are crafty.”
- 1.104. Tūterangikūrei was renowned as one of Ngai Tai foremost warriors and military strategists. The esteem in which he was held is reflected not only in Ngai Tai tradition, but also in the accounts of neighbouring iwi, who recount the gathering of nine tohunga to bring about his downfall. Their own traditions bear witness to the formidable opponent they faced and the mana he carried as a defender of not only his own people, but many other iwi across the region, no matter what. Tūterangikūrei also carried the mantle of ambassador for Ngai Tai, travelling among neighbouring iwi as a respected diplomat and representative of his people, and his legacy lives on in his descendants.
- 1.105. Whether in victory or defeat, the courage and reputation of Ngai Tai endured. The spirit of the whakatauki holds true still, “the towering pillar brought low! The fallen pillar raised again! Cut down the hinahina, it will always return.” Like the hinahina, Ngai Tai is not defeated by being cut down; Ngai Tai is defined by its return.

Whare Wānanga

- 1.106. Rangiata is one of the ancient pā of Ngai Tai, and within it stood Rangiuru, the whare wānanga of the people. It was a place of higher learning where traditional knowledge was preserved and passed from generation to the next. There, students were instructed in customary practices, the disciplines of the art of weaponry and strategies of warfare. Many rangatira and warriors travelled to Rangiuru in search of knowledge. Among them was a warrior of the East Coast who came to Tōrere to refine his skills, broaden his understanding of weaponry, and learn new tactical approaches. His principal teachers were the renowned women warriors, Nohopukepuke and Mamaerangi. Under their guidance he strengthened both his knowledge and his practice. He later returned to the

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East Coast, where he applied what he had learned and emerged as a respected leader among his own people.

- 1.107. Whare Maire was another form of traditional place of learning, where sacred knowledge, ritual practices, and the arts of the tohunga were taught.
- 1.108. Another important house of higher beings was the tribe's council house, which stood on Te Ngaere, in the area now known as Te Iti Kōpara. It stood there during the time of the paramount chiefs Tūterangikūrei, Pikitaungahuru, Te Aururangi, and their contemporaries.

Hāhi - Wiremu Kīngi

- 1.109. The Anglican faith played an important part in the history of Ngai Tai. According to tradition, our ancestor Wiremu Kīngi travelled to the Waiapu Valley, to Rangitukia, where he was nurtured in the Anglican faith. He later returned to his people, bringing those teachings home to Ngai Tai. At Tunapahore, Hiona became the first church established for the people. Some time after that people to the east had heard that Ngai Tai had changed faith in favour of another denomination. In response a delegation from the people to the east came to carry out muru. Wiremu Kingi stood before them and sang his well-known waiata, *"The anxiety that has endured for so long, is like the long night,"* affirming his unwavering commitment to the Anglican faith. Through its words he declared that he was neither uncertain nor one who would forsake the faith he had embraced and brought home to his people. But instead, he held onto the teachings that he brought back to his people. The Anglican faith remained an enduring pillar within Ngai Tai. In time, another church was built beside the school.
- 1.110. One of the enduring teachings was that, if our faith in God remained steadfast, all would be well. Equally important was the instruction to address the matter under discussion rather than attack the person. Throughout history, many conflicts have arisen when people have turned their attention from the issue itself to those speaking of it.

Mahinga kai

- 1.111. The lands of Ngai Tai were abundant in food resources, and each whānau held extensive knowledge of gathering, protecting and managing the resources within their own area. They were kaitiaki of their lands, the rivers, wetlands, forests and coastal waters, and their authority within those places was recognized and respected by the wider iwi.
- 1.112. Each whānau exercised responsibility within its own customary area. Others did not simply enter another family's food-gathering places without invitation or acknowledgement. Instead, they waited for the call of the resident matriarchs, who knew when the resources had reached maturity and were ready to be harvested. When the harvest began, the iwi worked collectively for the benefit of all. Those entrusted with each area gathered food not only for their own whānau but for the wider community. In this way, customary practice, environmental care, and collective responsibility ensured that the abundance of the land and sea would endure for future generations.
- 1.113. Furthermore, a role was deliberately created for the elderly men and women, a role for fit people who were able to go a long way out, and a role was also created for children. An

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example is Te Rua o Tanatiu, an accessible place where elderly could gather crabs and octopi. When neighbouring whānau were called upon to assist, they travelled together making camp at Tokaroa before continuing towards Mōtū.

- 1.114. However, the majority of the time, our food resources were located within our own borders reinforcing the principle of remaining within one's own pātaka kai. Equally important was the practice of rāhui, through which access to resources was temporarily restricted to protect both the environment and the people. Rāhui might also be observed following the loss of life. A post was erected on the coast, adorned with seaweed, to signify that the rāhui was in place. The perspective and awareness of some in modern times has changed.
- 1.115. There were also many food resources at the various strata of the water column. The seafood basket was held at the hip for the collection of shellfish. They would go out to places like Pouwharenga, Pāuamāpihi, Tokaputa, over to the mussel rocks at Te One, and Pouaka and Te Rangi.
- 1.116. Among the prized food resources of Ngai Tai was the niania, a small species that grows in both fresh water and salt water. Te Kōpū o Pātiki is another food resource for catching flounder. The people would catch fish by net, and cook kahawai. It was cooked in the earth with certain native flora, and accompanied with dried kūmara. Gurnard were caught, the food of the rangatira. This is an important fish of this place. Shark caught at sea were dried, this is called *more* - rig. Families would venture out on boats, each boat had a particular name for many families. The kahawai also ran at Te Tipi-o-Tamatea, and juvenile kahawai were caught to satisfy hunger.
- 1.117. The pūriri tree is a good resource for making fishing hooks. Fishing knowledge and asset management is a treasure passed down from generation to generation. The tānekaha was also utilised, the tree was carefully knotted so that it grew in the required shape for fishing hooks and walking sticks. The families knew and were familiar with the locations of the prime fishing spots.
- 1.118. The kiokio palm-leaf fern was used to flavour the hāngī.
- 1.119. Eel-bobbing was what they did in the wetlands of Te Kurepe, Tunapahore, and Tāwera.
- 1.120. Inshore, the miro grove was used to catch wood pigeons. Waimanu is the water spring where the birds would drink. Korako is a well known tree known for its creamy coloured berries, where birds would gather. Birds were never shot in these special trees.
- 1.121. The food gardens, kūmara beds and forest medicines grew all across the region.
- 1.122. Due to the arrival of the Pākehā, they altered our tikanga of food gathering. During the summer, Ngai Tai would come to the beach on the coast. When it was cold, they would go back inland. They wouldn't head to the coast while the food was immature. They would wait for the appropriate time to conduct that work.
- 1.123. Our ancestors were skilled observers of the heavens. They read the stars upon the sky of Ranginui, watched the rising of Matariki, and interpreted the signs of the natural world to

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guide the planting of crops, the gathering of food, fishing, and the beginning of each new year.

Muru Whenua

- 1.124. The authority of the Government reached into the lands of Ngai Tai through the imposition of rates and unpaid surveyed liens. Over time land was also taken and reallocated to other iwi. For example, when the Crown compelled our western neighbours to relocate to Opape, Wiremu Kingi wrote to the Native Minister: “Oh Friend! Salutations to you. This is to inform you of the conversation between me and [a Crown official] about my land [at] Opape”. Kingi reported the official had warned him “If I was to persist he would then take my land altogether.” This warning was made despite Wiremu Kingi having remained a supporter of the Crown.

Whakawhitiwhiti

- 1.125. With the arrival of the Pākehā, Ngai Tai established strong relationships of mutual benefit and engaged with Pākehā in trade. Ngai Tai operated trading vessels, including *Te Wēra*, which sailed when conditions allowed and anchored at Te Pako. They travelled regularly to Ōpōtiki, and further afield to trade. Pigs, potatoes, and maize were among the resources they traded. As larger trading vessels increasingly visited the district, Ngai Tai accumulated sufficient resources to purchase another vessel, named *Hera*.

Mahi Toi

- 1.126. Ngai Tai has long been renowned for the excellence of its traditional Māori arts, many of which flourished in Tōrere. These were not occasional pursuits but part of everyday life. Crayfish pots, eel traps, working baskets, woven mats, woven cloaks, waka, carving, and the construction of carved meeting houses. They had all of these skills, they had hard-working hands. They were also proficient in the recreational pursuits of Tānerore and Hinerēhia.
- 1.127. Among the renowned ancestors of Ngai Tai was Kaiwhakaruaki, who lived before first contact. He felled a great tree on Kapuārangi block from which a waka was carved. Many examples of Ngai Tai artwork and carvings drew their inspiration from ancestral narratives, the whenua, and symbols unique to the iwi. The elder ladies and gentlemen of the iwi are the central pillars of these areas of knowledge. Their works of art continue to be seen in the carved panels of the church, in the carved columns of the marae, that still stand as commemorative symbols of their talent and their love of the iwi.
- 1.128. The ōnewa stone, basalt, has a significant role in the arts and traditional practices of Ngai Tai, and it has high intrinsic value utilised for equipment, traditional weapons, and carving. They also retained expertise in weaving, textiles woven of hand-spun fibre, traditional tattoo practices, and making traditional clubs over many generations. Due to the depth of such knowledge, researchers and artists from around the world came to capture, to write and to reinforce the narratives of the iwi, including Mick Pendergrast who focused on art and examples of weaving from this area. A large number of famous artists flourished due to the lands and people of Tōrere, and it is appropriate to say that Tōrere is one of the important homes of Māori art, a source of knowledge, and a source of creativity also, that

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continues to sustain the arts of the present, and in days to come. All this is done in humility.

- 1.129. “The visions of yesterday are today's pathways, and tomorrow's stepping stones.” Nā Te Tāwhiro Maxwell.

NEGOTIATIONS

- 1.130. Ngai Tai gave the Ngaitai Iwi Authority a mandate to negotiate a deed of settlement with the Crown by a voting process that concluded on 22 June 2023.

- 1.131. The Crown recognised the mandate on 30 August 2023.

- 1.132. The mandated negotiators and the Crown –

1.132.1. by terms of negotiation dated 1 September 2023, agreed the scope, objectives, and general procedures for the negotiations; and

1.132.2. by agreement dated 2 December 2025, agreed, in principle, that Ngai Tai and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and

1.132.3. 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

- 1.133. Ngai Tai have, since the initialling of the deed of settlement, by a majority of –

1.133.1. *[percentage]*%, ratified this deed; and

1.133.2. *[percentage]*%, approved its signing on their behalf by [the governance entity][a minimum of [number] of] the mandated signatories]; and

1.133.3. *[percentage]*%, approved the governance entity receiving the redress.

- 1.134. Each majority referred to in clause 1.133 is of valid votes cast in a ballot by eligible members of Ngai Tai.

- 1.135. The governance entity approved entering into, and complying with, this deed by *[process (resolution of trustees etc)]* on *[date]*.

- 1.136. The Crown is satisfied –

1.136.1. with the ratification and approvals of Ngai Tai referred to in clause 1.133; and

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- 1.136.2. with the governance entity's approval referred to in clause 1.135; and
- 1.136.3. the governance entity is appropriate to receive the redress.

AGREEMENT

1.137. Therefore, the parties –

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

OFFICIAL OR RECORDED GEOGRAPHIC NAMES

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

2 HE KOHINGA KŌRERO – HISTORICAL ACCOUNT

- 2.1. The Crown’s acknowledgement and apology to Ngai Tai in part 3 are based on this historical account.

TE TIRITI O WAITANGI/THE TREATY OF WAITANGI

- 2.2. Te Tiriti o Waitangi/the Treaty of Waitangi is recognised as a founding document of New Zealand. A treaty of agreement between Māori and the Crown was signed at Waitangi on 6 February 1840. The text was initially drafted in English and then translated into te reo. The English version of the Treaty confirmed and guaranteed the “full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess...”. The te reo draft of Te Tiriti guaranteed Māori “te tino rangatiratanga o o ratou wenua [sic] o ratou kainga me o ratou taonga katoa.”
- 2.3. Ngai Tai rangatira later signed te Tiriti o Waitangi with the expectation that this would be upheld.
- 2.4. In June 1840, a Crown-commissioned agent brought the Fedarb sheet, a te reo draft of te Tiriti o Waitangi, to the eastern Bay of Plenty aboard the *Mercury*. On 11 June, two Ngai Tai rangatira, Pūtiki and Rangihuatake, signed te Tiriti at Tōrere. A few days later, a third Ngai Tai rangatira, Taku, signed te Tiriti on board the *Mercury*, anchored in Tōrere Bay. After the second signing, the Crown agent presented gifts of two pipes and some tobacco.
- 2.5. The following account of He Kohinga Kōrero indicates the challenges and vicissitudes that Ngai Tai encountered after signing te Tiriti o Waitangi.

EARLY ENGAGEMENT BETWEEN NGAI TAI AND THE CROWN

- 2.6. By 1840, Māori in the north-eastern Bay of Plenty had been in contact with European whalers and traders for several decades. Yet, despite these early commercial interactions with Pākehā, there appears to have been limited contact between Ngai Tai and the Crown between June 1840 (when the iwi signed te Tiriti o Waitangi/the Treaty of Waitangi at Tōrere) and 1861-62 (when there were visits by a Resident Magistrate and another Crown official to Tunapahore).
- 2.7. In 1843, a Crown official assisted a missionary in his attempt to establish a boundary between Ngai Tai and the iwi to their west in response to a dispute over land in Waiaua. Ngai Tai kaumātua agreed to the Crown official’s request that they relinquish land to the neighbouring iwi ‘and make peace’ (thereby establishing the boundary between them).
- 2.8. During the 1840s, an Ōpōtiki-based Church Mission Society missionary periodically visited Tōrere and Tunapahore. A Catholic teacher also provided religious instruction at Tunapahore for a time. In 1848, the Church Mission Society missionary reported that colonisation had brought north-eastern Bay of Plenty Māori in contact with settlers “and knowledge of English law.” Noting the peace and industry of Māori in the region, the missionary (who had first visited the Ōpōtiki area in the 1830s) reported in June 1848 that

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Ngai Tai had hosted at Tunapahore an estimated 1,000 “professed Christians” including those from neighbouring iwi.

- 2.9. Many Ngai Tai embraced Christianity and by 1874 Māori catechists were conducting services in the region. Where possible, Ngai Tai Christians baptised their children when clergymen visited their rohe. This adoption of the Christian faith impacted Ngai Tai tikanga, reo, and kawa.
- 2.10. By the early 1850s, Ngai Tai were trading produce like wheat, corn, onions, potatoes, maize, and pigs, which was shipped to the Auckland market in exchange for items including timber, rope, clothing and tobacco. These products were ferried to and from ships anchored off the coast in canoes and boats. By the 1860s, Ngai Tai owned their own vessel, *Te Wira* [sic].
- 2.11. Despite its limited contact with Ngai Tai, the Crown promoted legislation aimed at assimilating Māori into European culture. The Native Trust Ordinance 1844 noted the “great disasters” that had befallen indigenous populations following European colonisation elsewhere in the world. The Crown considered the most harmful effects of colonisation could be avoided in New Zealand “by assimilating as speedily as possible” Māori “habits and usages” to those of the European population. The Crown believed this assimilation would be more effectively achieved if it occurred gradually instead of immediately enforcing colonial laws on Māori. Legislation like the Native Exemption Ordinance 1844 included limited provisions relating to crimes and offences that recognised Māori authority and customs. The Crown did not consult Ngai Tai regarding either its assimilationist policies or legislation enacted during this period. Paternalistic European attitudes towards Māori (who came to be seen as a “dying race”) prevailed for many decades.
- 2.12. The New Zealand Constitution Act was passed by the British Parliament in 1852. This legislation established the New Zealand Parliament and provided for a form of representative government. The Act created the House of Representatives, members of which were elected by male voters aged over 21 who either owned or rented property of a certain value. Due to the limited number of Māori who met the householder qualification, the Act effectively excluded Māori women and most Māori men from voting. This was because in 1852 all of the land held by Ngai Tai remained in customary tenure (though in 1843 they had relinquished parts of Waiaua to a neighbouring iwi). Although Section 71 of the legislation provided for the proclamation of “native districts” where Māori custom and law would be officially recognised, this provision was never implemented despite requests from Māori.
- 2.13. In 1858, the Crown promoted the Native Districts Regulation Act and the Native Circuit Courts Act, which empowered the Governor to create and enforce regulations over defined “Native Districts” in which Māori title “for the time being” had not been extinguished. The Native Districts Regulation Act 1858, which professed to “promote the civilization of the Native Race”, provided for regulations to be made “as far as possible with the general assent of the Native population,” as ascertained by the Governor. The Act provided for the regulation of a variety of matters including fencing, cattle branding, noxious weed control, public health, house cleaning, and drunkenness. It also empowered the Governor to ascertain, prescribe, and provide “for the observance and enforcement of the rights, duties and liabilities” of Māori iwi and hapū, their communities, and individuals.

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Finally, without providing a definition, the Act permitted the Governor to suppress “injurious Native Customs”. Ngai Tai consider this latter clause of the Act to be injurious to their mātauranga and wairuatanga.

- 2.14. Under the Native Circuit Courts Act 1858, the Governor could appoint Resident Magistrates to Native Districts where courts could “hear, determine, and punish” offences committed under the Native Districts Regulation Act and “all Crimes, Misdemeanours, and other Offences whatever.” In March 1860 the Governor appointed a Resident Magistrate for Bay of Plenty district.
- 2.15. After visiting Tunapahore in December 1861 (following an earlier magistrate’s visit the same year), the Resident Magistrate reported that Ngai Tai had proposed Wiremu Kingi as an assessor and had a rūnanga. This proposal was possibly a response to a Crown initiative known as “new institutions” or the “Runanga system”. The rūnanga system for tribally based governance, overseen by the Crown, was conceived as a response to the Kīngitanga. The Crown envisioned that this would give “practical effect to what is good in that [Kīngitanga] movement” while persuading Māori “to reject whatever in it may be antagonistic” to the British Government.
- 2.16. The scheme involved a form of Māori local government and a justice system based on village and district rūnanga. These rūnanga were represented by a Māori Assessor, who worked in conjunction with either a Resident Magistrate or a Civil Commissioner. Although rūnanga were ancient assemblies, they began to be revived in Māori communities in the mid-1850s as a response to the new challenges Māori faced. These challenges included increased pressure to alienate land and engage in the settler economy.
- 2.17. The Magistrate described Ngai Tai as one of the most “orderly and interesting” iwi in the Bay of Plenty. He hoped that a boundary dispute between Ngai Tai and a neighbouring iwi would not force Ngai Tai to leave their large Tunapahore cultivations and relocate to the more confined settlement of Tōrere.
- 2.18. A Crown official who visited the district the following year described iwi responses to the prohibition of arms and ammunition, a subject of “long and reiterated remonstrance” throughout the Bay of Plenty and especially of Māori based on the coast. His report stated that:

Earnest have been their assertions of their single-hearted desire to sit still in peace and quietness, and of their innocence of Pakeha blood—plaintive their petitions to be allowed a little powder “to shoot birds for their children and for their sick!”

- 2.19. The Crown official noted the hospitality Ngai Tai extended to travellers and reported that the iwi objected to restrictions on their access to gunpowder. Regarding Crown military operations elsewhere in the country, they questioned why “Christian people who had brought them the Gospel should have found occasion to fight with them so often.”
- 2.20. Nonetheless, the official reported that Ngai Tai did not show “that tone of bitter hostility to the Pakeha and the Queen” observed elsewhere in the district, and, he claimed, “approved very frankly” of the proposed rūnanga system. The official described the Ngai Tai rangatira

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Wiremu Kingi as a “quiet gentlemanly”, sensible man and his whare as “a perfect model of hospitality.”

- 2.21. By 1862, there was a European trader at Tunapahore, and “ready communication with Auckland” meant coastal Māori including Ngai Tai had ploughs, tools and other European goods. Although Ngai Tai reportedly treated Europeans traders well, the Crown official noted that the main grievance of Māori in the region was Pākehā traders paying low prices for Māori produce on the coast compared to the higher prices charged for goods from Auckland. The Resident Magistrate (who had visited the north-eastern Bay of Plenty the previous year) noted that indebtedness incurred through traders supplying goods on credit was another significant issue for Māori in the region. Traders in the region “often pressed” their goods upon Māori. Debts were secured by future crop returns and, in some cases, the size of the debt was almost equivalent to the yearly crop returns.
- 2.22. While Ngai Tai were prepared to engage with the settler economy, the Crown official attributed an increased distrust of Pākehā among Māori communities in the region to their awareness of the armed conflict between Māori and Crown military forces in Taranaki. He also noted that, during prayers at Tunapahore, Māori skipped over the portion referring to the Queen. The Crown official considered an additional factor contributing to the distrust of Pākehā was “the long course of comparative neglect” Māori in the north-eastern Bay of Plenty had experienced: “The Missionary and the Magistrate have been almost entirely strangers to them.” Furthermore, he noted the “deep misgivings” Māori in the region felt toward Pākehā, into whose hands they saw the wealth of the land rapidly passing.

NGAI TAI AND THE NEW ZEALAND WARS 1863-1871

Ngai Tai and the Kīngitanga

- 2.23. In July 1863, Crown forces crossed the Mangatāwhiri River and began the invasion of Waikato to suppress the Kīngitanga, a movement founded in the late 1850s with the aim of uniting Māori under a Māori sovereign. The Māori King Movement began to receive growing support among East Coast iwi including Ngai Tai.
- 2.24. Though Ngai Tai rangatira Wiremu Kingi opposed his people going to Waikato, forty-seven Ngai Tai who were sympathetic to the Kīngitanga cause joined a Tai Rāwhiti expedition of Kīngitanga supporters in 1864 which attempted to reach Waikato via the Rotorua lakes district. During fighting in April at Lake Rotoiti, the Tai Rāwhiti force was repulsed and retreated to the coast at Ōtamarākau where it regrouped and was reinforced for an attack on Maketū.
- 2.25. However, the expedition was defeated by a force composed predominantly of Māori who supported the Crown at the Battle of Kaokaoroa at Te Awa a Te Atua Beach near Matatā. Two members of Ngai Tai were killed in the fighting. Approximately forty Ngai Tai, including Wiremu Kingi, did not join the expedition to Rotoiti and Maketū, remaining at Tōrere, adhering to his position of not taking up arms against the Crown to protect his people.

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Ngai Tai Military Service 1865-1871

- 2.26. From 1865, Ngai Tai periodically provided military support to the Crown. Wiremu Kingi and Ngai Tai were actively involved in operations against followers of Pai Mārire. Pai Mārire was a prophetic movement which rejected Pākehā religious authority and promised Māori deliverance from European control and autonomy. Pai Mārire followers were involved in the killings of the missionary Carl Völkner and a Crown official, which led to the Crown's invasion of Ōpōtiki.
- 2.27. Later, Ngai Tai also fought against the prophet and military leader Te Kooti and his followers in the Bay of Plenty. On 22 February 1868, a Crown officer reported that Kingi had resisted a Pai Mārire force that had approached Opape, destroying crops and carrying off tools and implements. Later that year, the Crown temporarily armed thirty-six Ngai Tai. In December 1868, the Crown again armed Ngai Tai so they could resist a possible attack by Te Kooti. The Crown paid Ngai Tai for their military service.
- 2.28. In January 1869, the Crown recognised Wiremu Kingi's service and leadership by awarding him a captain's commission in the Militia, with Ngai Tai involved in Crown military operations in the months that followed. This included iwi members being armed by a Crown officer in March, and forming part of a Crown force that attacked Tauaroa Pā near Galatea. Thirty Ngai Tai took part in a Crown expedition to Ruatahuna to confront Te Kooti's force in May, where Wi Maehe of Ngai Tai died of wounds received in action at Hukanui Hill.
- 2.29. In February 1870, the Crown transported Wiremu Kingi and ninety-five armed members of Ngai Tai from Whakatāne to Tauranga aboard the government gunboat *Sturt*. A Crown Commissioner reported that, once there, they formed part of a 150-strong force drawn from four Māori groups who took up positions at Oropi south of Tauranga to protect the women, children and settlements of another iwi from Te Kooti's followers. A senior officer described the force led by Wiremu Kingi as "one of the finest bodies of men I ever saw in the Native Contingent."
- 2.30. The following month, a Crown officer expressed concern about the security of the Ngai Tai settlement of Tōrere because most of Wiremu Kingi's men were serving in the field, making their pā vulnerable. This service included taking part in an operation "for the purpose of clearing the Waioeka, in pursuit of Te Kooti".
- 2.31. As hostilities in the north-eastern Bay of Plenty drew to a close, Wiremu Kingi — who was described by his European commanding officer as "one of the best leaders on the East Coast" — advocated reconciliation. During a meeting with the Native Minister early in 1871, Kingi promoted the restoration of amiable relations with neighbours of Ngai Tai who followed Te Kooti, and encouraged the Crown to forgive those it deemed to have been in rebellion.
- 2.32. Nonetheless, in May 1871 Kingi led an expedition of fifty-three Ngai Tai overland from Tōrere to Tūranganui in search of Te Kooti. The force was accompanied by a single European officer. Kingi intended to return to Ōpōtiki via Waioweka but, after he and his guide fell ill in the middle of winter and supplies ran short, the force emerged at Tūranganui

after twenty-seven days in the bush and returned to Tōrere aboard the *Luna*. Te Kooti, meanwhile, pressed on to Lake Waikaremoana, arriving in late June.

Military Pension Legislation and the New Zealand War Medal

- 2.33. In 1866, the Crown promoted the Military Pensions Act, legislation which was applicable to both Māori and Europeans. In a parliamentary committee, Donald McLean moved the insertion of a clause that made the legislation applicable to Māori as well as to Europeans. The Act provided for the granting of pensions for officers and men of the colonial forces who had been killed or seriously injured while on active service and, in certain circumstances, to their widows and families. In some cases (including that of Wi Maehe, who was killed in 1869), the Military Pensions Act 1866 provided lower pension rates for Māori than for their European counterparts. This discrimination continued until the enactment of the Defence Act 1909 which ended separate military pension scales for Māori and European veterans.
- 2.34. With the passage of the Military Pensions Act 1912 and the Pensions Act 1913, both Māori and European veterans who held a New Zealand War Medal were entitled to a yearly pension of £36. To qualify for the New Zealand War Medal, all applicants who served in colonial forces had to have served under fire. While Wiremu Kingi had received his medal in 1874, several Ngai Tai New Zealand Wars veterans had never applied for the award. From late 1913, Māori applicants were unfairly required to have their service under fire validated by a European officer or comrade. This included at least two elderly Ngai Tai veterans, Hoera Katipo and Hemikare Patata, seeking a degree of financial security in their final years.

RAUPATU

1865 Proclamation of Peace and the Invasion of Ōpōtiki

- 2.35. In September 1865, Governor Grey issued a “Proclamation of Peace” declaring an end to the fighting in Taranaki and Waikato and an amnesty for all those who had been “up to the present time” in arms against the Queen’s authority. At the same time, the Crown proclaimed martial law in the Whakatāne and Ōpōtiki districts. The Proclamation of Peace specifically stated that the Governor would take no more lands on account of “the present War”.
- 2.36. However, the Proclamation of Peace excluded Māori involved in the deaths of Völkner, a Crown official, and several others killed between March 1860 and July 1865, and threatened to confiscate land from Māori who harboured those responsible. Ngai Tai were not involved in these deaths, nor did they shelter those who were responsible.
- 2.37. The Proclamation of Peace and the Crown’s declaration of martial law appeared in the Māori language gazette, *Ko te Kahiti o Nui Tirenī* in September 1865. On 8 September 1865, only six days after the proclamation, a Crown expeditionary force landed at Ōpōtiki and commenced military operations against Māori the Crown considered had been responsible for the deaths of Völkner and the Crown official. It is unlikely that *Ko te Kahiti o Nui Tirenī* reached the eastern Bay of Plenty before the expeditionary force arrived.

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- 2.38. In October 1865, Wiremu Kingi requested that the Crown send an official to administer an oath of allegiance to the Crown. By early December, Kingi and other members of Ngai Tai had sworn the oath and offered support to the Crown in its conflict with followers of Pai Mārire.

1866 Bay of Plenty Confiscation

- 2.39. In January 1866, the Crown confiscated an area of approximately 440,000 acres in the Bay of Plenty under the New Zealand Settlements Act 1863. The confiscated area extended as far as the Haparapara River in the north-east and included most of the traditional lands of Ngai Tai. This confiscation of Ngai Tai whenua occurred despite the military support given by Ngai Tai to the Crown during its conflict with the followers of Pai Mārire. A September 1866 amendment to the boundary of the Crown's confiscation did not affect Ngai Tai coastal lands, which remained within the confiscation area.
- 2.40. The Crown's 1866 confiscation of land in the Bay of Plenty did not end the fighting between Crown forces and Māori in the region. By May 1866, Kingi and Ngai Tai soldiers had been provided with arms by the Crown and were assisting the Crown in its pursuit of a Māori fugitive accused of involvement in Völkner's murder.
- 2.41. On 13 May 1866, Kingi wrote to the Native Minister accusing the "Special Commissioner for Settlement of Opotiki Claims" of acting underhandedly in locating the iwi to the west of Ngai Tai on "my land Opape" without Kingi's knowledge. Kingi told the Native Minister that the Commissioner had threatened to take all his land if Kingi persisted in claiming interests in Opape.
- 2.42. In an official report, the Commissioner claimed that Kingi had renounced his claim to Opape, which the Commissioner considered a poor one "on account of his people's former misdeeds." The Commissioner noted that Kingi told him Ngai Tai had atoned for this by joining the Crown's search for Völkner's killer. Although the Commissioner did not clarify the nature of these "former misdeeds", he was probably referring to the participation of some Ngai Tai in the 1864 Tai Rāwhiti expedition.
- 2.43. The Commissioner had initially been instructed not to enforce the confiscation over 57,000 acres in the north-eastern Bay of Plenty and to leave the portion of the confiscation area east of Opape to its Māori owners. In June 1867 an official report described the Crown's enforcement of the confiscation of this area as "technically 'abandoned'".

Compensation Court

- 2.44. The Crown established a Compensation Court under the New Zealand Settlements Act 1863 to hear applications for compensation (including the return of land) from Māori affected by the confiscation. In March 1867, the Compensation Court began hearings in Ōpōtiki to consider claims in relation to the 1866 Bay of Plenty confiscation.
- 2.45. In July 1867, the Commissioner told the Compensation Court that "on behalf of the Crown he would not interfere with lands at Hakuranui and Torere" in accordance with section 6 of the New Zealand Settlements Amendment and Continuance Act 1865. This section provided for the Crown to abandon its confiscation of land in which compensation had

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been claimed. Despite the Commissioner's assurance to the contrary, the 9,458-acre "Waiohoata and Hakuranui" block (which the Compensation Court subsequently awarded to Ngai Tai) was included in the area where the Crown enforced its confiscation.

Compensation Court hearing for Waiaua

- 2.46. Wiremu Kingi and Mere Wakana applied on behalf of Ngai Tai for the return of land at Waiaua, with the Compensation Court considering Waiaua in March 1867. No plan or acreage of Waiaua was presented in the Compensation Court. Kingi claimed Waiaua through ancestry. His claims were contested by a rangatira from the hapū of the iwi to the west of Ngai Tai. The Court awarded Ngai Tai £75 in scrip as "owners (amongst other persons)" of Waiaua, "the extent and particulars whereof cannot be defined," but did not award Ngai Tai land at Waiaua.
- 2.47. In September 1867, Kingi testified that the Commissioner had previously stated the Crown had abandoned its claims to land east of Tarakeha. Kingi further stated that the Commissioner had since told him that, if the Court judged in Kingi's favour for Waiaua, the Crown would take land east of Tarakeha after all.

Compensation Court hearing for Waiohoata

- 2.48. In September 1867, the Court awarded Ngai Tai land at Waiohoata near the boundary of the confiscated block. Testifying during the hearing, Kingi said that some of his people were "Hauhau" opponents of the Crown, and the Court made its judgment in favour of the "loyal portion" of Ngai Tai. Kingi was referring to those Ngai Tai who joined the 1864 Tai Rāwhiti expedition prior to Grey's Proclamation of Peace.

Awaawakino and the Confiscated Lands Act 1867

- 2.49. The Crown promoted the Confiscated Lands Act enacted in October 1867. The legislation empowered the Governor to grant confiscated land to claimants who had been refused compensation by the Compensation Court or had been awarded less compensation than the Governor considered just and reasonable.
- 2.50. In 1874, lists of Ngai Tai individuals were gazetted as owners of Awaawakino under the Confiscated Lands Act 1867, and of Waiohoata and Hakuranui under a Compensation Court award. The Awaawakino grant was made under sections 3, 4 and 6 of the Confiscated Lands Act 1867. These sections permitted the Crown to make reserves for "friendly natives", allowed the establishment of reserves for "surrendered rebels", and permitted land grants to be subject to "conditions, restrictions or limitations".
- 2.51. The Awaawakino block was awarded to 172 Ngai Tai men, women, and children, and was held in trust by Wiremu Kingi Tutahuarangi and seven others.

Awaawakino and Waiohoata titles

- 2.52. Of the fifty-three women listed among the owners of Awaawakino, all but one (Reita Puhi) were also listed among the owners of Waiohoata. Two other women, Kawena Hako and Keita Pahi, were added to the Waiohoata owners' list. The same seventy-two children

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listed among the owners of Waiohoata were also listed among the owners of Awaawakino. Three additional children (Maraea Himiona, Ririwhenua and Tepaea) were also listed among the Awaawakino owners. Twenty-three men were listed among the owners of Waiohoata and forty-four men among the owners of Awaawakino, but the only man with the same name on both lists was Matene Mahunga.

- 2.53. It is unclear how many members of Ngai Tai were not named among the owners of Waiohoata and/or Awaawakino, but Hoera Katipo — who had served under Wiremu Kingi during an engagement with Te Kooti's forces at Waioeka Gorge in the 1860s — did not appear in either the Confiscated Lands Act 1867 grant of Awaawakino or the Compensation Court award of Waiohoata. The Compensation Court process began the individualisation of Ngai Tai land title and the extinguishing of customary tenure.
- 2.54. Ngai Tai did not receive legal title to Awaawakino and Waiohoata until 1907. Despite Ngai Tai ownership of a significant portion of their core traditional lands remaining legally tenuous between 1874 and 1907, the iwi continued to occupy this whenua.

NATIVE LAND LAWS

- 2.55. Prior to the introduction of the Native Land Acts in 1862 and 1865, Ngai Tai held their land in customary tenure which was based on collective ownership in accordance with Ngai Tai tikanga. From the early 1860s, the Crown promoted native land legislation, enabling Parliament to establish the Native Land Court. The Court's purpose was to ascertain the persons who were owners of land according to Māori custom and to convert Māori customary ownership into individualised titles derived from the Crown. The Crown did not consult with Ngai Tai before promoting the Native Land Acts, and Māori were not represented in Parliament at the time they were enacted.
- 2.56. The costs of attending Native Land Court hearings and securing titles to their land were burdensome to Ngai Tai. Hearings for blocks in the Ngai Tai rohe, including the Tunapahore, Takaputahi, Torere, Kapuarangi and Whitikau Nos. 1 and 3 blocks were held in Ōpōtiki, some 20 kilometres from Ngai Tai homes and cultivations. Hearings for the Mangatū block, in which Ngai Tai also claimed interests, took place in Gisborne, approximately 90 kilometres south of the Ngai Tai rohe. Costs associated with travel and accommodation during Court hearings at Ōpōtiki and Gisborne were compounded by Court fees, survey liens, and other expenses associated with title investigations of Māori lands.
- 2.57. Survey liens were the most costly aspect of obtaining a title to a Māori land block. In 1903, Hoera Katipo of Ngai Tai told a Crown official that a portion of the funds paid for the purchase of lands in the Kapuarangi block had been "specially collected by us for the survey of 'Tunapahore.'" The following year, Akuhata Takatua and Wetini Taku offered to sell more land from the Kapuarangi block to pay off survey liens on Ngai Tai lands, described as "the burden that is upon us."
- 2.58. Some title investigations were protracted and divisive, damaging relationships between Ngai Tai and neighbouring iwi. Any individual who claimed an interest in a block of Māori-owned land could lodge their claim when said lands came under investigation by the Court. Ngai Tai had no choice but to participate in the Native Land Court system, both to

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protect their land against claims from others and to integrate their land into the modern economy. Between 1881 and 1909, much of the rohe of Ngai Tai passed through the Native Land Court. Ngai Tai asserted interests in eight blocks of this land, and the Courts ultimately awarded them title to 84,736 acres in seven blocks (see figure 1).

Year of first title determination	Block name	Acreage of parent block	Acreage and date of award to Ngai Tai
1881	Whitikau No. 1	10,960	10,960
1881	Whitikau No. 2	655	655
1881	Mangatū	67,048	0
1885	Tunapahore	5,449	850 (1945)
1888	Whitikau No. 3	15,170	15,170
1895	Takaputahi	32,857	32,857
1895	Kapuarangi	32,949	11,474, (1903)
1909	Torere	12,770	12,770
	Total acreages	177,858	84,736

Figure 1: Outcomes of Native Land Court Investigations into Lands in which Ngai Tai Claimed Interests

The Tunapahore Block

- 2.59. The most protracted, complex, and costly series of title investigations in which Ngai Tai participated concerned the 5,449-acre Tunapahore block. Hearings, appeals, and Royal Commission inquiries concerning the block lasted for 60 years, from 1885 to 1945.
- 2.60. In 1885, the Native Land Court first investigated interests in Tunapahore. The Court awarded 3,770 acres to a neighbouring iwi and 1,679 acres to Ngai Tai. In 1895, Parliament enacted legislation which authorised a rehearing of the block through the Native Appellate Court. This Court investigated Tunapahore between 1897 and 1898 and awarded the entire block to the neighbouring iwi.
- 2.61. Angered by the Court's exclusion of Ngai Tai from Tunapahore, Haka Tautuhi and other members of Ngai Tai immediately sought a rehearing. The following year Wiremu Kingi (son of the Ngai Tai rangatira of the same name) and Hoera Katipo contacted Premier Richard Seddon, explaining that their people were “very pouri” [sad] about the loss of their lands in Tunapahore.
- 2.62. According to Kingi and Katipo, Ngai Tai witnesses had told the Court of three urupā in the block, named Whiroariki, Tokanui, and Whakatipua. They also told Seddon that Ngai Tai had complied with Court orders to exhume “a large number” of remains from Tokanui and Whakatipua to verify their knowledge of the sites, in support of their claim to lands in Tunapahore. “Notwithstanding the above evidence in our favour,” they wrote, “the bones of our dead together with their land upon which they slept” had been awarded to another iwi.

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- 2.63. In 1901, the Crown promoted the Native Land Claims Adjustment and Laws Amendment Act which enabled the formation of a Royal Commission to inquire into the Tunapahore block. Over the course of 1902 and 1903, the Commission investigated interests in the block. The Commission partitioned Tunapahore into two blocks divided by the Hawai River, awarding the northern portion (2,628 acres) to members of the neighbouring iwi and the southern portion of 2,821 acres to Ngai Tai.
- 2.64. Protests against this outcome from both Ngai Tai and the neighbouring iwi resulted in yet another investigation by the Native Appellate Court in 1914. The Court awarded the entirety of the block to the neighbouring iwi. Ngai Tai resumed protesting for recognition of their interests in Tunapahore. In 1924, Uru Reweti sought assistance in the matter from the Crown, writing:

This block may well be regarded as our ancestors['] Gallipoli for here some of them fell and are buried. It would be an unpardonable sin against our parents if we did not make an effort to fight for the land that they had won with their blood and where some of them are now buried.

- 2.65. Ngai Tai continued to protest during the 1920s and 1930s. In 1936, Uru Reweti again raised the “painful and sorrowful” loss of the three Ngai Tai urupā in Tunapahore with the Crown, noting that appeals to successive Ministers for Native Affairs, Gordon Coates and Apirana Ngata, had failed and that assistance was wanted “while the last of our own elders Wetini Taku is still with us.”
- 2.66. Between 1944 and 1945, a second Royal Commission investigated the Tunapahore block. The Commission awarded 850 acres of the 5,449-acre block to Ngai Tai and the remainder to the neighbouring iwi.
- 2.67. By the close of the 1945 Royal Commission, Tunapahore had been investigated by the Native Land Court, Appellate Court and two Royal Commissions a total of five times. Ultimately, Ngai Tai were awarded a portion of the block which included the three urupā situated in the western portion of Tunapahore. Members of Ngai Tai (including Hoera Katipo, Te Paea Kingi, Uru Reweti, Wetini Taku, and Haka Tautuhi) had petitioned the Crown at least 10 times to achieve this outcome.
- 2.68. However, the individualised titles awarded to Ngai Tai for Tunapahore and other lands in their rohe did not reflect their traditional ownership structures or systems of hapū organisation. The damage to relationships created by litigation concerning the Tunapahore block is still felt between Ngai Tai and their eastern neighbours today.

POST-1865 CROWN LAND PURCHASING

- 2.69. In the 1870s, the Crown conducted a program of large-scale purchasing of Māori land in the North Island to provide land for Pākehā settlers. The Crown instructed its land purchase officer to acquire “as much territory as the Natives can dispose of without injury to themselves.”
- 2.70. By the early twentieth century, the Crown had purchased more than 70,000 acres of land from Ngai Tai. This was a large proportion of the 85,000 acres awarded to Ngai Tai by the

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Native Land Court, and the 9,458 acres awarded to them by the Compensation Court. The Crown's purchases in Ngai Tai's rohe included the entirety of the Takaputahi, Kapuarangi No. 1 West, and Whitikau No. 1 blocks, and parts of the Torere, Whitikau No. 2, and No. 3 blocks (see figure 2).

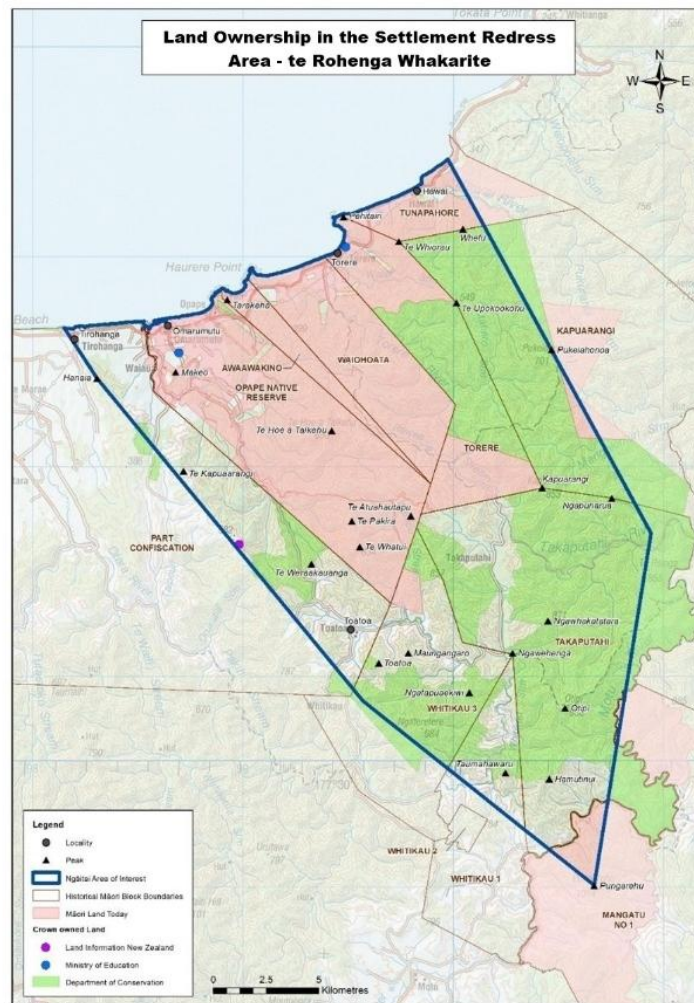


Figure 2: Land Ownership in the Settlement Redress Area – te Rohenga Whakarite showing land blocks affected by Crown purchasing

Advance Payments on the Whitikau No. 1 Block

- 2.71. During the 1870s, Crown land purchase officers often opened negotiations to buy Māori land by making advance payments to people they believed to be owners before the Native Land Court had investigated or awarded any title for the land. On 6 October 1879, members of Ngai Tai and a neighbouring iwi offered the Whitikau block for sale on the condition that the Crown pay the costs of surveying the block. They also stipulated that the price of the land should be 3 shillings per acre, and that the Crown should pay the sellers £100 as a deposit for Whitikau, which had not yet been considered by the Native Land Court.
- 2.72. The Crown accepted this offer, and paid £225, 3 shillings and 4 pence for a survey of the lands. It also paid pre-title advances of £50 each to Wiremu Kingi and the rangatira of the

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neighbouring iwi to initiate negotiations for its purchase of the Whiti kau block. The Crown paid Ngai Tai and the other iwi believing “that both had a claim to the land and jealousy of each other would have stood in the way of the survey being completed, had the money been paid to Ngaitai only.”

- 2.73. In 1881, the Native Land Court awarded the 10,960-acre block (now called Whiti kau No. 1) to Ngai Tai. On 29 December 1884, a Crown land purchase officer met with the Ngai Tai owners and paid what the Crown considered to be the outstanding purchase money.
- 2.74. While agreeing to the price requested by the sellers (3 shillings per acre), the Crown withheld the £50 from its payment to Ngai Tai, the sum it had paid to the neighbouring iwi in 1879 and who were not recognised by the Native Land Court as owners of the block. The official who made the payment for Whiti kau No. 1 later reported that Ngai Tai were “perfectly satisfied” with the sale of the block, but also noted that they had objected to the Crown’s deduction of £50.
- 2.75. On the same day that Ngai Tai received the Crown’s payment for Whiti kau No. 1, Wiremu Kingi and 37 others wrote to the Minister of Native Affairs confirming that they had received £1,544 for the block in addition to the £50 advance paid to Ngai Tai in 1879. However, the total paid by the Crown for the block was £50 less than the sellers would have received at 3 shillings per acre. The Ngai Tai writers protested that it was “not right that we should pay for [the £50]” the Crown had advanced to the neighbouring iwi in 1879.
- 2.76. On 27 January 1885, a Crown official responded to Kingi’s letter, writing that the £100 advance “was paid by the government on the land and it is only right that the land should bear the expense.” In February, the Trust Commissioner reported that Whiti kau No. 1 owners had lodged an objection to the sale being completed until it was settled whether they were entitled to an additional £50. In March 1885, Wiremu Kingi signed the deed of purchase for Whiti kau No. 1 without having received a reimbursement for the £50 advance paid to the neighbouring iwi. By August, the Crown’s purchase of the block was completed.
- 2.77. Ngai Tai retained Whiti kau No. 2 of 655 acres, which the Native Land Court had awarded them in 1881. Between 1888 and 1889, the Court also investigated Whiti kau No. 3 of 15,170 acres and awarded the block to Ngai Tai. In 1899, the Crown purchased Whiti kau No. 2A of 374 acres and Whiti kau No. 3B No. 2 of 10,210 acres.

Valuation of Timber, Kapuarangi No. 1 West and the Takaputahi blocks

- 2.78. In 1903, a Royal Commission awarded the Kapuarangi No. 1 West block of 11,474 acres to Ngai Tai. In March of 1906, Ngai Tai offered to sell the block, which contained a “large timber area,” to the Crown. While there was timber on the block, it was not included in the Crown valuation. The Commissioner of Crown Lands considered that 3,000 acres in the east of the block was “fairly good,” but that the balance was “very poor and too broken for settlement.”
- 2.79. Crown officials debated an appropriate price to offer Ngai Tai for Kapuarangi No. 1 West and settled on 5 shillings per acre for the block, amounting to £2,868 and 10 shillings. Ngai Tai owners accepted this offer. The following year, in 1907, the purchase of Kapuarangi No. 1 West was completed and the block was gazetted as Crown land.

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- 2.80. In June of 1911, Hoera Katipo, Wetini Taku, and other members of Ngai Tai offered to sell the Takaputahi block of 32,857 acres to the Crown if it paid for both the land and the milling timber within the block. It contained, according to the writers, valuable native timber species such as kahikatea, rimu, tōtara, miro and matai. They sought to sell the land as they had family holdings elsewhere which could be worked advantageously with the proceeds of the sale.
- 2.81. In November 1911, a Crown valuer investigated the Takaputahi block and found that rimu suitable for milling was “plentiful” along the banks of the Takaputahi River. However, he deemed the timber too inaccessible to have any value. In February 1912, Takaputahi owners resolved to sell the land to the Crown for 30 shillings per acre. Later that month the Crown countered with an offer of 20 shillings per acre.
- 2.82. On 6 March 1912, Katipo and other members of Ngai Tai wrote to the Crown seeking clarity about whether it intended to meet their terms for the sale of Takaputahi:

...such a spot as is referred to in the term The Great Forest of Tane (“Te Wao-nui a Tane”). Here forest trees of all kinds abound, including the Totara. Here the hills are neither fern-clad nor Manuka-clad; neither are these found in the valleys; all is forest primeval.

- 2.83. Katipo and the other writers wished to know what the Crown was prepared to offer “as a fair price for the soil and the milling-timber [sic] thereon” in Takaputahi, as they had felt “deprived of the value of the timber” in the Crown’s purchase of Kapuarangi No. 1 West.
- 2.84. At a second hui on 25 March, Takaputahi owners resolved to sell a 12,518-acre portion of the block, which was under lease, for 25 shillings an acre and the remaining 20,339 acres for £1 (20 shillings) an acre to the Crown. The Crown accepted these terms, and in April 1912 completed its purchase of the Takaputahi block.
- 2.85. The Crown did not mill the native timber on the Kapuarangi No. 1 West and Takaputahi blocks. Eventually, in 1979 the Crown designated the Kapuarangi No. 1 West block as conservation land, which it remains today. Similarly, the majority of Takaputahi has also been designated as conservation land and retains that status today.

ECONOMIC DEVELOPMENT

The Torere Development Scheme

- 2.86. The Government Advances to Settlers Act 1894 provided for the Crown to lend money to farmers to assist the development of their lands. The Act did not provide for advances to be made to owners of multiply owned land and, as the Native Land Court made most awards to multiple owners, many Māori were effectively excluded from the scheme.
- 2.87. The Crown gave Ngai Tai little support to develop their land before the 1920s. In 1920, Parliament empowered the Native Trustee to lend Maori Land Board funds to develop Māori freehold and vested land. During the 1920s, the Waiariki District Maori Land Board provided some assistance for Ngai Tai dairy farmers. However, the Crown recognised that the level of assistance provided by the Board was inadequate for the development needs

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of Ngai Tai. By 1929, Ngai Tai farmers were making “the strongest and most insistent” demands for assistance in the development of their lands. In the same year, Native Minister Apirana Ngata began promoting Crown-managed development schemes which provided Crown funding for the development of Māori owned land. Ngata sought to provide Māori farmers with the resources needed to convert idle, unoccupied, or under-producing lands into pasture, primarily for dairy farming. His overarching goal was to address the risk of intensifying rural poverty, cyclical debt, land loss, unemployment, and poor health outcomes by providing Māori communities with access to modern farming methods.

- 2.88. From 1929, the effects of the Great Depression made economic development extremely challenging, but assistance more urgent. In 1931, the Crown established the Torere Development Scheme, initially consisting of 20 blocks gazetted in April.
- 2.89. Under the provisions of the Native Land Amendment and Native Land Claims Adjustment Act 1929, and the conditions set out in the 1931 gazettal, no owner was entitled (except with the consent of the Native Minister) to interfere with or obstruct the carrying out of any development work on their lands included in the Torere Development Scheme. The 1929 Act also empowered the Native Minister to declare areas subject to development, which temporarily suspended all owners’ rights.
- 2.90. In December 1931, a further 49 blocks were added to the scheme, bringing the amount of land included in the scheme to approximately 3,300 acres. Other blocks were added to the scheme in the following years. With the exception of two parts of the Tutaepakura block, all lands included in the scheme were partitions of the Torere, Awaawakino, and Waiohoata blocks.
- 2.91. In 1931, 976 acres of land were in pasture at Tōrere, with this figure rising to 1,394 acres by 1933. In 1932, Hori Mio was appointed foreman of the scheme at the unanimous request of Tōrere farmers. Their community was reportedly hard-working, progressive, and well-led.
- 2.92. Through the Tōrere scheme, the Crown provided funds to members of Ngai Tai for the purchase of stock, manures, grass seed, fencing materials, and other farming necessities. The funds advanced became debts charged against the lands included in the scheme. In 1931, the loans of six farmers were secured by the assignment of 1/3 of their cream cheques (the income derived from milking their cows) and the loans of two farmers were secured by the whole of their cheques.
- 2.93. Between 1932 and 1933, Crown expenditure on the Tōrere scheme more than doubled, rising from £2,474 to £5,850. These expenses included buildings and accommodation, plant and equipment, draining, the eradication of noxious weeds, fencing, fertilizer, grass seed, dairy stock, sheep, scrub cutting, roading, and surveys.
- 2.94. As much of the Ngai Tai rohe consisted of steep hill country, farming was largely confined to flat and terraced lands near the coast. In February of 1932, a Crown official observed that Tōrere was among other development schemes which shared “a common problem — a limited area of good land and a relatively large population.” By March 1932, 3,382

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acres had been brought under the Tōrere scheme, 3,000 acres of which a Crown official considered suitable for dairy farming.

- 2.95. Some Ngai Tai farmers struggled to manage ragwort (an introduced noxious weed) on their farms in the development scheme. In 1937, Parliament acknowledged the “high incidence of ragwort” on the land blocks within the Torere Development Scheme. Both farmers and the Crown considered ragwort to be a bane to the dairy industry owing to its poisonous effects on cattle.
- 2.96. In April 1932, the Inspector of Noxious Weeds sought the prosecution of several Ngai Tai farmers from the Torere Development Scheme for “failing to keep their lands free of ragwort and other noxious weeds.” Before the magistrate, Hori Mio argued that the “Department for the Development of Maori Lands” should have been prosecuted instead of the accused, as “the lands affected were under the control of [that] Department.” Despite this argument, the magistrate found the farmers guilty and ordered them to pay costs.
- 2.97. In October of 1932, Ngata described Tōrere as among the “most difficult” schemes due to a need for “raising the standards all round,” including the reconditioning of pastures, and improvements to infrastructure and herds. Indeed, in the early 1930s at least one Ngai Tai farmer, Miki Honatana, considered the parcel of land he was farming to be too small to effectively develop under the scheme and reportedly “walked off” his holding.
- 2.98. During the Great Depression of the 1930s, the Crown used development schemes to provide much needed employment and economic relief. In 1933, 37 people were employed maintaining flood and erosion-prone access roads, draining, and clearing lands under the scheme.
- 2.99. In July of 1933, Ngata noted that butter fat prices remained low and as Tōrere remained “purely a dairying scheme—all the eggs are in one basket.” He noted that the Crown had taken over the scheme from the Waiariki District Maori Land Board “with a load of debts to the Board and Stock and Station Agents.” The Tōrere scheme also faced problems due to the unit system, applied in areas where holdings were small and widely-scattered. The system required the inspection of lands before the release of funds, and its “defects” were apparent in the timing of work and in the poor state of fences, farms, and pastures.
- 2.100. In 1936, the Board of Native Affairs acknowledged that the repeated flooding of Wainui te Awa in the mid-1930s further exacerbated the problem of ragwort proliferation in riverside land blocks within the Torere Development Scheme. The Board observed that ragwort was “being continually brought down [to the Wainui te Awa flats] by floods from the higher country [...] and the seeds deposited on the river-flats.”
- 2.101. By 1938, the area developed into pasture at Tōrere amounted to 2,145 acres, on which 38 farmers had been settled, with 31 engaged in dairying and all reportedly “making fair progress.” The scheme was then supporting 91 adults and 133 children, some of whom were reportedly “in a very sound financial position.” In the same year, Whareparoa Rewharewha of Tōrere had improved his pastures, stock, and crops to such a high standard that he was named joint winner of the Ahuwhenua Cup, awarded to development scheme farmers “of outstanding merit.”

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- 2.102. In 1938, however, at least seven Tōrere farmers were unable to derive enough income from their lands included in the scheme to sustain themselves. Their petition to the Crown for relief sent in May read:

We are all small farmers and beginners as well, therefore we find things hard in view of the fact that our herds were small, and our income small, and the Native department was deducting 40% from our cream cheques leaving us 60% to exist on. At the same time we were forced to use part of the 60% left to us on implements and other expenses on our farms, which you will find, to account for the hardship amongst us.

- 2.103. The petitioners also claimed they were “unable to get work as well as get labour to do our work under the scheme.” They included, alongside their names, the modest number of cows they had milked for the year ending 30 April 1938, ranging from 10 to 23 cows.

- 2.104. Other Tōrere scheme farmers required supplementary work to support themselves and their whānau. In February of 1939, Tōrere farmer Timi Kauta appealed to the Crown on behalf of himself and another farmer, Mr. Davis, for work building houses in Tōrere under the Public Works Department. Both were the heads of large families, working small farms, and “unable to make ends meet” without income from building work, which they had relied upon in the past:

We as qualified carpenters & joiners with more than 20 years experience behind us find that our services are not required any more. We fail to see why we should be put on the shelf to allow outside men to work, as we rendered valuable help to the scheme by building its houses in the past years.

- 2.105. In a 1942 review of 40 units within the Torere Development Scheme, the registrar of the Rotorua Native Department described the scheme as “probably one of our worst unit areas.”

- 2.106. The need to address the growth of ragwort across the Torere Development Scheme placed additional financial burdens on Ngai Tai farmers. From 1945, more Tōrere scheme farmers faced prosecution for failing to adequately manage ragwort on their holdings. Those convicted were fined and ordered to pay court costs. However, some individuals were successful: in 1946 Tōrere farmer Heemi Lawson placed fourth for the Ahuwhenua Trophy after mention was made of the work he had done breaking in country previously infested by ragwort.

- 2.107. In the late 1940s, dairy farmers within the scheme began keeping flocks of up to 100 sheep to graze sprouting ragwort, avoiding the need for chemical spraying. The introduction of sheep onto these farms in Tōrere incurred significant costs to Ngai Tai farmers. Fences needed to be constructed to protect the sheep from stray dogs, and accommodating grazing sheep reduced farmers’ cattle numbers (and thus their dairy earnings). In 1946, reporting to Parliament on the control of ragwort on development scheme lands, the Native Minister noted that some Tōrere farms had to be amalgamated with other unit holdings owing to their inability to be successfully farmed as independent holdings.

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- 2.108. In 1952, a Crown official reported that although Ngai Tai farmer Maunsel Maxwell was the nominated occupier of Torere Section 61, and the lessee of Torere Section 17, he had not occupied Torere Section 17 for two years. Torere 61 had only 60 acres in grass, the balance of 241 acres being mostly steep hill and bush country. A property inspection report noted that “owing to its inaccessibility and the smallness of useful areas [the lessee] could not make economic use of it.” Following Maxwell’s departure, a dwelling, cowshed, and machinery remained on the land. The officer recommended that all stock and chattels on both sections be sold to reduce outstanding debts charged against the lands.
- 2.109. Between 1950 and 1967, the Crown released 15 blocks from the Tōrere scheme. In 1968, it released 30 blocks, and between 1971 and 1992 it released a further 23 blocks. Once released by the Board of Native Affairs, development scheme blocks were returned to the control of the Māori landowners.
- 2.110. Some development scheme farmers and their whānau benefitted from access to financial assistance and modern farming methods, developing their lands into profitable holdings. Ultimately, however, the Tōrere scheme brought mixed results for Ngai Tai. The shortage of land suitable for farming in their rohe saw others placed on small, unproductive holdings. Some development scheme farmers struggled to earn enough to support themselves and their families, manage pest species, and service their debts to the Crown.

TWENTIETH CENTURY ADMINISTRATION OF NGAI TAI AFFAIRS

District Maori Land Boards

- 2.111. District Maori Land Councils were established pursuant to the Maori Land Administration Act 1900. In 1901, the Crown established the Waiariki Maori Land Council, which oversaw the administration of most of the land within the Ngai Tai rohe. The Council’s responsibilities included determining customary land titles and approving any new sales or leases of Māori land in the district. Each district’s Maori Land Council was composed of two or three elected members (all of whom were to be elected by the Māori of the district “out of their number”), two or three Crown-appointed members (only one of whom was required to be Māori), and a president (who in practice was invariably Pākehā).
- 2.112. In 1905, the Crown replaced Maori Land Councils with Maori Land Boards, thereby further diminishing Ngai Tai’s decision-making power over their land. The determination of customary land title returned to the Native Land Court. Unlike the Land Councils, members of the Land Boards were not elected by Māori and instead were appointed directly by the Crown. Furthermore, only one of three Board members was required to be Māori. Before the 1930s, the primary task of the Maori Land Boards was supervising the alienation of Māori freehold land.
- 2.113. In 1905, Hemi Karepatata and Akuhata Takatua (the latter of whom signed on behalf of Ngai Tai) sent a petition to the Native Minister requesting that some of their lands be incorporated into the Tairāwhiti (or “East Coast”) District rather than the Waiariki District. The following year, several members of Ngai Tai reiterated this request, explaining that it would be “more convenient” for their records and titles to be lodged with the Native Land Court Office in Gisborne. The petitioners also emphasised that they had “greater affinity with the tribes between Wharekahika and Gisborne” in terms of their landed interests,

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whakapapa, and matters of tribal welfare “than with the other tribes in the present Waiariki District”. The Crown did not accept these requests from Ngai Tai, and the petitioners’ lands subsequently remained within the Waiariki District.

- 2.114. Ngai Tai raised the issue of district boundaries again in 1909. In April, Matenga Taihuka and Tamarangi Kingi wrote to the Native Minister explaining that 200 Tūranga-based Māori owners of the Takaputahi and Tunapahore blocks were experiencing great difficulties in obtaining rent payments owed to them from the Waiariki District Maori Land Board. The majority of the Takaputahi owners were Ngai Tai. The major problem facing the Māori owners of both blocks was that “the amount [of rent] payable to each does not warrant the expense of a journey to Opotiki.” The petitioners had raised this issue with the Waiariki District Maori Land Board, who replied that the 200 owners in Tūranga “must go to Opotiki (to get the rent-monies), and if they do not get there within 30 days, they will not be paid at all”. The petitioners subsequently urged the Native Minister to authorise the local Tairawhiti District Maori Land Board to receive and distribute these rents to the owners living in Tūranga.
- 2.115. In late 1909, the President of the Tairawhiti District Maori Land Board wrote to his counterpart at the Waiariki District Maori Land Board to discuss the matter of rent payments to the Māori owners of Takaputahi who were living in Tūranga. The Waiariki Board President explained his understanding of the arrangement that had supposedly been reached between the relevant parties: namely, that the Tairawhiti Board had agreed to receive the money from the lessees of Takaputahi and, upon payment of a commission by the Māori owners, would distribute the latter’s rents at Tūranga. In January 1910, the Tairawhiti District Maori Land Board affirmed this position to the Secretary to the Lessees of the Takaputahi block, setting the commission rate at 2.5%. As of 27 May 1910, the Tairawhiti Board had not received a list of the Tūranga-based owners showing “the proportion of rent payable to each”.
- 2.116. In a 1911 letter to the Native Minister, Wetini Taku and Hoera Katipo confirmed that the leases for 12,000 acres of the Takaputahi block had since been “absolutely cancelled” because “the lessees went bankrupt (‘pakaru, broken’).” Taku and Katipo maintained that the cancellation of the leases left Ngai Tai “at liberty to sell Takaputahi”. They explained that the proposed sale of the land to the Crown “has been widely discussed (and accepted) by our home people, Ngaitai.” The Crown’s subsequent purchase of Takaputahi from Ngai Tai was finalised in April 1912 (see Economic Development section).

Local Government: Horouta Maori Council

- 2.117. In 1900, the Crown proclaimed the establishment of the Horouta Maori Council under the provisions of the Maori Councils Act. Māori councils were authorised to enact and enforce regulations addressing sanitation and public health issues. The Horouta Maori Council was elected by eligible Māori landowners (including those living in Tōrere and Tunapahore) and was required to include no fewer than six Māori councillors. Although no Ngai Tai members were elected as councillors, the first election of Horouta Maori Council members was held in March 1901.

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- 2.118. In October 1901, the Horouta Maori Council passed a number of by-laws regulating health, the cleanliness of houses, alcohol consumption, hawkers, and billiard rooms. The Council could also delegate its powers to village committees of Māori kainga, villages or pā.
- 2.119. In June 1904, the Horouta Maori Council passed another by-law requiring tohunga and tukunga to be licensed by the Council. The by-law's licensing requirements encompassed "any person (whether European or Maori) who practises upon the superstition or credulity of any Maori in connection with the treatment of any disease". Tohunga practising without a licence were liable to a fine not exceeding £50. The Council had the authority to grant such tohunga licences with the caveat that the licensee could not "hinder or prevent" any "duly qualified medical practitioner" from treating patients or prescribing "European medicines suitable to the complaint".
- 2.120. Parliament enacted the Tohunga Suppression Act in 1907. The legislation authorised the prosecution of anyone "who misleads or attempts to mislead any Māori by professing or pretending to profess supernatural powers in the treatment or cure of any disease." Although the Crown seldom prosecuted Māori under the Act, Ngai Tai maintain that this legislation stigmatised tohunga practices and suppressed their ability to control their own well-being.
- 2.121. In 1906 and 1909 respectively, Tōrere residents Haka Tautuhi and Teotene Tokoto were elected to the Horouta Maori Council. Also in 1909, the three members of the Komiti Marae o Torere established by the Council were Takatua, Wetini Taku, and Ngaronui Makiwhara. By 1920, the composition of the Council had changed to include one "official member" and seven Māori members, one of whom was Te Otene Rangai of Ngai Tai.
- 2.122. The Horouta Maori Council continued to pass district by-laws concerning issues such as public health and alcohol licensing into the 1930s. However, the Horouta Maori Council, like its counterparts in other districts, was constrained in its effectiveness by limited financial resources and authority. Given these limitations, Māori councils had ceased to function by the mid-1940s.

Rates, Survey Liens, and the Torere Block

Rates

- 2.123. From 1894 to 1910, Māori freehold land was liable for half the rates of European-owned land. However, in 1910 the Crown promoted the Rating Amendment Act, which empowered local councils to levy rates on Māori land held under Native Land Court titles at the same rates as European-owned land. Given the steep terrain and comparative remoteness of their inland blocks, many Ngai Tai farmers struggled to generate the required income to pay the rates charged against their lands. This relative state of geographic isolation also meant that Ngai Tai benefitted little from the roads and services paid for by their rates.
- 2.124. The rates levied against some Ngai Tai lands were so burdensome that Ngai Tai owners sometimes sold their land to pay rates arrears. In February 1925, Wiremu Kingi Tutahuarangi's son (also named Wiremu Kingi) and Peterihi Kingi were "anxious" to sell Ōpōtiki Township Lot 101 Section 1 and Lot 102 Section 1 "on account of the annual

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rates.” Wiremu Kingi lamented that “about one third of the land is swamp”, and that the sections were so unproductive that they were “eating their head off in rates, the annual amount of which is about £8.” Although the government valuation of Lots 101 and 102 amounted to £260, these lots were sold to an Ōpōtiki fisherman for £150 (i.e. at a significant loss) in March 1926. Following the payments of arrears, additional rates, and Court fees, a balance of only £53.13.11 remained from the original £150 purchase amount.

- 2.125. The Crown sometimes encouraged Māori to sell land as part of arrangements to pay rates arrears. In November 1929 (during the Great Depression), Native Minister Apirana Ngata visited Māori coastal settlements at Omarumutu, Maraenui and Tōrere to explain his plans for the consolidation of Māori land. Ngata advised Ngai Tai to sell their unwanted land to the Crown at the government valuation of one shilling per acre. He said that, if this was done and the Crown wanted to purchase the land, he would make a deal with the Ōpōtiki County Council to pay rates arrears on Ngai Tai lands.

Torere 63

- 2.126. Along with rates, some significant costs associated with Crown surveys of Māori land blocks were registered as debts against these lands (see Post-1865 Crown Land Purchasing section). The burden of these rates and survey liens pressured Ngai Tai to sell some of their lands in order to realise debt payments. Ngai Tai had limited financial resources and few options for servicing significant debt beyond land alienation and its accompanying reduction in their tribal estate. In the case of the three constituent blocks of Torere 63 (namely, Torere 1B2, and Lots 1 and 2 of Torere 3), members of Ngai Tai alienated these lands by transferring them to the Crown in November 1931 to pay survey liens and rates arrears imposed upon them by the Crown and Ōpōtiki County Council, respectively.
- 2.127. In August 1931, Ngai Tai landowners assembled to discuss an approach to liquidating substantial survey liens of £1,289 (including interest), and rates arrears to the end of March 1932, totalling £2,025, owed to Ōpōtiki County Council. The survey liens and rates arrears were related to a January 1930 application by the Native Minister to prepare “a scheme of consolidation with respect to the Torere, Awaawokino [sic] and Waiaohoata blocks and the subdivisions thereof”. After the Waiariki District Maori Land Board contributed £15 towards the survey debt, a balance of £1,274 remained. The Waiariki District Maori Land Board also contributed £10 toward the rates debt thereby reducing it to £2,015.
- 2.128. A Crown report observed that Ngai Tai’s interior land blocks were poor-quality, steep, bush-covered hills unsuited for development by their Ngai Tai owners. The report stated that it was “encumbent [sic] to afford relief to the owners” of such “poor” land blocks with little capacity for cultivation. Consequently, the Crown remitted approximately two-thirds of the survey debt, reducing it to £435. After the Ōpōtiki County Council also remitted £1,589 and agreed to accept £435 in satisfaction of the rates arrears, the total survey lien and rates debt was reduced to £870. Discussing this arrangement, a Lands Department official said that as the blocks Ngai Tai offered had little “utility value,” he did not consider the Crown should have to pay out money for rates as well as remitting a portion of the survey lien.

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- 2.129. The Crown offered to purchase four Tōrere blocks (Tōrere 1B 2, Tōrere 1B 15, and Lots 1 and 2 of Tōrere No. 3) totalling 6,613 acres to liquidate the survey liens and rates debts of the Ngai Tai owners. However, after the Ngai Tai owners objected to the Crown's valuation of £250 for Lots 1 and 2 of Tōrere No. 3, the owners requested a second valuation by an independent valuer. Consequently, the Crown supplied valuations produced by both the independent valuer and the Crown agent.
- 2.130. The August 1931 meeting of Ngai Tai owners selected the highest valuation for each block, resulting in their combined value exceeding that of the debt charged against their lands. Although the independent valuer's combined valuation of the two lots of Tōrere 3 was £540 as opposed to the Crown's valuation of £250, the Crown accepted the higher valuation. Consequently, the owners passed a resolution to alienate only three blocks, retaining the 1,254-acre Tōrere 1B 15.
- 2.131. In September 1931, the Crown agreed to purchase the three blocks and accept a cash payment of £24 seven shillings and sixpence in full satisfaction of the survey lien and rates debt from the Waiariki District Maori Land Board. This sum came from £150 held by the Board in rent payments for Tōrere 1B2, a block owned by all Ngai Tai, and one of the three blocks Ngai Tai transferred to Crown ownership. In October 1931, the Native Land Court vested Tōrere 1B 2, and Lots 1 and 2 of Tōrere No. 3 in the Crown. The following month, the three blocks were proclaimed Crown land. Following consolidation in August 1937, the three blocks became Tōrere 63.
- 2.132. In March 1976, the Crown set apart the three constituent blocks of Tōrere 63 as State Forest land under the Forests Act 1949. In 1979, the three blocks were set apart under the same legislation and formed part of Raukūmara State Forest Park. Today, Tōrere 63 is part of Raukūmara Conservation Park.

Ngai Tai Consolidation Scheme

- 2.133. From 1911, Apirana Ngata promoted consolidation schemes as a means of concentrating the scattered land interests of Māori individuals or families into a small number of large contiguous blocks. The consolidation schemes were a Crown attempt to address the legacy of fragmented Māori land ownership that occurred through the operations of the native land laws. The value of the individual Māori interests in consolidation scheme lands was determined after assessments of encumbrances, including outstanding title fees, survey charges, and local rates. Ngata saw consolidation as an opportunity to make consolidated blocks "conform to modern requirements," including having fenced boundaries, access, and water-supplies, and the classification of Māori land for local taxation purposes.
- 2.134. In a 1931 statement to the Houses of the General Assembly, Ngata noted that consolidation had encountered "considerable conservatism" in the Native Land Court and among iwi whose lands were affected. However, he added that Māori communities where consolidation had occurred were insistent that it should be carried out with "speed and vigour". Ngata considered that the schemes also benefitted the Crown and private purchasers by virtue of concentrating their purchased interests in large adjoining blocks.

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- 2.135. The Ngai Tai Consolidation Scheme began in 1930 but was paused for several years due to a lack of staff. In 1935, a Consolidation Officer reported that the Tōrere land being considered for consolidation “embraced the Torere Development Scheme,” and that land suitable for settlement was limited to the coastal terraces. He further noted that consolidation data had been brought up to date in 1930 when the Crown tentatively identified locations for consolidation, and that consolidation could proceed.
- 2.136. Work on the Ngai Tai Scheme recommenced in 1936. In August, approximately sixty Ngai Tai gathered at Tōrere to discuss the scheme with Crown consolidation officers. Addressing the meeting, Wetini Taku said he had been “waiting and praying” for seven years for the consolidation work to commence. Taku noted that occupants of sections which were part of the Torere Development Scheme (discussed in the Twentieth Century Administration of Ngai Tai Affairs section) were uncertain of their tenure, and wanted their lands consolidated so they could work the land they occupied without “misgivings”.
- 2.137. During a second meeting at Tōrere in October, Crown consolidation officers consulted Ngai Tai owners about a proposal that “family or kindred associations” groups be located together on the consolidated blocks. The officers added that while appeals to the Native Land Court were “permissible”, the Court’s ruling was final. In response, Ngai Tai established a nine-member consolidation committee to help the consolidation officers consider disputes and to reach “a fair and equitable” outcome.
- 2.138. Although comparatively few details are recorded, in December 1936, a Native Land Court hearing attended by “a large gathering of the Torere people” considered ten objections to the proposed Ngai Tai Consolidation Scheme. Some appellants objected to the Court awarding titles in a block to specific individuals, whilst others sought to exchange their titles with other individuals to create larger adjoining interests with their own consolidation ‘group’.
- 2.139. In March 1937, the Native Land Court considered disputes in six new cases relating to “locations within certain portions” of the Ngai Tai Consolidation Scheme. After the Court ruled on these cases, three consolidation officers returned to Tōrere in May to again address a large gathering of Ngai Tai interested in the consolidation scheme. The officers stressed that while they would hear any further objections, “...only those cases where there has been obvious errors made and require to be rectified will be heard. Objections against arrangements already made and to which the objector is a party will not be heard.”
- 2.140. In July 1937, the Acting Native Minister notified the confirmation of the “Ngaitai Consolidation Scheme,” comprising Tōrere 1B 12B and other blocks. The following month, the Native Land Court issued final consolidation orders for Tōrere Pā numbers 1-47; Tōrere sections 1-65; Whitikau A sections 1-3; the four Tōrere urupā, Hānoa, Te One, Owainene, and Opeperu; Tōrere Reserves numbers 1-4; and Tōrere road lines.
- 2.141. While not mentioning the Whitikau blocks, a government report noted that the scheme comprised 152 subdivisions of the Torere, Waiohota and Awaawakino blocks totalling 27,495 acres. The report further noted that Native Land Court had made 688 succession orders, that the number of land titles had been reduced from 152 to 112, and that a survey of the subdivisions was necessary to complete the titles.

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- 2.142. The Ngai Tai groups located on the consolidated blocks varied in size. For example, the four Tōrere urupā (Hānoa, Te One, Owainene, Opeperu), totalling approximately 15 acres after consolidation, were vested in all the owners of the Tōrere and Whitiākau subdivisions, with twelve Ngai Tai acting as trustees. By contrast, the 101-acre Tōrere Section 45 was vested only in Wetini Taku and two others.

Compulsory Acquisition of Uneconomic Interests

- 2.143. In 1953, the Crown promoted the Maori Affairs Act which empowered the Maori Trustee to compulsorily acquire “uneconomic” interests in Māori freehold land (i.e. interests valued at £25.00/\$50.00 or less). Much like consolidation schemes, the purpose of enabling the Maori Trustee to acquire uneconomic interests compulsorily was to simplify Māori land title and reduce the number of owners of individual land blocks. The Maori Trustee could acquire uneconomic interests through court orders or through voluntary sales by Māori owners (known as “live-buying”). The Maori Trustee could then sell these interests to other Māori or to the Crown. In practice, the Maori Trustee’s compulsory acquisition of “uneconomic” interests deprived many Māori owners of their small land interests in their whenua and of their connections to their tūrangawaewae.
- 2.144. Between 1970 and 1972, a Ngai Tai minority shareholder in the Tōrere 39 block (who had initially inherited 0.57911 shares in June 1949) sought legal advice about “obtaining sole title to the Block [Tōrere 39] if possible.” Subsequently, the Maori Trustee compulsorily acquired uneconomic interests in Tōrere 39 at the request of this shareholder’s solicitors in June 1972.
- 2.145. In February 1970, the aforementioned shareholder purchased all the interests in the block held by Te Haua Babbington (i.e. 70.167 shares, valued at \$203.00 total) and Te Iwingaro Babbington (i.e. 70.233 shares, valued at \$203.00 total). These transactions brought this shareholder’s total number of shares in the block to approximately 141.
- 2.146. In May 1970, this shareholder’s solicitors wrote to the Maori Trustee on their client’s behalf, requesting advice “as to whether or not the Maori Trustee could convert the uneconomic interests in the Block for sale to our client.” The Deputy Registrar of the Maori Land Court in Rotorua responded to this request and initially recommended holding a “meeting of assembled owners” to secure the shareholder’s sole ownership of Tōrere 39. However, the solicitors declined to hold a meeting of Tōrere 39’s owners on the basis that “one of the major owners is adamant that he will not sell his interests in the Block.” The solicitors reasoned that this owner’s opposition would prevent the quorum required for their client to acquire sole ownership of Tōrere 39. Instead, it was agreed that the shareholder should obtain a “special up-to-date valuation” of the land in Tōrere 39 to determine which of the remaining owners’ interests were “uneconomic”. Once this had been done, the Deputy Registrar offered to apply for a consolidated order to enable the Maori Trustee’s acquisition of the identified uneconomic interests.
- 2.147. The special valuation for Tōrere 39 was completed on 23 July 1970 and set at \$1,400.00 (for a total of 467 shares, working out at approximately \$3.00 per share). With the valuation up-to-date, the shareholder’s solicitors wrote again to the Maori Trustee in late August 1971 to convey that their client was “desirous of acquiring the interests of the many small and uneconomic interests in the Block” through a consolidated order.

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- 2.148. The consolidated order enabling the Maori Trustee to acquire the uneconomic interests in Tōrere 39 on behalf of the shareholder was prosecuted at a Maori Land Court sitting in Ōpōtiki on 8 February 1972. A draft consolidation order was then displayed for public inspection for a period of two months at the Tōrere Post Office and the Ōpōtiki and Rotorua offices of the Department of Maori Affairs. According to the Deputy Registrar of the Maori Land Court in Rotorua, “no objections [to the consolidation order] were received” during this time.
- 2.149. On 26 June 1972, the Maori Trustee compulsorily acquired the uneconomic interests of 55 owners in the Tōrere 39 block amounting to 36.48389 shares, valued at a total of \$125.81.
- 2.150. In October 1972, the Maori Trustee sold these 36.48389 shares in Tōrere 39 to the above-mentioned shareholder for \$138.39, bringing her total number of shares in the block to 251.396. Following this purchase of uneconomic interests from the Maori Trustee, the shareholder became the majority landowner in Tōrere 39, with the block’s other 215.604 shares remaining in the ownership of one other Ngai Tai individual.

PUBLIC WORKS

Roads

- 2.151. The road which is today Highway 35 is of vital importance to Ngai Tai at Tōrere. It provides the only road link for supplies, as well access to the nearest secondary school for Ngai Tai students at Ōpōtiki, and access to the closest hospital facilities in Whakatāne.
- 2.152. From the 1870s, Ngai Tai contributed to the construction, improvement, and maintenance of the road that would later develop into Highway 35 from Ōpōtiki to Tōrere and beyond. In 1872, a Crown official reported that he had arranged with Wiremu Kingi for roading to the east of Opape through Ngai Tai land and, by 1873, Ngai Tai had completed a bridle path from Opape to Awaawakino and from Tōrere to Tunapahore. In 1886, a Crown official noted that Ngai Tai were employed on widening the road between Opape and Tōrere. Nevertheless, in 1908, Apirana Ngata stated in Parliament that there were few roads in the north-eastern Bay of Plenty and there were six miles of formed road between the settlements.
- 2.153. In the twentieth century the Crown began taking more steps to develop better roading that serviced the Ngai Tai rohe. In 1922, the Crown proclaimed portions of Awaawakino A, Awaawakino B, Waiohoata A, Tōrere No. 1A, Tōrere No. 1B and Tōrere No. 2 (totalling approximately 67 acres) as public roads under the Native Land Amendment Act 1913. Although there were subsequent deviations, these roads followed the approximate path of Highway 35.
- 2.154. In 1932, the Crown proclaimed road lines that included five portions of four Waiohoata A partitions (totalling approximately two acres) to be public roads under the Native Lands Act 1931.
- 2.155. In the late 1930s, the *Poverty Bay Herald* recognised the potential for an improved road from Gisborne to Ōpōtiki becoming a popular tourist route. This route passed through

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Tōrere and in 1940, the Crown took slightly more than six acres of partitions of the Waiohoata and Tōrere blocks under the Public Works Act 1928 for roading. The Public Works taking involved land in blocks that had been consolidated in 1937 including Tōrere 21, Tōrere 22, Tōrere 23, Tōrere 34 and Tōrere Pā 39. Health issues associated with the dust nuisance caused by the unsealed road passing through Tōrere will be discussed in the Mana Tangata section.

- 2.156. Wartime contingencies affected the construction of transportation infrastructure at Tōrere. While two bridges at Tōrere were nearing completion in 1940 it wasn't until 1944 that the road approaches were finally under construction. The lack of road access to the bridges over this period meant that traffic had to be diverted "from the old road which skirted the beach for some distance and became impassible in very stormy weather".

Tōrere Gravel Pits

- 2.157. By 1927, Crown officials were aware that gravel sourced from coastal land at Tōrere was of "excellent quality" and strength. The Waioweka River Bridge in Ōpōtiki, built in 1927, was constructed exclusively using Tōrere gravel. Ōpōtiki Borough Council also purchased large amounts of Tōrere gravel for roading from unknown vendors in the 1930s and 1940s.
- 2.158. In 1948, the Public Works Department called for tenders for the supply and delivery of Tōrere Beach shingle, and the following year the Ministry of Works sought tenders to supply and deliver Tōrere shingle for the Whakatāne-Gisborne State Highway.
- 2.159. Gravel extraction operations meant that heavy vehicles passed close to Tōrere settlement and along the beach to access the gravel pits. In 1948, this resulted in a tragic accident when eight-year-old Manu Huia Toka was fatally injured by a gravel truck.
- 2.160. In November 1950, a Crown official noted that Ngai Tai had raised the issue of the Ministry of Works operating a gravel crusher on Tōrere Reserve No. 2 directly opposite Tōrere Marae. In the same month, a Crown official wrote to the Ministry of Works District Engineer at Tauranga informing him that the Ngai Tai owners of Tōrere Reserve No. 2 objected to the Ministry of Works removing gravel from the block without paying royalties, and inquiring under what authority the Ministry was acting and whether it proposed paying Ngai Tai compensation.
- 2.161. Early in 1951, a Senior Engineer noted that gravel had "always been taken" from Tōrere Beach by the Public Works Department, Ōpōtiki Borough Council, and contractors. He claimed that in most cases the removal of gravel for roading had "no detrimental effect whatever", adding that the Department had "no wish to trespass or injuriously affect any private property." The engineer sought the cooperation of the Department of Maori Affairs in arranging supplies of gravel "until such time as the necessary legalisation of pits is completed," adding that it was "regretted if inadvertently metal has been taken from Maori land without consent."
- 2.162. In April 1951, Whareparoa Rewharewha (one of the 12 trustees of Tōrere Reserve No. 2) wrote to the Minister of Works on behalf of Ngai Tai. Rewharewha protested that the iwi had a long-standing grievance regarding the removal of gravel from the 31-acre reserve without payment of royalties, whether for use on the main highway or by private entities

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(including Ōpōtiki county and borough councils and private individuals). The Minister informed Rewharewha that he had ordered that the matter be investigated.

- 2.163. Also in April, the Senior Engineer wrote to the Ministry of Works District Engineer again noting that Tōrere was a well-known source of good shingle and that for the Crown “it has been the custom for many years to take shingle from this locality, whenever needed.” The engineer added there had been occasional opposition from the Māori owners who claimed ownership of the gravel but he asserted that “the whole object of this opposition is to claim royalty for shingle which has no value except as road metal.” As the use of Tōrere gravel during the construction of the Waioweka River Bridge showed, this claim was incorrect.
- 2.164. In May 1951, a Crown official stressed it was “very necessary” that the Public Works Department’s sourcing of gravel from Tōrere “should be legalised.”
- 2.165. Rewharewha again wrote to the Minister of Works in July 1951, expressing hope that the removal of gravel without payment had “not been lost sight of” by the Minister. In response, the Minister said he regretted the delay but was unable to respond fully until he received information regarding the legal status of the land.
- 2.166. The following month, the District Commissioner of Works reported that he had a list showing 345 owners of Tōrere Reserve No. 2, with a supplementary list increasing the total by forty-five. The Minister of Works then wrote to Rewharewha stating that given the number of Māori owners of Tōrere Reserve No. 2, their individual interests “must, therefore, be very small.” Nonetheless, the Minister said he was expediting a survey of the land and on completion the question of compensation would be taken up with the owners or the Maori Land Court.
- 2.167. By August 1953, the Crown had not attempted to negotiate the payment of royalties for Tōrere Beach gravel. Meanwhile, Ngai Tai landowners had entered into an agreement with a private contractor permitting the removal of gravel from a portion of the land at Tōrere Beach for royalty payments of approximately £60 per annum.
- 2.168. That month, the Chairman of Trustees of Tōrere Reserve No. 2 wrote to the Ministry of Works Resident Engineer informing him that the owners had granted sole rights to extract metal from a portion of Tōrere Reserve No. 2 to Screen Metal Ltd. of Ōpōtiki.
- 2.169. Noting that the owners had been “very generous, over the years, for the public good,” and that the Ministry of Works, contractors, and the general public had had “a very good innings,” the Chairman informed the Ministry that, unless it came to an agreement with Screen Metal Ltd., it would have to cease removing gravel from the site. The trustees had been instructed to place “this valuable asset on a proper business footing” with any revenue applied to “health, [and] educational and recreational activities for the Ngaitai community.” Finally, the Chairman said that if the Ministry preferred it could negotiate terms with Ngai Tai for gravel from the western end of the Reserve.
- 2.170. Three days later, a Crown engineer warned the District Commissioner of Works that the agreement with Screen Metal Ltd. gave the company a monopoly over supplies of gravel from the north-eastern end of the beach, and that the Ministry of Works was obliged to negotiate with the Trust Board for metal taken from the south-western end. The engineer

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therefore sought urgent approval to issue a Notice of Intention to take the Nga Tai land under the Public Works Act.

2.171. An annotation on the engineer's memo reflected the Ministry's concerns:

Obviously the Maoris have taken a shrewd step to force us to pay royalty through a contractor. They are not entitled to royalty for material that has no market value apart from public works... We would get nowhere trying to deal with the Maoris. I think the only practicable course is to take the land.

2.172. Later that year, the engineer noted that despite a sign at Tōrere Beach saying that metal could only be removed from the beach with the permission of the Tōrere Reserve No. 2 trustees or Screen Metal Ltd, the Ministry of Works was continuing to take gravel from the area "as we have done for years."

2.173. In June 1955, a solicitor representing Ngai Tai accused the Ministry of illegally taking shingle from the reserve for several years without paying royalties, and warning that unless it addressed the situation the owners would fence off the reserve and prevent Ministry vehicles from accessing the shingle pits. The solicitor claimed that the Public Works Department had dug a large trench which flooded at high tide causing scouring that prevented Screen Metal Ltd. from accessing its site.

2.174. In December 1955, the Crown gazetted the taking of approximately 18 acres of Ngai Tai land on which the gravel pits were situated, and the easements providing legal access to them. While most of the land was taken from parts of Tōrere Reserve No. 2, one portion was part of Tōrere Pā Section 41.

2.175. During a 1958 Maori Land Court hearing to assess compensation for the 1955 Public Works taking, Ngai Tai sought £1,213 and disagreed with the Crown valuation of £27 for the land, which they considered did not include the shingle. Noting that the area was a popular camping spot that was used extensively for surfcasting, the solicitor also noted the high quality of the Tōrere shingle and observed that it had been used in the construction of the Waioweka River Bridge.

2.176. Giving evidence during the 1958 hearing, the Chairman of Screen Metal Ltd. claimed that the Public Works Department's workings were close to his company's operation. He claimed that the Department pit was so low that river flood waters deposited silt in the trench and thus weakened the beach to the extent that the pit was partly responsible for the river breaking through.

2.177. Following an adjournment, the Court resumed its compensation hearing in July 1959. A Crown official testified that the mouth of Wainui te Awa was currently opposite the bridge, whereas ordinarily it was further east towards the bluff at the end of the beach.

2.178. In August 1960, the Court gave its decision regarding compensating Ngai Tai for the gravel extracted from Tōrere Beach. It found that the Crown had taken shingle from Tōrere Beach prior to the Public Works taking, "reluctantly" accepting that this involved 2,920 cubic yards (which it thought may have been an underestimate of the actual amount taken). The Court also found that while the Crown had not taken the area where Screen

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Metal Ltd. operated, the Department's own gravel extraction activities near the Screen Metal Ltd. gravel hopper amounted to "wrongful entry on land never taken by proclamation, which entry caused the owners to lose a profitable taker of metal."

- 2.179. Although a Crown engineer insisted that the Crown's gravel operations had not deviated the course of Wainui te Awa, the Court found that "such was the case" when it visited the site as no water was flowing under the western road bridge.
- 2.180. The Court also found that the Crown's gravel extraction prior to the 1955 Public Works taking interfered with that of Screen Metals Ltd. and contributed to the contractor abandoning his own gravel operation at Tōrere. This interference effectively ended Screen Metal's royalty arrangement with Ngai Tai.
- 2.181. The Court subsequently awarded £668, 5 shillings in compensation. The award consisted of £303, five shillings for wrongful entry; £73 for gravel taken prior to the 1955 Public Works taking; £250 for the land; and £42 in legal costs. Regarding gravel taken by the Crown from areas beyond the 1955 Public Works taking, the Court believed this had occurred but did not make an award as it had insufficient evidence to assess compensation.
- 2.182. At this time, a Crown official also noted that, in the period between the Crown's 1953 decision to take the land and the 1955 gazettal, the Public Works Department had continued "without authority, and against the owners wishes, to remove gravel..." The following month, the Commissioner of Works conceded that "the award of royalty appears to be mainly in respect of land on which the Department trespassed and in view of all the circumstances, it would not be a good case for the Department to test on appeal."
- 2.183. In April 1961, the Crown paid £668, five shillings in compensation to the Tōrere Marae trustees for the 18 acres of Tōrere Reserve No. 2 taken under the Public Works Act 1928.
- 2.184. In May 1975, the Crown set apart 109 acres, 2 roods, and 5 perches of Tōrere Reserve No. 2 as a Māori reservation "for the purposes of a beach, river, and bush reserves, and recreation purposes, for the common use and benefit of the Ngaitai tribe."
- 2.185. In 1986, the trustees of Tōrere Reserve No. 2 reached an agreement with the Ministry of Works to purchase part of the quarry reserve. A survey plan made in March 1986 divided the reserve into two segments. The western segment and an additional northern portion of the reserve which had been taken for public works in 1955 (totalling 12.9 acres) were revested in the trustees of Tōrere Reserve No. 2 in late July. The other five-acre eastern segment remained in Crown ownership as a gravel pit reserve.
- 2.186. Today, 50.7086 acres, 1 rood, and 8.59 perches of the reserve are in private ownership as a Māori reservation. The other five acres of Tōrere Reserve 2 remain in Crown ownership.

MILITARY SERVICE

2.187. Ngai Tai military service has spanned many decades and has taken place in multiple countries. Some of the individuals who have served are discussed in the following paragraphs.

World War One

2.188. Hori Mio of Ngai Tai was among the first New Zealanders to enlist for military service in 1914. He enlisted 12 days after the declaration of war and served in the Samoan Expeditionary Force that occupied German Samoa. Tōrere servicemen Nepia Ratima, Tom Rihimona, and Taane Toka all served at Gallipoli in 1915.

2.189. For Ngai Tai servicemen and their whānau, the physical and emotional toll of the war could be profound and long-lasting. Ratima was killed in action on the peninsula in August and is commemorated on the Chunuk Bair Memorial at Gallipoli. Rihimona was seriously wounded at Gallipoli in September and later died of his injuries in Alexandria. Although Toka survived Gallipoli, he was killed in action the following year in northern France.

2.190. Privates Wipere Honatana, Hemi Rewharewha, and Rewiri Hahipene, all of Tōrere, departed for Europe together in 1917. On New Year's Eve 1917, Rewharewha and his fellow Ngai Tai soldier, Te Ruawai Hunia, died of wounds received in action in France. On the same day, Hahipene and Honatana sustained serious wounds. Lance Corporal Winiata Hunia, who served in the Australian Imperial Force, was killed in action in France the following year.

2.191. Ngai Tai also contributed to the war effort on the home front. In 1916, Ngai Tai at Tōrere presented 4,000 bullets from the New Zealand Wars period to the Defence Department in the hope they could be used in the manufacture of munitions.

2.192. In 1919, the *Gisborne Herald* reported that the Maori Soldiers' Fund Council had leased 4,000 acres at Tōrere, which had been stocked with £7,000-worth of cattle and sheep. By 1922, Māori from Tōrere to Paritū on the East Coast had contributed £34,000 in cash and kind to the Fund.

World War Two

2.193. Following the commencement of World War Two in 1939, Ngai Tai were again among the earliest to enlist. Tame Rihimona, Ropata Wharehaua Maxwell, and Te Raina Kingi, all of Tōrere, volunteered for service in October 1939. Ngai Tai wartime sacrifices include Lance Corporal Tamati Reweti Wipaki who was wounded in Libya in 1941 and was invalided home early in 1942. Corporal Tipuna August of Tōrere was wounded in action in 1943 and was invalided back to New Zealand in 1945. Ngai Tai recall that the brother of Tipuna, Private Tauranga August, changed his surname to Akuhata in order to enlist alongside Tipuna in the 28 (Māori) Battalion. Like his brother, Tauranga Akuhata was also wounded in action. Rihimona (Ritchie) Davis — a Ngai Tai servicemen who enlisted in Karetu — received the Distinguished Conduct Medal for bravery during the Battle of Alam el Halfa. Davis was invalided back to New Zealand and died in 1947 from sand in his lungs.

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- 2.194. As the war progressed, Ngai Tai soldiers continued to pay a heavy toll. Wetini Mio and Hatu Herewini were killed in action in Italy in 1944, while Tuhi Whetu, whose wife lived at Tōrere, was wounded. The following year, Corporal Wiremate Maxwell and Tauranga Akuhata were wounded. Nonetheless, Tōrere men like Rutene Maxwell continued to enlist and Ngai Tai held sports events and dances at Tōrere in support of the war effort, with one raising £150. World War One veteran Hori Mio received a lieutenant's commission in the Ōpōtiki Battalion of the Home Guard in 1941.
- 2.195. Ngai Tai who lost their lives during the two world wars were buried in the countries where they died, making it difficult for whānau to visit their graves. Wetini Mio and Hatu Herewini lie in different cemeteries in Italy.

Post World War Two Military Service

- 2.196. Ngai Tai military service continued following the cessation of hostilities in 1945. Corporal Josiah Mio of Tōrere served from 1946 to 1947 in J Force, New Zealand's contribution to the post-war Allied occupation of Japan.
- 2.197. In 1966, Waitawhiti Toni and his first cousin Rongomai (Mossie) Honatana died while serving in the Borneo Confrontation and are now buried in a Tōrere urupā. Te Whakahuihui Vercoe MBE of Ngai Tai served in Malaysia and Borneo in the 1960s and was then appointed chaplain to the New Zealand troops in South Vietnam in May 1968, where he provided pastoral and chaplaincy services on active service and was exposed to Agent Orange. Te Whakahuihui was Bishop of Aotearoa from 1981 until 2004, and in 2004 he became Primate and Archbishop of Aotearoa, New Zealand and Polynesia. He is noted for his memorable address at the 1990 Treaty of Waitangi 150 year celebrations. Present at the event were Prime Minister Geoffrey Palmer and Queen Elizabeth II. He addressed the Crown directly, stating "you have marginalised us. You have not honoured the Treaty."
- 2.198. Chaplain Vercoe's son, Lieutenant Colonel Graeme Vercoe, served in the Middle East from 1988-89 as part of the United Nations Iran-Iraq Military Observer Group.
- 2.199. The long and distinguished record of Ngai Tai military service remains a significant source of pride for the iwi.

TE TAIAO

- 2.200. Ngai Tai, in accordance with their tikanga, have an unbroken, inalienable, and enduring sacred relationship with te ao tūroa (the natural world). This spiritual relationship traces back to the Atua through whakapapa and carries with it the responsibility of kaitiakitanga towards te ao tūroa. In return, the lands and waters of Tōrere have historically provided Ngai Tai with their means of subsistence and livelihood. The hauora of the Ngai Tai people is, therefore, inseparably connected to the vitality of the awa, moana, whenua, forests, and taonga species of their rohe as well as to the iwi's ongoing ability to sustainably control, safeguard, and manage these taonga.

Te Wai

- 2.201. Ngai Tai consider the awa and moana of their rohe (including the Wainui te Awa, the Wai Tii te Awa, Waipuna Stream, the springs, Te Puna i Ōrini and Te Waimātaotao, and all of these waters' tributaries) to be taonga. For many generations, Ngai Tai sustainably managed their coastal and freshwater fisheries to feed their people, fulfil the obligations of manaakitanga, maintain the mauri of the waters, and prevent overfishing (for example, by enforcing rāhui to protect mahinga kai).
- 2.202. Ngai Tai traditionally depended on kai harvested from their forests, rivers, wetlands, gardens, and the sea to create a complete seasonal food system. As a coastal people, Ngai Tai have relied especially on food sources from the sea and rivers, including various shellfish, fish, and other freshwater species.
- 2.203. Eye-witness accounts from visitors to Tōrere indicate that kaimoana was historically abundant in and around its waters in the late-nineteenth and early-twentieth centuries. In 1880, “millions of dead fish, including schnapper [sic.], kahawai, and mullet,” were observed along the coast, reportedly as the result of submarine volcanic activity. Three years later, fish populations had bounced back, with one writer from the *Bay of Plenty Times* observing that “very large shoals of schnapper [sic.] and kahawai have frequented Torere, Te Kaha, and Maraenui during the past week or two.”
- 2.204. A 1935 photograph of Ngai Tai individuals preparing more than 100 fish for the 1,000 attendees of the Annual Maori Choir Contest in Tōrere (see figure 3) illustrates the bountiful kaimoana resources that allowed Ngai Tai to feed not only themselves but their manuhiri as well. Ngai Tai kaumātua also recall “catching large quantities of fish such as Tarakihi, Kahawai and Tāmure, sometimes filling entire boats” with their catches in decades past.
- 2.205. This abundance no longer exists in the awa and moana of the Ngai Tai rohe. Ngai Tai have observed a significant decline in kaimoana populations across their lifetimes to the extent that many people in the rohe can no longer rely on gathering traditional foods for subsistence as in former times.
- 2.206. Since the nineteenth century, the sedimentation and pollution of waterways (often as the result of farming and deforestation) have severely depleted kaimoana stocks and degraded the condition of mahinga kai in Tōrere. Additional pressures contributing to this deterioration include the proliferation of poisonous algal blooms in coastal areas, damage to riparian habitats, predation by introduced species such as brown trout and rainbow trout, commercial trawling, and overfishing by visitors to the Ngai Tai rohe who are unfamiliar with local tikanga.
- 2.207. In 1893 and 1908, respectively, the Crown promoted legislation which facilitated the transformation of wetlands into pasture by granting local drainage boards the power to construct and maintain drains and watercourses. In the Bay of Plenty, “most wetlands in the region have now been drained and developed for farming.” Between 1938 and 1939, for example, draining work took place on lands within the Torere Development Scheme. Ngai Tai oral tradition records that drainage activities contributed to the disappearance of

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swamp environments in their rohe (such as Te Kurepe) which once supported mahinga kai for tuna.

- 2.208. A major threat to kaimoana and mahinga kai in the Ngai Tai rohe has been the clearing of native forest for farm pasture and agriculture throughout the nineteenth and twentieth centuries. In 1939, for example, the Crown promoted logging activities to increase the amount of “productive” agricultural land on the Torere Development Scheme by subsidising Ngai Tai farmers to clear trees from 55 acres of the Scheme’s land. Such transformations in land use intensified soil erosion, water pollution, and the sedimentation of rivers in Tōrere.
- 2.209. In the 1950s, the New Zealand Forest Service began granting milling companies the right to cut timber in the Tōrere 64 block. In 1953, a Crown official who commented on a forestry report concerning Tōrere 64 did not consider that timber “removal would cause any excessive erosion” in the steep hill country of the block. Nevertheless, he expressed concern that a proposed access road through the Opape, Awaawakino, and Waiohoata blocks posed a further erosion risk, given that this steep country already “show[ed] signs of slipping even under bush cover”. The Senior Forest Ranger’s initial report also observed that “there have been some slips on the cleared and grassed lands” in the Tōrere 64 block.
- 2.210. In 1925 and again in 1959, the New Zealand Forest Service promoted intensive afforestation schemes to increase national timber supplies and mitigate the erosive effects of deforestation. The Crown-sponsored planting of exotic tree species (most notably pine) by the Forest Service and private companies further detrimentally impacted the waters of the Ngai Tai rohe. The 2,253.8ha *pinus radiata* plantation across the Tōrere 64 and 65 blocks has been identified as a likely factor contributing to reductions in Wainui te Awa and the Rawea Stream’s water levels.
- 2.211. Additionally, following their introduction in the nineteenth century, willows were planted extensively along New Zealand rivers as cost-effective stopgaps to shore up riverbanks against erosion. However, Ngai Tai individuals consider that the planting of willows along the Wai Tii te Awa released large amounts of sediment into the water and thereby significantly increased flood risks in their rohe.
- 2.212. The sedimentation of rivers also increased the likelihood of water channel migration. The Crown’s extraction of shingle from Tōrere Beach in the 1950s (discussed in the Public Works section) contributed to excess sedimentation which resulted in Wainui Te Awa “breaking through” the gravel pits and into the sea. The subsequent deviation and reduced water flow of Wainui te Awa have detrimentally impacted the migration of species like īnanga (whitebait) and tuna (long-fin eels) by impeding their entry to and exit from the ocean. Wainui Te Awa continues to leach into the sea near Tōrere Pā, with less freshwater reaching the original river mouth further east. A sheltered lagoon which once existed near the original river mouth has disappeared. Ngai Tai recall that this lagoon previously provided the fish with a sheltered inlet where “the tides and currents would naturally guide them into the river.”
- 2.213. In the twentieth century, the Crown helped to promote dairy farming, which also contributed to the pollution of waterways in Tōrere. Prior to the Crown’s establishment of the Torere Development Scheme in 1931, “many of the [Ngai Tai] owners had already

commenced dairying, some with the assistance of the [Waiariki] Maori Land Board". Once constituted, the Torere Development Scheme was "purely a dairying scheme". By 1932, the Crown was aware that nutrient-deficient "pumice soils" predominated in the Torere Development Scheme, meaning that the lands required "intensive methods of soil preparation," including fertilising and manuring. Cattle manure is widely recognised as a major source of pollution that has degraded the health of New Zealand's aquatic ecosystems. Ngai Tai consider that dairy farms in Tōrere (many of which were administered by the Crown during the Torere Development Scheme) have repeatedly polluted waterways in their rohe. The Waipuna Stream (also known as the Tunapahore Stream) — a major source of drinking water for the iwi — is one such waterway which has been repeatedly contaminated by farming effluent.

- 2.214. For Ngai Tai, the significant decline of their rohe's water quality represents a disturbance to the water's mauri and, therefore, an upset to the whole ecosystem's delicate balance. As such, the degradation of the waters and the decline in kaimoana populations remain sources of acute distress and grievance for Ngai Tai.

Invasive Flora and Fauna

- 2.215. In 1867, the Crown promoted the Protection of Animals Act, which formally recognised the work of acclimatisation societies in introducing foreign fauna species for farming, hunting, and reproducing the aesthetics of European landscapes.
- 2.216. After the Crown declared introduced rabbits a widespread pest in 1880, it promoted the protection of "natural enem[ies]" of the rabbit (most notably, stoats and ferrets) as enshrined in the Rabbit Nuisance Act of that same year. Since the nineteenth century, the predations of stoats and other introduced animal species (such as possums, rats, and trout) have wrought devastation upon the taonga species of Tōrere. For instance, the introduction of possums diminished native bird species (most notably, kākā, kererū, and tītī) which Ngai Tai customarily hunted for subsistence and cultural use.
- 2.217. The presence of introduced predators had a devastating effect on whio (blue duck) numbers in the Ngai Tai rohe, compounding existing pressures on these birds such as flooding, sedimentation, and habitat loss. Ngai Tai has long had a special relationship with this taonga species, as demonstrated by the whakatauki, "te Whio, noho awa, noho kainga, he mokai na Ngaitai [The blue duck, whose home and habitat is the river and surrounding lands, traditionally known as the pet of Ngaitai people]," as shared by kaumātua J.W. Maxwell. Primarily "due to the impact of [introduced] predators," the whio population along the Takaputahi River and Wai Tii te Awa experienced a "marked decline" between 1992 and 2008, and became locally extinct sometime between 2009 and October 2023. Given that "whio are known to Māori as an indicator of health for rivers, the water, and the surrounding habitat," Ngai Tai consider the localised extinction of whio in their rohe to be an indicator of declining water quality in the area.
- 2.218. The Crown did not establish systematic monitoring of environmental degradation caused by pests in the Ngai Tai rohe, particularly in the steep interior blocks. Under the Crown's control, areas of the Raukūmara Forest within the rohe now face possible ecological collapse.

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- 2.219. Acclimatisation societies' introduction of brown trout for game fishing also worsened the decline of freshwater taonga species. In 1906, the Tourism and Health Resorts Department funded the transportation and release of 8,000 trout fry into the Waiaua and Hawai rivers and Wainui te Awa. In Wainui te Awa and throughout New Zealand, trout have been a significant driver of īnanga population decline, while their competitive behaviours have deprived other native fish species (such as tuna) of key habitats and food sources.
- 2.220. Throughout the 1930s and 1940s, the Crown sponsored acclimatisation societies' campaign to protect trout fisheries by killing tuna. In 1949, a Department of Internal Affairs official actively encouraged the Ōpōtiki Anglers' Association to exterminate tuna and black shags in their region, both of which he considered to be "vermin" and a "menace" to trout. To this day, tuna numbers remain in decline in the Ngai Tai rohe.

Threats to Mātauranga Māori

- 2.221. The ongoing decline of many taonga species in Tōrere has meant a corresponding erosion of the ability of Ngai Tai to fully exercise kaitiakitanga over their taonga and to transmit customary knowledge to their rangatahi. For example, Ngai Tai consider that their customary knowledge and practices concerning the relevant seasonal cycles and kaitiakitanga for gathering different foods are in decline. Ngai Tai kaumātua particularly emphasise the need to educate rangatahi and manuhiri about rāhui to ensure the sustainable replenishment and "long-term health" of food sources.
- 2.222. The continuing diminution of tohorā (whale) populations, for example, deeply affects the iwi, causing a "loss of cultural practices and pride". The Crown's promotion of the Marine Mammals Protection Act 1978 helped to protect whales from international commercial whaling operations. However, the Act's enforcement obstructed Ngai Tai from performing tikanga around harvesting and disposing of beached whale carcasses.

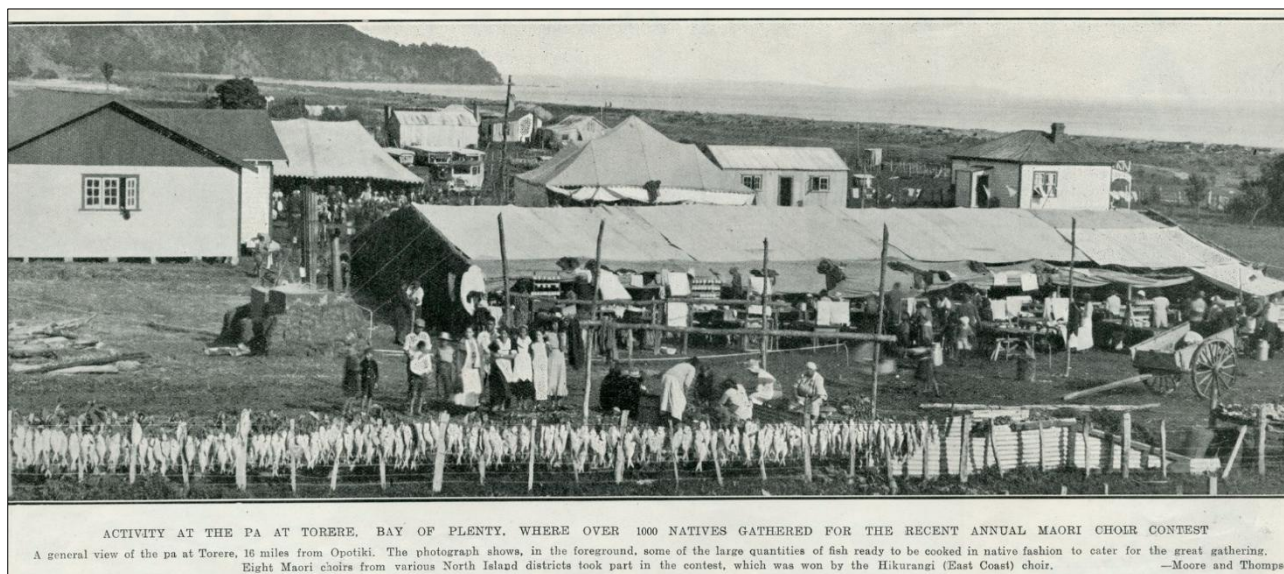


Figure 3: 'Activity at the Pa at Torere, Bay of Plenty, where over 1000 Natives Gathered for the Recent Annual Maori Choir Contest', Auckland Weekly News, 8 May 1935, p. 53, Kura: Auckland Libraries Heritage Collections, AWNS-19350508-53-01

MANA TANGATA

- 2.223. For Ngai Tai, wellbeing and iwi vitality are holistic concepts which encompass mātauranga Māori (including te reo), intergenerational sustainability, iwi cohesion, kaitiakitanga, rangatiratanga, and hauora. These elements of Ngai Tai wellbeing and the material prosperity that the iwi experienced in the 1840s and 1850s (see Early Engagement Between Ngai Tai and the Crown section) came under significant strain from the late 1850s onwards.

Health

- 2.224. The arrival of Europeans in New Zealand exposed Māori to infectious diseases to which they had no natural immunity, including dysentery, influenza, measles, tuberculosis, typhoid, and venereal diseases. Māori in the north-eastern Bay of Plenty region suffered increasingly from disease in the wake of their increased contact with Europeans (including traders) from the 1850s onwards.
- 2.225. The Crown provided very limited medical services in the nineteenth century, and European medical practices and supplies were particularly slow to reach Māori in the north-eastern Bay of Plenty region (including the Ngai Tai rohe). One of the earliest instances of direct Crown medical assistance to Ngai Tai was its smallpox vaccination campaign. Following an outbreak of smallpox in Auckland in 1872, a Crown official was instructed to have as many Māori in the region vaccinated as possible. Between July and December of that year, 82 adults and 83 children from Ngai Tai received smallpox vaccinations.
- 2.226. The comparative geographical isolation of Tōrere, combined with scant road infrastructure, exacerbated the Crown's limited provision of health care to the Ngai Tai rohe. In 1874, one Crown official observed that there was no resident "medical man" between Tūranga and Ōpōtiki (a distance of roughly 140 kilometres).
- 2.227. Contagious diseases had an especially detrimental impact on Māori communities after 1840. From the 1870s, government observers began reporting on population decline in the Ngai Tai rohe. The Crown's 1878 census found that the Ngai Tai mortality rate was greater than their birth rate: 33 Ngai Tai adults had died between 1874 and 1878, whilst only 13 children had been born in the same period. The Resident Magistrate of Ōpōtiki explained that this high level of mortality partly resulted from a typhoid outbreak in the Ngai Tai rohe in May 1876.
- 2.228. In addition to the 1876 typhoid outbreak, Ngai Tai also endured "a considerable amount of sickness" in 1891 and 1893, and influenza in 1892. Two students at Torere Native School also died from unidentified illnesses in 1894. Notwithstanding these recurring outbreaks, a Crown official confirmed in 1889 that there was 'no Medical Officer in the District'.
- 2.229. However, around this time the Resident Magistrate of Ōpōtiki also noted an "improvement in the condition" of Ngai Tai, which he attributed partly to their commitment to temperance. In 1886, he observed that both Ngai Tai and a neighbouring hapū had restricted "the consumption of intoxicating liquors" during tangi and other gatherings. The Magistrate

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further praised Ngai Tai for their “good example” in strongly advocating for temperance principles in their rohe.

- 2.230. Ngai Tai received small-scale medical assistance from the Torere Native School’s Head Teacher. However, prior to 1888 the Crown did not supply the teacher with medical supplies for local Māori. On a roughly annual basis between 1888 and 1896, teachers at Torere Native School wrote to government departments requesting a small grant (usually valued at between £2 and £3) to purchase medical supplies from Auckland on behalf of Ngai Tai. In the view of successive teachers, Ngai Tai deserved to receive these Crown grants since they “cannot afford to pay” for medicines. In the late nineteenth and early twentieth centuries the Crown provided some subsidies for medicines to be made available for Māori through the native school. Ngai Tai also subscribed their own money to purchase medical supplies. The medicines purchased were commonly used to treat medical conditions such as rheumatism, bronchitis, chest complaints, and diarrhoea.
- 2.231. It was not until 1914 that the Crown funded the first hospital in the north-eastern Bay of Plenty, which opened in Ōpōtiki. Although another hospital opened in Whakatāne in 1923, there remain no hospitals within the Ngai Tai rohe to the present day. The journey from the Ngai Tai rohe to Ōpōtiki Hospital was an arduous one which traversed rivers and streams that could be dangerous when in flood. Tōrere inhabitants experiencing medical emergencies sometimes had to be ferried across the rivers by boat to reach Ōpōtiki Hospital at great risk to their safety. Occasionally, students of the Torere Native School also received medical treatment from the Ōpōtiki District Nurse.
- 2.232. Ngai Tai was significantly impacted by the outbreak of Spanish Influenza in 1918. By December of that year, the disease was reported to have killed at least 57 Māori between Opape and Raukōkore. One of these deceased was the husband of Mateapiti Pateriki, whose widow and five children in Tōrere were “really in need of help.” Mateapiti and her family received a small government allowance of 15 shillings per week to assist with the costs of food and clothing.
- 2.233. In 1932, District Nurses from Ōpōtiki first vaccinated the students of Torere Native School against typhoid. Typhoid, like tuberculosis (another poverty-related disease), was not uncommon amongst Māori in the north-eastern Bay of Plenty region in the first decades of the twentieth century.
- 2.234. In 1935, a sub-base dental clinic was established in Tōrere, operating under the central dental clinic in Ōpōtiki. At this time, at least two “Native Dental Officers” (out of eleven total Dental Officers nationally) were working among Native Schools in the Bay of Plenty and East Coast districts.
- 2.235. Crown delays in developing infrastructure sometimes created detrimental health side-effects for Ngai Tai. In November 1947, Tamati Toka sent a petition to the Minister of Public Works on behalf of several Ngai Tai signatories expressing concern about the health risks posed by dust generated from traffic on the Crown-built Tōrere-Ōpōtiki Highway. The petition stated that the dust from the untarred road “is really a menace to the public as well as the health of the children.” The Crown responded that a “shortage of labour” and “limited amount of bituminous material available” meant that works to seal the Tōrere section of the highway would not be carried out that year. Instead, the Minister of

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Works emphasised that the sealing would be completed in stages “from Opotiki outwards,” with the sections in the more urban and densely populated township of Ōpōtiki taking priority over those in Tōrere, despite the health concerns raised by Ngai Tai.

- 2.236. Today, Crown statistics clearly indicate that Māori (including Ngai Tai) continue to have higher rates than non-Māori for many health conditions and chronic diseases, including cancer, diabetes, cardiovascular disease and asthma.

Torere Native School

- 2.237. In 1867, Parliament enacted the Native Schools Act to enable the establishment of primary schools for Māori. In 1870, Wiremu Kingi Tutahuarangi wrote to Native Minister Donald McLean, requesting “schools for our children [so] that they may be able to understand the works of the European.” In response, McLean reportedly promised to build Ngai Tai a school if the iwi contributed £50 towards its cost.
- 2.238. In 1873, the Inspector of Schools informed the Native Minister that Māori at Tōrere had gifted two acres of land for the establishment of a school and pledged £75 towards the schoolhouse. The Government had also committed to provide £200 for the school.
- 2.239. Torere Native School opened in March 1878, after the Crown budgeted an additional £150 for its establishment. By 1892, the *New Zealand Mail* reported that Torere Native School was “considered to be the best [school] along that coast.”
- 2.240. In 1916, Rewharewha Patiki of Ngai Tai personally donated an additional acre of land for the school, following the School Inspector’s recommendation that more land be provided for a larger playground to accommodate growing student numbers.

Education and Te Reo

- 2.241. The Crown intended for Native Schools to teach a monocultural curriculum in the English language that would eventually assimilate Māori children into British culture. Under the Native Schools Act 1867, government funding of Native Schools was conditional upon instruction being “carried on in the English language as far as practicable.” An 1880 code for Native Schools further required that senior classes be taught only in English and that teachers of junior classes should try “to dispense with the use of Māori as soon as possible.”
- 2.242. The Crown education system had significantly lower expectations for Māori students than for their Pākehā counterparts. The education system was far less concerned with fostering Māori academic achievement than with shaping Māori into industrious farmers and good farmers’ wives for the benefit of the colonial economy.
- 2.243. The disadvantages that Ngai Tai students faced in relation to educational opportunities were exacerbated by the fact that the Crown has never established a secondary school in the Ngai Tai rohe. The closest secondary school to Tōrere was Ōpōtiki District High School (established in 1902), which subsequently became Ōpōtiki College in 1953. The school is situated roughly 20 km to the west of Tōrere.

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- 2.244. The assimilationist structure of the native school system contributed to a significant decline in the number of te reo Māori speakers among Ngai Tai and alienated many Ngai Tai children from mātauranga Māori. In 1931, the Crown Director of Education proclaimed that the “natural abandonment of the native tongue inflicts no loss on the Maori.” Māori children attending Torere Native School were punished for speaking te reo Māori. In some cases, these punitive measures involved students being sent to gather baskets of stones from the beach for the school driveway. In other instances, teachers inflicted corporal punishment upon Ngai Tai children who spoke te reo Māori at Torere Native School (one of whom was Winston Kerr, a Ngai Tai student at the school in the early 1950s). Carlos Ahlers (a Torere School student in the 1970s) also recalled not being raised in te ao Māori and having no knowledge of his whakapapa until a cultural resurgence in the 1990s.
- 2.245. Despite the education system’s low expectations for Māori students, Ngai Tai rangatahi recognise the importance of education and academic achievement. In 2023, 83.7% of Ngai Tai held a formal qualification (NCEA Level 1 or above), including 18.3% of Ngai Tai who held a Bachelor’s degree or higher.

Old-age Pensions

- 2.246. From the enactment of the Old-age Pensions Act 1898 until the passing of the Social Security Act in 1938, Māori old-age pensioners were commonly paid a lower pension than Pākehā. For example, the full pension rate for 1937 was £58.10.0 while the Māori pension rate for that same year was £45.6.3. Even after the Social Security Act increased both Māori and European pension rates to £78.0.0 per annum, some Māori, including members of Ngai Tai, continued to be paid at reduced pension rates (see below).
- 2.247. In the first decade of the twentieth century, numerous magistrates justified granting lower pension rates to Māori than to Europeans on the basis of the lower living standards and purportedly lower income requirements of Māori.
- 2.248. In 1926, the Commissioner of Pensions uniformly reduced pension rates for Māori where he considered that their interests in land were unclear or when they lived communally in pā (i.e. not in a “European fashion”).
- 2.249. The Social Security Act 1938 increased the pension rate to £78.0.0 per annum for “Maoris and Europeans alike”. Despite this commitment to pension uniformity, section 72(2) of the Act contained a discretionary clause allowing the Social Security Commission to reduce an applicant’s old-age pension if “in its opinion payment of the maximum benefit is not necessary for the maintenance of the beneficiary”. Importantly, at this time the Crown considered Māori old-age pension applicants to have lower income and “maintenance” requirements than other New Zealanders. The Chairman of the Social Security Commission emphasised that the “justification for this discrimination” whereby Māori were paid pensions on a lower scale than Europeans “was that the standard of living of Maoris [sic], many of whom still lived communally, was relatively low.”
- 2.250. The Crown continued to grant pensions at lower rates to some members of Ngai Tai after the passing of the Social Security Act. In 1939, a resident of Tōrere wrote to the Member of Parliament (MP) for Whakatāne enquiring about “why the difference in the amount of pension granted to Maoris than [to] pakeha still exists,” in the Ngai Tai rohe, especially

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given that “the Gov[ernmen]t states that they were to be equal.” The MP forwarded this query to the Native Minister, whose office responded by justifying that payment of the “full amount” of benefit was conditional on whether “the Social Security Commission is satisfied regarding the living conditions of a Maori applicant”.

- 2.251. This discrepancy between Ngai Tai and European pension rates was clearly demonstrated in 1941 when two Ngai Tai old-age pensioners living in Tōrere (namely, Eruera Teripi [Rihimona] and Haami Kingi) were granted pensions of £65.0.0 per annum. This rate was £13.00 less than the full pension rate at the time.

Socioeconomic Conditions: Housing, Unemployment, and Urbanisation

- 2.252. In the first half of the twentieth century, poverty, deficient housing, overcrowding, and poor sanitation were major contributing factors to poor health outcomes for Māori. In 1939, it was estimated that half of all Māori were inadequately housed. An agent for the Board of Native Affairs similarly observed in 1938 that “the housing conditions of some of the Natives at Torere Pa are very inadequate”. Toka’s 1947 petition to the Minister of Public Works also emphasised that dust from the unsealed road on the Tōrere-Ōpōtiki Highway had left nearby houses in a “deplorable state.”
- 2.253. After the Second World War, the Crown directed post-war housing assistance loans to people living in towns and cities rather than to remote areas such as the Ngai Tai rohe. This lack of state financial assistance made it difficult for members of Ngai Tai to stay in their rural kāinga and make a living in Tōrere. Many members of Ngai Tai were forced to move away from the rohe and into urban centres in search of work. The community that remained in Tōrere was detrimentally impacted by large-scale urban emigration, especially that of “young people and skilled members” of the iwi.
- 2.254. The Crown promoted Māori urbanisation with even greater intensity in the 1960s. The Crown believed that urbanisation would be a means of providing Māori with employment opportunities and ensuring their effective integration into Pākehā society and culture. The Acting Secretary for Māori Affairs claimed that many Māori customs have “already departed and only the fittest elements (worthiest of preservation) have survived the onset of civilisation”. He considered it an important policy objective to “eliminate” the “minority [of Māori] complacently living a backward life in primitive conditions” by facilitating their “adjustment to modern life”.
- 2.255. The pursuit of tertiary education and employment opportunities required Ngai Tai members to move away from Tōrere and, by extension, from their connection to their whānau, whenua, reo, and te ao tūroa. One Ngai Tai whaea recalls her mother leaving Tōrere to seek her fortunes far afield in the South Island, thereafter taking up work in the Motueka tobacco fields. The absence of socioeconomic opportunities within the Ngai Tai rohe has contributed to the growing urbanisation of the iwi’s young people, with many not returning to live in the rohe after graduating.
- 2.256. The movement of Ngai Tai individuals to the cities to make a living remains a source of distress and grievance for the iwi: one kaumātua lamented that “I believe the government has been responsible – arohamai – for taking away our people” and thus “removing them from their whenua.”

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- 2.257. In 2014, around 87% of Ngai Tai lived outside of tribal boundaries, “leaving a small hau kāinga [people of the marae] to fulfil cultural roles and manage iwi affairs.” By 2023, around 38.9% of Ngai Tai reported living in the Bay of Plenty region, while around 61.1% reported living in other regions of New Zealand.
- 2.258. Socioeconomic deprivation also remains a significant issue for Ngai Tai, especially for those remaining in Tōrere. In both 2018 and 2023, the Ngai Tai rohe was classified as a Decile 10 region, meaning that it is among the most severely deprived regions of New Zealand.
- 2.259. According to the 2023 census, the Ngai Tai proportional unemployment rate (6.2%) was more than double that of all New Zealanders (3%) and exceeded that of all Māori (5.8%). Additionally, 21.8% of Ngai Tai individuals were reported to live in crowded or severely crowded homes, 32.6% in mouldy homes, and 37.8% in homes that are “sometimes or always damp”.

CONCLUSION

- 2.260. Ngai Tai provide the following statement regarding their enduring presence:

Pou Tū Pou Hinga, Pou Hinga Pou Tū

Just like the Hinahina, I am not defeated by being cut down; I am defined by my return.

This speaks to the multitude of challenges from competing interests as well as Crown breaches of the Treaty, as indicated in the preceding sections that Ngai Tai has had to confront, endure, and overcome through the successive generations.

Ngai Tai were renowned as a people of exceptional skill and knowledge. They excelled in the traditional arts of weaponry and warfare, but their expertise also extended to food gathering, cultivation, survival, leadership, strategy, and the many practical and cultural skills needed to sustain and protect their people. They were known as ringa makuru - people of highly trained, capable, and accomplished hands.

Paripaopao and Rangiata were among the ancient pā of Ngai Tai. Atop Rangiata stood Rangiuru, one of several (within Ngai Tai) where wānanga where ancestral knowledge was preserved and passed on.

Here, men, women and children who showed promise were selected and trained according to their strengths and gifts. They were taught the customs, values, strategies, and practical

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skills of their ancestors. Including the mastery of the mere and other treasured traditions.

Because of their reputation for excellence, Ngai Tai were often called upon by various iwi to provide leadership, support, protection, and expertise during times of challenge and conflict. They became widely known as Ngai Tai Merewhakatopa.

Whether victorious or defeated, their spirit remained unbroken.

Ngai Tai are highly adept at pivoting and rising above any challenge. This inherent spirit remains alive and well today in the hearts and minds of our Ngai Tai uri.

Ngā Moemoeā ki Tua The Visions of Yesterday

Ngā Tapuwae ki Mua Are Today's Pathways and

Ngā Ara ki Nāianeī Tomorrow's Stepping Stones.

*Ahakoā ka toa, ahakoā ka hinga, Pou Tū Pou Hinga! Pou Hinga
Pou Tū!*

Tapahia te hinahina e kore e mate.

*Regardless of victory or defeat, the towering pillar brought low, the
fallen column raised high.*

Lacerate the Hinahina that will never die.

Ngai Tai Manawanui;

Ngai Tai Manawaroa;

Ngai Tai Manawapōhatu.

Ngai Tai the Unwavering;

Ngai Tai the Resilient;

Ngai Tai the Indomitable.

3 ACKNOWLEDGEMENTS AND APOLOGY

ACKNOWLEDGEMENTS

Environmental issues

- 3.1. The Crown acknowledges that, since 1840, the lands, forests, and waterways within the Ngai Tai rohe have undergone significant harmful, and irreversible, changes that have been, and remain, profoundly distressing to Ngai Tai, including:
 - 3.1.1. the felling of native forests for pasture and timber milling, which has contributed to soil erosion and the siltation of waterways in their rohe;
 - 3.1.2. the discharge of sediment and pollution into the waterways of the Ngai Tai rohe, which has negatively impacted some populations of freshwater and marine species that Ngai Tai has relied upon for sustenance;
 - 3.1.3. the introduction of invasive fauna species into the Ngai Tai rohe, which has had a harmful impact on native ecologies.
- 3.2. The Crown further acknowledges that harm to the environment in their rohe has contributed to the erosion of mātauranga among Ngai Tai and has undermined their cultural identity and exercise of kaitiakitanga over many of their natural resources and taonga.

Assimilation

- 3.3. The Crown acknowledges that,—
 - 3.3.1. before establishing a presence in the Ngai Tai rohe, it began promoting laws in the 1840s that were intended to facilitate the eventual assimilation of Māori into European culture;
 - 3.3.2. it did not establish the self-governing Māori districts provided for in section 71 of the New Zealand Constitution Act 1852 (UK);
 - 3.3.3. the assimilation of Māori, including Ngai Tai, into European culture continued to be a Crown objective for many years during the 20th century; and
 - 3.3.4. the Crown's assimilationist policies have had negative impacts on the well-being of Ngai Tai by contributing to the erosion of their social structures, tribal government, mātauranga (traditional knowledge), tohungatanga (expertise), and wairuatanga (spirituality).

1866 Bay of Plenty confiscation

- 3.4. The Crown acknowledges that,—

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- 3.4.1. in January 1866, it unfairly treated Ngai Tai as having been in rebellion by including most of their rohe in the eastern Bay of Plenty confiscation district that it proclaimed to punish Māori for fighting against the Crown in 1865. It did so despite—
- (a) the Governor proclaiming in September 1865 that the Crown would not confiscate further land, except possibly from those involved in specific crimes in which Ngai Tai played no part; and
 - (b) the only involvement of Ngai Tai in the fighting from 1865 having been some military service on behalf of the Crown;
- 3.4.2. the confiscation extinguished Ngai Tai customary interests in land at Waiaua, Waiohoata, Hakuranui, and Awaawakino, which remained in the confiscation district even after the Crown excluded much of the Ngai Tai rohe from that district;
- 3.4.3. the Compensation Court was supposed to hear claims for compensation by Māori affected by the confiscation who had not been “in rebellion”, but the Crown threatened to punish Ngai Tai for exercising their legal right to pursue claims in the Compensation Court to have the land at Waiaua returned to them;
- 3.4.4. the land at Waiaua, Waiohoata, Hakuranui, and Awaawakino remained in the confiscation district despite Ngai Tai providing military service to the Crown at various locations from 1865, Wiremu Kingi being commissioned a Crown officer, and at least 1 Ngai Tai soldier being killed;
- 3.4.5. the Crown never returned any land at Waiaua to Ngai Tai;
- 3.4.6. the Crown returned land at Awaawakino, Waiohoata, and Hakuranui to individual members of Ngai Tai, but did not keep accurate records of proceedings in relation to the confiscation and Ngai Tai individuals did not receive legally valid titles for this land until the 20th century; and
- 3.4.7. the confiscation of Ngai Tai land was indiscriminate and the Crown’s failure to return land at Waiaua to Ngai Tai and the extinguishment of Ngai Tai customary interests in Awaawakino, Waiohoata, and Hakuranui was unjust and a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Military Pensions Act 1866 and 1908

- 3.5. The Crown acknowledges that—
- 3.5.1. between 1866 and 1909, it applied the Military Pensions Act 1866 and the Military Pensions Act 1908 to the payment of pensions to Māori servicemen and their whānau;
 - 3.5.2. those Acts discriminated against Māori by generally providing lower scales of pensions for Māori, in comparison to non-Māori, who had been injured, killed, or died of illness while in military service for the Crown;

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.5.3. any members of Ngai Tai who were in military service for the Crown during the period to which these Acts applied who were injured, killed, or died of illness would, therefore, have been subject to the discriminatory aspects of those Acts;
- 3.5.4. at least 1 whānau of a Ngai Tai serviceman who was killed in action would have been eligible for a military pension under the Military Pensions Act 1866 and would have been discriminated against by the application of the Act; and
- 3.5.5. therefore, the Crown breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Native land laws

- 3.6. The Crown acknowledges that—
 - 3.6.1. it did not consult Ngai Tai before promoting the enactment of the Native Lands Acts of the 1860s;
 - 3.6.2. the individualisation of title introduced by these laws was inconsistent with Ngai Tai tikanga;
 - 3.6.3. Ngai Tai had no choice but to participate in the Native Land Court system to protect their land against claims from others and to integrate their land into the modern economy;
 - 3.6.4. the Native Land Court title determination process could be protracted, complex, and costly. At times, the significant costs contributed to the loss of land. For example, Ngai Tai transferred the Torere 63 block of more than 5,000 acres to the Crown to meet the survey costs charged against their land through Court processes;
 - 3.6.5. one of the long-term objectives of the native land laws was to promote the detribalisation of Ngai Tai and their assimilation into European culture; and
 - 3.6.6. the operation and impact of the native land laws made Ngai Tai land more susceptible to partition, fragmentation, and alienation; and contributed to the erosion of Ngai Tai tribal structures, which were based on the collective ownership of land. The Crown failed to take reasonable steps to actively protect Ngai Tai tribal structures, which caused prejudice to Ngai Tai and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Te reo Māori and education

- 3.7. The Crown acknowledges the importance of education to Ngai Tai and that—
 - 3.7.1. for a number of decades, the state school system had lower expectations for the academic achievements of Māori children, including Ngai Tai children;

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.7.2. in the late 19th and early 20th centuries, an objective of the education system was to assimilate Māori students into European culture; and
 - 3.7.3. Ngai Tai experiences in the education system contributed to the erosion of cultural identity and understanding of tikanga and mātauranga for some Ngai Tai members, and these experiences contributed to the poorer socio-economic outcomes that many Ngai Tai have endured.
- 3.8. The Crown further acknowledges that—
- 3.8.1. in some cases, Ngai Tai children were punished, including through the infliction of corporal punishment, for speaking te reo Māori at school;
 - 3.8.2. this was part of the Crown’s failure to actively protect te reo Māori and promote its use by Māori, including Ngai Tai;
 - 3.8.3. this failure contributed to a decline in te reo Māori use amongst Ngai Tai and adversely affected the maintenance and development of Ngai Tai language, culture, and tikanga; and
 - 3.8.4. this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Infrastructure delays

- 3.9. The Crown acknowledges that it was slow to build infrastructure in the northeastern Bay of Plenty. It particularly acknowledges that its slow provision of infrastructure in the early 20th century contributed to the difficulties Ngai Tai faced in accessing hospitals and health services.

New Zealand War Medal

- 3.10. The Crown acknowledges that—
- 3.10.1. a prerequisite for the granting of military pensions under the Military Pensions Act 1912 and the Pensions Act 1913 was the issuing of a New Zealand War Medal to elderly veterans who had risked their lives under fire in the service of the Crown during the New Zealand Wars;
 - 3.10.2. from January 1913 until 1916, the Department of Defence informed some Māori New Zealand War Medal applicants that it was necessary to have their service under fire during Crown military operations verified by European officers or comrades. During the period from November 1913 to 1916, the Department directed all Māori New Zealand War Medal applicants, including Ngai Tai, to have their service verified by European officers or comrades; and
 - 3.10.3. these directions were discriminatory and caused prejudice to at least 2 Ngai Tai veterans, and thereby the Crown breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Military service

- 3.11. The Crown acknowledges that Ngai Tai have fulfilled their obligations as a Treaty partner and particularly pays tribute to the contribution Ngai Tai have made to the defence of the nation through military service in many parts of the world, including Gallipoli, German Samoa, France, Belgium, North Africa (including Egypt), Italy, Japan, Malaysia, Borneo, Vietnam, Iran, and Iraq. The Crown acknowledges the sacrifice this service has involved and the impacts it has had on Ngai Tai and the Tōrere community.

Torere Development Scheme

- 3.12. The Crown acknowledges that—
- 3.12.1. it did not provide assistance for the development of Ngai Tai land until many years after it made assistance available for individually owned land;
 - 3.12.2. the Crown's expenditure on the Torere Development Scheme was charged as a debt against the land included in the scheme;
 - 3.12.3. its administration of the Torere Development Scheme deprived Ngai Tai of effective control of the land included in the scheme for many years and was not always successful; and
 - 3.12.4. the Crown's administration of the land in the Torere Development Scheme did not always provide the economic benefits Ngai Tai expected from their participation in the scheme.

Ngai Tai Consolidation Scheme

- 3.13. The Crown acknowledges that—
- 3.13.1. it announced the establishment of a consolidation scheme in 1930 to address the fragmentation of Ngai Tai land titles that was a legacy of the native land laws, but protracted delays in the implementation of the scheme during the first half of the 1930s caused uncertainty and anxiety for many Ngai Tai owners regarding the extent, location, and economic feasibility of their land interests; and
 - 3.13.2. when the scheme was finally implemented it could not fix many of the underlying issues that caused fragmented land tenure.

Old-age pensions

- 3.14. The Crown acknowledges that some elderly Ngai Tai were discriminated against when they received lower old-age pensions than many other New Zealanders during the first 4 decades of the 20th century and that, in discriminating against Ngai Tai in this manner, it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Urbanisation

- 3.15. The Crown acknowledges that its policies have contributed to most Ngai Tai individuals living outside of their traditional land, which has disconnected them from their tikanga, tūrangawaewae, and whānau.

Socio-economic deprivation

- 3.16. The Crown acknowledges that those Ngai Tai who remained on the whenua have endured socio-economic deprivation, including poor health outcomes and inadequate housing, for far too long and have not had the same opportunities in life that many other New Zealanders have enjoyed. The Crown further acknowledges that the educational system has had low expectations of Ngai Tai children and the resulting poor outcomes have impacted generations of Ngai Tai children.

Gravel extraction at Tōrere

- 3.17. The Crown acknowledges that—
- 3.17.1. for many years prior to its 1955 acquisition of land at Torere Reserve No. 2, the Crown disregarded Ngai Tai objections to its illegal entry onto the land to remove gravel without regard to the rights of the Ngai Tai owners;
 - 3.17.2. when taking gravel from Torere Reserve No. 2 prior to acquiring the land, it did not consult with, or obtain the consent of, the Ngai Tai owners or pay compensation for the gravel, and that this has been a longstanding source of grievance for Ngai Tai;
 - 3.17.3. its gravel extraction from Torere Reserve No. 2 prior to acquiring part of the land interfered with the extraction operation of a private contractor to the extent that the company abandoned its own operation, thereby ending the contract and royalty payments the company had arranged with Ngai Tai;
 - 3.17.4. after deciding in 1953 to take the Tōrere gravel pits under the Public Works Act 1928, the Crown continued to remove gravel from the site without legal authority and against the express wish of its Ngai Tai owners until the land was acquired in December 1955;
 - 3.17.5. these operations at Tōrere contributed to the deviation of Wainui te Awa and the relocation of the river mouth;
 - 3.17.6. despite the Ngai Tai owners of Torere Reserve No. 2 offering to negotiate sales of Tōrere gravel to the Crown, the Crown dismissed the offer and instead proceeded with the compulsory acquisition of the Tōrere gravel pits in 1955;
 - 3.17.7. while it paid compensation for the land and gravel removed from the area taken under public works legislation, it did not compensate the owners of Torere Reserve No. 2 for gravel taken beyond the boundaries of the 1955 public works taking;

- 3.17.8. the 1955 public works taking deprived the Ngai Tai owners of one of their few sources of income;
- 3.17.9. the Crown failed to consult in good faith with Ngai Tai about the gravel extraction; and
- 3.17.10. the aforementioned Crown acts and omissions caused prejudice to Ngai Tai and constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Compulsory acquisition of uneconomic interests

- 3.18. The Crown acknowledges that, between 1953 and 1974, it empowered the Māori Trustee to compulsorily acquire interests in Ngai Tai lands that the Crown considered uneconomic, and that this was in breach of te Tiriti o Waitangi/ the Treaty of Waitangi and its principles and deprived some Ngai Tai of a direct link to their tūrangawaewae.

Ngai Tai contributions to New Zealand

- 3.19. The Crown acknowledges the significant contribution that Ngai Tai has made to infrastructure and economic development in the north-eastern Bay of Plenty through the provision of roading labour and the land and resources taken by the Crown for public works.

Ngai Tai resilience

- 3.20. The Crown acknowledges that Ngai Tai have remained resilient in the face of both socio-economic deprivation and Crown acts and omissions that have contributed to the erosion of their culture, identity, and wellbeing. The Crown further acknowledges that Ngai Tai has continued to work tirelessly in these circumstances to uphold their hauora, mātauranga, mana motuhake, and rangatiratanga, and it particularly recognises the efforts of Ngai Tai to promote the wellbeing and vitality of their iwi.

APOLOGY

- 3.21. To Ngai Tai, ki o tamariki, o mokopuna, ki o kaumātua, the Crown makes this long-overdue apology. The Crown apologises without reservation for its many breaches of te Tiriti o Waitangi/the Treaty of Waitangi and for the hurt and suffering it has caused you over the generations. Too often the Crown has been dismissive of Ngai Tai aspirations and interests.
- 3.22. For more than two decades after your tupuna, Pūtiki, Rangihuatake, and Taku signed te Tiriti o Waitangi at Tōrere, the Crown was largely absent from your rohe. Then, even though Ngai Tai had extended the hand of friendship and offered the Crown military support by 1866, the Crown unjustly treated you as rebels by confiscating Waiaua, Waiohoata, Hakuranui, and Awaawakino. When returning much of what had been your tribal whenua, the Crown then did not include all of your tupuna in the individualised titles, which it took decades to formalise. The Crown profoundly apologises for the confiscation and for the stigma of rebellion that attached to your iwi for too long. It further recognises

3: ACKNOWLEDGEMENTS AND APOLOGY

the wisdom of your tupuna, Wiremu Kingi, in urging the Crown to forgive those in the region it deemed to have been in rebellion.

- 3.23. The Crown unreservedly apologises for the harm to your tribal structures caused by the individualisation of your land tenure imposed on you when confiscated land was returned to you, and by the operation of the native land laws. The Crown deeply regrets the burdensome costs imposed on Ngai Tai by the operation of the native land laws, which necessitated the alienation of the more than 5,000-acre Torere 63 block to the Crown to pay survey expenses.
- 3.24. The Crown's insufficient regard for Ngai Tai interests was a feature of its approach to public works in the middle of the 20th century. Despite your wholly justified protests, it used your land for gravel extraction without your permission and then compulsorily took the gravel pits and surrounding whenua even though you offered to negotiate royalties for the gravel's use. It sincerely apologises for this, and for these gravel operations contributing to the diversion of Wainui te Awa. Along with the Crown's introduction of invasive fauna, this diversion depleted important Ngai Tai food resources.
- 3.25. The Crown deeply regrets the prejudice its assimilationist policies caused Ngai Tai. Not only did these policies transform your land tenure, they also contributed to the erosion of te reo o Ngai Tai, your wairua, tikanga, tohungatanga, and mātauranga. It recognises that its actions have contributed to the socio-economic marginalisation of generations of Ngai Tai and impaired your capacity to connect to your identity. For this, the Crown offers sincere apologies and applauds your ongoing efforts to reconnect with your Ngai Tai identity and language.
- 3.26. The Crown is profoundly sorry for the discrimination your elderly and your military veterans suffered at its hands.
- 3.27. The Crown pays tribute to the many contributions Ngai Tai has made to New Zealand, including military service in many parts of the world, and acknowledges your fortitude, determination, and resilience. These characteristics defined you in the past and continue to do so today.
- 3.28. Through this settlement the Crown seeks to atone for the shameful injustices and prejudice it has caused. It is the Crown's earnest hope that this settlement heralds the beginning of a new and enduring relationship with Ngai Tai based on honour, mutual respect, and an adherence to te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

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 Ngai Tai is not possible; and
 - 4.1.3. Ngai Tai 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 Ngai Tai and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2. Ngai Tai 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 Ngai Tai collectively; but
 - 4.5.2. may benefit particular members, or particular groups of members, of Ngai Tai 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, –

DEED OF SETTLEMENT

4: SETTLEMENT

- 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
- 4.6.3. despite clause 4.6.2, provide that the Waitangi Tribunal may complete and release a report on the North-Eastern Bay of Plenty District Inquiry (Wai 1750) which may include findings on, but will not include recommendations in relation to, the historical claims of Ngai Tai; and
- 4.6.4. to avoid doubt, the parties confirm and acknowledge that, except as set out in clause 4.6.2, the settlement legislation will not affect the jurisdiction of any court, tribunal or other judicial body in relation to contemporary aspects of the claims listed in clauses 8.2.2 and 8.2.3 (being aspects of those claims that arise from, or relate to, acts or omissions that occurred on or after 21 September 1992); and
- 4.6.5. provide that the legislation referred to in section 17 of the draft settlement bill does not apply –
 - (a) to a cultural redress property, the purchased deferred selection property if settlement of that property has been effected, or any RFR land; or
 - (b) for the benefit of Ngai Tai or a representative entity; and
- 4.6.6. require any resumptive memorial to be removed from any record of title for, a cultural redress property, the purchased deferred selection property if settlement of that property has been effected, or any RFR land; and
- 4.6.7. provide that the maximum duration of a trust pursuant to the Trusts Act 2019 does not, –
 - (a) apply to a settlement document; or
 - (b) prescribe or restrict the period during which –
 - (i) the trustees of the [name] Trust, being the governance entity, may hold or deal with property; and
 - (ii) the [name] Trust may exist; and
- 4.6.8. require the chief executive of the Office of Treaty Settlements and Takutai Moana–Te Tari Whakatau to make copies of this deed publicly available.
- 4.7. Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 CULTURAL REDRESS

STATUTORY ACKNOWLEDGEMENT

- 5.1. The settlement legislation will, on the terms provided by sections 30 to 40 of the draft settlement bill, –
- 5.1.1. provide the Crown’s acknowledgement of the statements by Ngai Tai of their particular cultural, spiritual, historical, and traditional association with the following areas:
- (a) Wainui te Awa (as shown on deed plan TTW-127-02);
 - (b) Wai Tii te Awa (as shown on deed plan TTW-127-03); and
- 5.1.2. require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 5.1.3. 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
- 5.1.4. enable the governance entity, and any member of Ngai Tai, to cite the statutory acknowledgement as evidence of the Ngai Tai association with an area.
- 5.2. The statements of association are in part 1 of the documents schedule.

ACKNOWLEDGEMENT OF NGAI TAI ASSOCIATION WITH ŌNEWA

- 5.3. The settlement legislation will, on the terms provided by section 42 of the draft settlement bill, provide for the Crown to acknowledge, –
- 5.3.1. the longstanding cultural, historical, spiritual and traditional, association of Ngai Tai with ōnewa; and
- 5.3.2. the Ngai Tai statement of association with ōnewa, set out in part 1 of the documents schedule.

PROTOCOLS

- 5.4. Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister:
- 5.4.1. the primary industries protocol; and

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- 5.4.2. the Crown minerals protocol.
- 5.5. A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

FORM AND EFFECT OF PROTOCOLS

- 5.6. Each protocol will be –
- 5.6.1. in the form in part 3 of the documents schedule; and
- 5.6.2. issued under, and subject to, the terms provided by sections 23 to 28 of the draft settlement bill.
- 5.7. A failure by the Crown to comply with a protocol is not a breach of this deed.

WHAKAAETANGA TIAKI TAONGA

- 5.8. The Culture and Heritage Parties and the governance entity must, by or on the settlement date, sign the Whakaaetanga Tiaki Taonga.
- 5.9. The Whakaaetanga Tiaki Taonga sets out how the Culture and Heritage Parties will interact with the governance entity with regard to the matters specified in it.
- 5.10. The Whakaaetanga Tiaki Taonga will be in the form in part 4 of the documents schedule.
- 5.11. A failure by the Crown to comply with the Whakaaetanga Tiaki Taonga is not a breach of this deed.
- 5.12. Appendix B of the Whakaaetanga Tiaki Taonga sets out how Manatū Taonga - Ministry for Culture and Heritage will interact with the governance entity with regard to matters relating to taonga tūturu.
- 5.13. Appendix B of the Whakaaetanga Tiaki Taonga is issued pursuant to the terms provided by sections 23 to 28 of the draft settlement bill.
- 5.14. A failure by the Crown to comply with Appendix B of the Whakaaetanga Tiaki Taonga is not a breach of this deed.

RELATIONSHIP AGREEMENTS

- 5.15. On or before the settlement date, each Crown agency listed in clause 5.16 and the governance entity must enter into a relationship agreement.
- 5.16. The Crown agencies are:
- 5.16.1. the Department of Conservation – Te Papa Atawhai;
- 5.16.2. the Ministry of Education – Te Tāhuhu o te Mātauranga; and

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5: CULTURAL REDRESS

- 5.16.3. the New Zealand Transport Agency – Waka Kotahi.
- 5.17. Each relationship agreement for each Crown agency sets out how it will interact with the governance entity with regard to the matters specified in it and will be in the relevant form set out in part 5 of the documents schedule.
- 5.18. A failure by the Crown or a Crown agency to comply with a relationship agreement referred to in clause 5.15 is not a breach of this deed.

LETTER OF INTRODUCTION TO JUSTICE SECTOR AGENCIES

- 5.19. The chief executive of the Office of Treaty Settlements and Takutai Moana–Te Tari Whakatau will, on or before the settlement date, write a letter of introduction in the form set out in part 6.1 of the documents schedule to the New Zealand Police, Department of Corrections and Ministry of Justice, to introduce the governance entity and encourage the sector to enhance an ongoing relationship with Ngai Tai.

LETTER OF INTRODUCTION TO NGĀ TAONGA SOUND AND VISION

- 5.20. The chief executive of the Office of Treaty Settlements and Takutai Moana–Te Tari Whakatau will, on or before the settlement date, write a letter of introduction in the form set out in part 6.2 of the documents schedule to Ngā Taonga Sound and Vision to introduce the governance entity and raise the profile of Ngai Tai in relation to the work of Ngā Taonga Sound and Vision.

LETTER OF INTRODUCTION TO ŌPŌTIKI DISTRICT COUNCIL

- 5.21. The chief executive of the Office of Treaty Settlements and Takutai Moana–Te Tari Whakatau will, on or before the settlement date, write a letter of introduction in the form set out in part 6.3 of the documents schedule to the Ōpōtiki District Council, or successor entity at that time, to introduce the governance entity and encourage the Council to enhance an ongoing relationship with Ngai Tai.

LETTER OF INTRODUCTION TO BAY OF PLENTY REGIONAL COUNCIL

- 5.22. The chief executive of the Office of Treaty Settlements and Takutai Moana–Te Tari Whakatau will, on or before the settlement date, write a letter of introduction in the form set out in part 6.4 of the documents schedule to the Bay of Plenty Regional Council, or successor entity at that time, to introduce the governance entity and encourage the Council to enhance an ongoing relationship with Ngai Tai.

CULTURAL REDRESS PROPERTIES

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

In fee simple

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

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
5: CULTURAL REDRESS

(a) Te Atuahauta property;

(b) Whitikau property; and

In fee simple subject to a lease

- 5.23.2. the fee simple estate in Te Kura o Tōrere property, subject to the governance entity providing the Crown with a registrable lease in the form and on the terms and conditions set out in part 7 of the documents schedule (being a registrable ground lease for the property, but with the ownership of the improvements remaining unaffected by the vesting); and

As a local purpose reserve

- 5.23.3. the fee simple estate in He Pito Whanake, as a local purpose (cultural association and ecological restoration) reserve named He Pito Whanake Reserve, with the governance entity as the administering body.
- 5.24. The governance entity will administer He Pito Whanake Reserve to –
- 5.24.1. recognise and protect the spiritual, cultural, ancestral, customary and historical relationship between Ngai Tai and the whenua;
- 5.24.2. protect and maintain the ecological values of the reserve; and
- 5.24.3. subject to clauses 5.24.1 and 5.24.2, facilitate reasonable recreational access to the extent that is practicable to do so.
- 5.25. He Pito Whanake will be comprised of:
- 5.25.1. Part Meremere Hill Scenic Reserve;
- 5.25.2. Part Raukūmara Conservation Park;
- 5.25.3. Part Takaputahi Conservation Area;
- 5.25.4. Part Te Atuahauta Scenic Reserve;
- 5.25.5. Part Takaputahi/whitikau Conservation Area;
- 5.25.6. Takaputahi Conservation Area;
- 5.25.7. Part Toa Toa Scenic Reserve; and
- 5.25.8. Whitikau Conservation Area.

[NAME] PROPERTY

- 5.26. Ngai Tai recognises the shared whakapapa and whanaungatanga they have with Te Whānau a Haraawaka, and Ngai Tai will endeavour to work together with Te Whānau a Haraawaka for future opportunities provided for in this deed.

Management of the [Name] property

- 5.27. The settlement legislation will, on the terms provided by sections 54 to 55 and 75 to 78 of the draft settlement bill, provide that:
- 5.27.1. on the earlier of the settlement date or the settlement date under the Ngā Hapū o Te Whānau a Apanui settlement legislation, the [Name] property, being Part Raukūmara Conservation Park, Part Kapuarangi Conservation Area, and Part Takaputahi Conservation Area as shown on deed plan TTW-127-11, will –
- (a) cease to be a conservation area and ecological area and part of the Raukūmara Conservation Park under the Conservation Act 1987; and
 - (b) be declared to be a local purpose (cultural association and ecological restoration) reserve named [Name] Reserve; and
- 5.27.2. a joint management body comprising equal representatives appointed by the governance entity and the Ngā Hapū o Te Whānau a Apanui governance entity will be established to be the administering body to control and manage the reserve as if that appointment were made under section 30 of the Reserves Act 1977; and
- 5.27.3. the governance entity and the Ngā Hapū o Te Whānau a Apanui governance entity may agree to allocate a beneficial entity representation on the joint management body to reflect any future changes in the ownership shares in the [Name] property, but any such agreement does not alter the rights of appointment under clause 5.27.2; and
- 5.27.4. the joint management body referred to in clause 5.27.2 will administer the reserve to –
- (a) protect and maintain the ecological values of the reserve; and
 - (b) [recognise and protect the spiritual, cultural, ancestral, customary and historical relationship between the relevant iwi and hapū on the one hand and the whenua on the other;]
 - (c) subject to subclauses (a) and (b), facilitate reasonable recreational access to the extent that is practicable to do so; and
- 5.27.5. [for the purposes of clause 5.27.4(b) above, **relevant iwi and hapū** means the iwi and hapū that are represented by the appointers of the joint management body for [Name] reserve, or a beneficial entity; and]

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- 5.27.6. for the purposes of appointing representatives to the joint management body under clause 5.27.2, if the Ngā Hapū o Te Whānau a Apanui governance entity has not been established on the settlement date, then Te Rūnanga o Te Whānau Trust will appoint representatives to the joint management body (in place of the Ngā Hapū o Te Whānau a Apanui governance entity), until such time as the Ngā Hapū o Te Whānau a Apanui governance entity has been established.

Vesting of the [Name] property

- 5.28. The settlement legislation will, on the terms provided by sections 54 to 55 and 75 to 78 of the draft settlement bill, provide that –
- 5.28.1. the fee simple estate in the [Name] property will vest in undivided equal shares in each of the following as tenants in common –
- (a) the governance entity; and
 - (b) the Ngā Hapū o Te Whānau a Apanui governance entity; and
- 5.28.2. the vesting will occur on the later of –
- (a) the settlement date; and
 - (b) the settlement date under the Ngā Hapū o Te Whānau a Apanui settlement legislation; and
- 5.28.3. the [Name] property will continue to be a local purpose (cultural association and ecological restoration) reserve; and
- 5.28.4. notwithstanding the vesting under clause 5.28.1, the joint management body appointed under clause 5.27.2 will continue to be the administering body of that reserve for the purposes set out in clause 5.27.4, but the Reserves Act 1977 will apply as if the reserve were vested in that body under section 26 of that Act.

Transfer of share in the [Name] property

- 5.29. The settlement legislation will, on the terms provided by sections 67 and 68 of the draft settlement bill, –
- 5.29.1. state that **beneficial entity** means representatives of a group of members of Ngai Tai or Ngā Hapū o Te Whānau a Apanui;
- 5.29.2. enable the governance entity to apply to the Minister of Conservation to transfer all or part of its share in the [Name] property to another beneficial entity;
- 5.29.3. subject to that consent being received, provide for such transfer to occur; and

NGAKINGAKI TE WHENUA – DEED OF SETTLEMENT
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5.29.4. if such transfer occurs, provide that the joint management body established under section 77 of the draft settlement bill will continue to be the administering body of the [Name] property.

GENERAL PROVISIONS APPLYING TO ALL 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 72 and 75 to 78 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 clause 5.23 to be provided by the governance entity; or

(b) required by the settlement legislation; and

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

CREATION AND MANAGEMENT OF NGAI TAI RAUKŪMARA RESERVE, TO REMAIN VESTED IN THE CROWN ON THE SETTLEMENT DATE

5.31. The settlement legislation will on the terms provided in sections 73 to 74 of the draft settlement bill, provide that on the settlement date –

5.31.1. Ngai Tai Raukūmara property, being Part Raukūmara Conservation Park, as shown on deed plan TTW-127-09, will –

(a) cease to be a conservation area and part of the Raukūmara Conservation Park under the Conservation Act 1987;

(b) be a local purpose (cultural association and ecological restoration) reserve, named Ngai Tai Raukūmara Reserve; and

5.31.2. the governance entity will –

(a) be appointed to control and manage Ngai Tai Raukūmara Reserve, as if it were a local authority appointed to control and manage the reserve under section 28 of the Reserves Act 1977; and

(b) manage Ngai Tai Raukūmara Reserve to –

- (i) recognise and protect the spiritual, cultural, ancestral, customary and historical relationship between Ngai Tai and the whenua;
- (ii) protect and maintain the ecological values of the reserve; and
- (iii) subject to subclauses (i) and (ii), facilitate reasonable recreational access to the extent that is practicable to do so.

MANAGEMENT OF MARGINAL STRIPS

- 5.32. The settlement legislation will, on the terms provided by section 79 of the draft settlement bill, provide that on the settlement date, the following marginal strips will be managed by the governance entity in accordance with section 24H of the Conservation Act 1987:

5.32.1. Part Marginal Strip – Motu River;

5.32.2. Ngaupokotangata Stream Marginal Strip;

5.32.3. Petipeti Stream Marginal Strip;

5.32.4. Part Takaputahi River Marginal Strip;

5.32.5. Waitukuaruhe Stream Marginal Strip;

5.32.6. Part Whitikau Stream Marginal Strip;

(all shown on deed plan TTW-127-10); and

5.32.7. any marginal strip reserved from the vesting of the Whitikau property under clause 5.23.1(b) (as shown on deed plan TTW-127-05).

- 5.33. The settlement legislation will, on the terms provided by section 80 of the draft settlement bill, provide that on the settlement date, the following marginal strips (as shown on deed plan TTW-127-12) will be managed by the joint management body established under clause 5.27.2 in accordance with section 24H of the Conservation Act 1987:

5.33.1. Part Marginal Strip – Motu River; and

5.33.2. Part Takaputahi River Marginal Strip.

CULTURAL MATERIALS PLAN

- 5.34. The settlement legislation will, on the terms provided by sections 82 to 85 of the draft settlement bill, provide for the Minister of Conservation (or delegate) and the governance entity to develop a cultural materials plan, within five years of the settlement date, setting out how the governance entity will provide a member of Ngai Tai with written authorisations to collect the following cultural materials:

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5.34.1. flora material from public conservation land within the settlement redress area;
and

5.34.2. protected wildlife found dead within the settlement redress area.

OFFICIAL GEOGRAPHIC NAMES

- 5.35. The settlement legislation will, on 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
Tōrere River	Wainui te Awa	BE42 018 841 to BE41 936 899	River
Waiiti Stream	Wai Tii te Awa	BE42 000 880 to BE41 942 899	Stream

- 5.36. The settlement legislation will provide for the official geographic names on the terms provided by sections 44 to 46 of the draft settlement bill.

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

- 5.37. 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.
- 5.38. However, the Crown must not enter into another settlement that provides for the same redress as set out in clauses 5.23 to 5.29, 5.31 to 5.33 and 5.35.

OROI SCENIC RESERVE

- 5.39. The parties acknowledge that Ngai Tai and Whakatōhea have agreed that an undivided half share in the fee simple estate in the reserve land in the Oroī Scenic Reserve is to be transferred to the governance entity, as tenants in common with the trustees of Te Tāwharau o Te Whakatōhea, in accordance with and subject to the requirements of sections 98 to 100 of the Whakatōhea Claims Settlement Act 2024.

6 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 6.1. The Crown must pay the governance entity on the settlement date \$12,000,000, being the financial and commercial redress amount.

AQUACULTURE DEVELOPMENT FUND

- 6.2. The parties acknowledge that the amount in clause 6.1 includes an amount of \$1,000,000 for costs associated with applying for aquaculture resource consents.
- 6.3. If at any time the governance entity decides it does not wish to apply all or part of the payment referred to in clause 6.2 for aquaculture resource consenting purposes, the governance entity may use that payment, in whole or in part, for any other purpose that is consistent with its trust deed.

DEFERRED SELECTION PROPERTY

- 6.4. The governance entity may during the deferred selection period for the deferred selection property, give the Crown a written notice of interest in accordance with paragraph 4.1 of the property redress schedule.
- 6.5. Part 4 of the property redress schedule provides for the effect of the notice and sets out a process where the property is valued and may be acquired by the governance entity.

SETTLEMENT LEGISLATION

- 6.6. The settlement legislation will, on the terms provided by sections 87 to 92 of the draft settlement bill –
- 6.6.1. enable the transfer of the Ngai Tai Raukūmara property as a deferred selection property; and
- 6.6.2. provide that, if the Ngai Tai Raukūmara property is transferred to the governance entity under section 87 of the draft settlement bill –
- (a) the Ngai Tai Raukūmara property will remain a local purpose (cultural association and ecological restoration) reserve;
 - (b) the Ngai Tai Raukūmara property will form part of He Pito Whanake Reserve (referred to in clause 5.23.3 and administered by the governance entity in accordance with clause 5.24); and
 - (c) the following sections of the draft settlement bill will apply to the Ngai Tai Raukūmara property as if it were a reserve property (as defined in the draft settlement bill) that will vest in the governance entity under subpart 5 of part 2 of the draft settlement bill:

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- (i) section 60(2) and (3);
- (ii) section 61(1)(a), (2), (3) and (6);
- (iii) section 64(2) to (5); and
- (iv) sections 65, 66, and 69 to 72.

RFR FROM THE CROWN

6.7. The governance entity is to have a right of first refusal in relation to a disposal of RFR land, being –

6.7.1. land listed in part 6 of the attachments that on the settlement date -

- (a) is vested in the Crown; or
- (b) the fee simple for which is held by the Crown.

6.8. The right of first refusal is –

6.8.1. to be on the terms provided by sections 94 to 121 of the draft settlement bill; and

6.8.2. in particular, to apply –

- (a) for a term of 186 years on and from the settlement date; but
- (b) only if the RFR land is not being disposed of in the circumstances provided by sections 101 to 110 or under a matter referred to in section 111(1) of the draft settlement bill.

NGAI TAI AQUACULTURE SPACE

6.9. For Ngai Tai, their rohe moana is a significant part of their identity and aquaculture development therefore plays a key role in providing for the future success of their iwi members.

6.10. The Crown has agreed that the deed will provide the governance entity with an exclusive right to apply for a coastal permit in relation to aquaculture activities within an area of reserved space on the terms set out in clauses 6.11 to 6.12 below.

Reservation of Ngai Tai aquaculture space

6.11. The settlement legislation will, on the terms provided by sections 122, 124 and 125 of the draft settlement bill, provide –

6.11.1. for the reservation of the aquaculture space on the plan in part 5 of the attachments (Ngai Tai aquaculture space);

6: FINANCIAL AND COMMERCIAL REDRESS

- 6.11.2. for the reservation of the Ngai Tai aquaculture space to continue for a period of 35 years following the date on which the settlement legislation comes into force (reservation term);
 - 6.11.3. that at the end of the reservation term, the reservation of the Ngai Tai aquaculture space will be deemed to have lapsed;
 - 6.11.4. that the Bay of Plenty Regional Council will, as soon as is reasonably practicable after the settlement date, identify the Ngai Tai aquaculture space and record its effect in its regional coastal plan, without using the process under Schedule 1 of the Resource Management Act 1991 and any equivalent plan under any successor legislation without using the equivalent Schedule 1 process;
 - 6.11.5. that only the governance entity or a nominee of the governance entity may apply for a coastal permit in relation to aquaculture activities within the Ngai Tai aquaculture space during the reservation term (exclusive right);
 - 6.11.6. that, to avoid doubt, the exclusive right will continue to the end of the reservation term, regardless of whether the governance entity has applied for or obtained a coastal permit in relation to aquaculture activities within the Ngai Tai aquaculture space either before or during the reservation term; and
 - 6.11.7. that, during the reservation term, the Bay of Plenty Regional Council may grant a coastal permit authorising any other activity, apart from aquaculture activities, in the Ngai Tai aquaculture space, but only –
 - (a) to the extent that that activity is compatible with aquaculture activities; and
 - (b) after consultation with the governance entity.
- 6.12. The parties acknowledge that, in respect of clause 6.11:
- 6.12.1. the exclusive right does not mean that a coastal permit will necessarily be granted;
 - 6.12.2. the Crown has no further obligations beyond those set out in clause 6.11; and
 - 6.12.3. there is no recourse to the Crown in any circumstances, including if a coastal permit is not:
 - (a) applied for within the reservation term; or
 - (b) granted.

7 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

- 7.1. The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 7.2. The settlement legislation will provide for all matters for which legislation is required to give effect to this deed of settlement.
- 7.3. The draft settlement bill proposed for introduction to the House of Representatives –
 - 7.3.1. must comply with the drafting standards and conventions of the Parliamentary Counsel Office for Government Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and
 - 7.3.2. must be in a form that is satisfactory to Ngai Tai and the Crown.
- 7.4. Ngai Tai and the governance entity must support the passage of the draft settlement bill through Parliament.

SETTLEMENT CONDITIONAL

- 7.5. This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.6. However, the following provisions of this deed are binding on its signing:
 - 7.6.1. clauses 7.4 to 7.13; and
 - 7.6.2. paragraph 1.3, and parts 4 to 7, of the general matters schedule.

DISSOLUTION OF THE NGAITAI IWI AUTHORITY

- 7.7. The settlement legislation will on the terms provided in sections 128 to 130 and 134 to 149 of the draft settlement bill, –
 - 7.7.1. dissolve the Ngaitai Iwi Authority; and
 - 7.7.2. vest the assets and liabilities, rights, obligations and responsibilities of Ngaitai Iwi Authority in the governance entity; and
 - 7.7.3. provide, to the extent that any assets and liabilities of the Ngaitai Iwi Authority are held subject to any charitable trusts, that those assets and liabilities vest in and become the assets and liabilities of the governance entity, freed of all charitable trusts, but subject to trusts expressed in the governance entity trust deed; and

- 7.7.4. provide for various transitional arrangements in respect of the Ngaitai Iwi Authority and relevant subsidiaries, including transitional taxation arrangements.

RECOGNITION OF NEW MANDATED ORGANISATION AND VESTING OF FISHERIES AND AQUACULTURE ASSETS

- 7.8. In clause 7.9, **mandated organisation** means –
- 7.8.1. for the purposes of the Māori Fisheries Act 2004, a mandated iwi organisation; and
- 7.8.2. for the purposes of the Māori Commercial Aquaculture Claims Settlement Act 2004, an iwi aquaculture organisation.
- 7.9. The Crown agrees that the settlement legislation will, on the terms provided in sections 131 to 133 of the draft settlement bill, –
- 7.9.1. recognise that the governance entity is, and is recognised by Te Ohu Kai Moana Trustee Limited as, the new mandated organisation for Ngai Tai in place of the Ngaitai Iwi Authority;
- 7.9.2. confirm that Te Kumukumu Limited is the asset holding company of the governance entity under the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004;
- 7.9.3. provide that the governance entity's trust deed is approved as if it were approved under section 17 of the Māori Fisheries Act 2004 and section 33 of the Māori Commercial Aquaculture Claims Settlement Act 2004;
- 7.9.4. provide that Te Ohu Kai Moana Trustee Limited is not liable, and no action may be brought against it, for any act described in this deed of settlement that it does or omits to do, in so far as the act or omission is done or omitted in good faith, and with reasonable cause; and
- 7.9.5. include other provisions to give better effect to the fact that the governance entity is the new mandated organisation.

EFFECT OF THIS DEED

- 7.10. This deed –
- 7.10.1. is “without prejudice” until it becomes unconditional; and
- 7.10.2. may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.11. Clause 7.10.2 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

TERMINATION

- 7.12. The Crown or the governance entity may terminate this deed, by notice to the other, if –
- 7.12.1. the settlement legislation has not come into force within 30 months after the date of this deed; and
 - 7.12.2. the terminating party has given the other party at least 40 working days notice of an intention to terminate.
- 7.13. If this deed is terminated in accordance with its provisions –
- 7.13.1. this deed (and the settlement) are at an end; and
 - 7.13.2. subject to this clause, this deed does not give rise to any rights or obligations; and
 - 7.13.3. this deed remains “without prejudice”; but
 - 7.13.4. the parties intend that the on-account payment is taken into account in any future settlement of the historical claims.

8 GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

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

HISTORICAL CLAIMS

- 8.2. In this deed, **historical claims** –
- 8.2.1. means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngai Tai,¹ or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
 - (a) is, or is founded on, a right arising –
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law, including aboriginal title or customary law; or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992 –
 - (i) by, or on behalf of, the Crown; or

¹ Ririwhenua and Ngā Potiki are historical hapū whose customary rights in the Ngai Tai settlement redress area were exercised by virtue of descent from ancestors set out in the Ngai Tai claimant definition.

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(ii) by or under legislation; and

8.2.2. includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Ngai Tai or a representative entity, including the following claims:

- (a) Wai 78 – Tōrere claim;
- (b) Wai 2307 – Tōrere 21 Block (Lines) claim;
- (c) Wai 2553 – Tōrere Whānau (Piner) claim; and

8.2.3. includes every other claim to the Waitangi Tribunal to which clause 8.2.1 applies, so far as it relates to Ngai Tai or a representative entity, including the following claims:

- (a) Wai 1788 – State Highway 35 Land claim; and
- (b) Wai 2427 – Runanga Nui o Ngai Tai Whānau Whanui Mai Waihihi Mai Waihaha claim.

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

8.3.1. a claim that a member of Ngai Tai, or a whānau, hapū, or group referred to in clause 8.6.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 8.6.1; and

8.3.2. a claim that a representative entity may have to the extent the claim is, or is founded on, a claim referred to in clause 8.3.1.

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

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

NGAI TAI

8.6. In this deed, **Ngai Tai** means –

8.6.1. the collective group composed of individuals who descend from one or more of Ngai Tai ancestors; and

8.6.2. every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 8.6.1; and

8.6.3. every individual referred to in clause 8.6.1.

8.7. For the purposes of clause 8.6.1 –

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- 8.7.1. 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) whāngai in accordance with Ngai Tai tikanga (Māori customary values and practices); and
- 8.7.2. a **Ngai Tai ancestor** means an individual who:
- (a) exercised customary rights by virtue of being descended from:
 - (i) Manaakiao; and
 - (ii) Tōrerenuiārua; and
 - (b) exercised customary rights predominantly in relation to the Ngai Tai settlement redress area after 6 February 1840.
- 8.7.3. **customary rights** means rights according to tikanga Māori (Māori customary values and practices), including –
- (a) rights to occupy land; and
 - (b) rights in relation to the use of land or other natural or physical resources.

MANDATED NEGOTIATORS AND SIGNATORIES

8.8. In this deed –

8.8.1. **mandated negotiators** means the following individuals:

- (a) Lucy Steel, Tōrere;
- (b) Anaru Vercoe, Whakatāne;
- (c) Selwyn Hayes, Rotorua;
- (d) Te Waerengaahika Maxwell, Wellington; and

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

- (a) [*name, town or city of residence*];
- (b) [*name, town or city of residence*].

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ADDITIONAL DEFINITIONS

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

INTERPRETATION

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

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SIGNED as a deed on *[date]*

SIGNED for and on behalf
of Ngai Tai by
the mandated signatories in the
presence of –

[name]

[name]

WITNESS

Name:

Occupation:

Address:

SIGNED by *[appropriate signing
provisions for the governance
entity]* in the presence of -

[name]

[name]

WITNESS

Name:

Occupation:

Address:

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

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

Hon [Name]

WITNESS

Name:

Occupation:

Address:

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

Hon [Name]

WITNESS

Name:

Occupation:

Address: