

An aerial photograph of a waterfall cascading down a rocky cliff into a pool, surrounded by dense green forest. The waterfall is the central focus, with water flowing from the top right towards the bottom center. The surrounding vegetation is thick and vibrant green.

**HINEURU**  
and  
**THE TRUSTEES OF TE KŌPERE O TE IWI O HINEURU TRUST**  
and  
**THE CROWN**

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**DEED OF SETTLEMENT OF  
HISTORICAL CLAIMS**

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**2 April 2015**

**PURPOSE OF THIS DEED**

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Hineuru and breached the Treaty of Waitangi and its principles; and
- provides an acknowledgment by the Crown of the Treaty breaches and an apology; and
- settles the historical claims of Hineuru; and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the trustees of Te Kōpere o te iwi o Hineuru Trust, who have been approved by Hineuru to receive the redress; and
- includes definitions of –
  - the historical claims; and
  - Hineuru; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.

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## **DEED OF SETTLEMENT**

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**DEED OF SETTLEMENT**

**THIS DEED** is made between

**HINEURU**

and

**THE TRUSTEES OF TE KŌPERE O TE IWĪ O HINEURU TRUST**

and

**THE CROWN**

**HE TANGI MO TE WHENUA**

Ka tau te rongō nō Omarunui  
He parekura kua tau  
Te haehaetanga o te kiri  
Te kiri whenua ngangare nei e!  
Ka makere mai rā ngā kākahu o te ora  
Ka rongō te kikini o te mamae  
He hukapapa ka taka ki te pae  
He rā anō ka rewa  
Ka waihorōia te whenua  
E te paitini o te pene  
Ka ngaua ki te kiri māhiwahiwa o Papatūānuku  
Ka noho kiri kau e!  
Taku iwi tuaroa, te whenua o ōku tīpuna  
Pākatokatohia e te haehae o ngā kupu o te kōti  
Ka ngau, ka ngaro noa  
Kei whea taku whenua  
Taku Māoritanga e!

**TAUPARAPARA**

Ka tū au ki tōku maunga, ki a Titiōkura  
te wāhi i kapo i ngā titi e rere ana  
i ngā au whakakake o Ngāi Tāwhiri  
E tū rangatira nei hei tuarā mō taku whare kōrero  
Ka eke ki te tihi, ki Ahu-o-te-Atua, a, ki a Tarapōnui,  
ka titiro rā ki ngā wāhi tapu o te whenua,  
ki ngā whanaunga tata o ngā hapū o Maungaharuru  
Ka heke ki te heru a Tureia, ka eke ki te awa o Mōhaka,  
Ka kauria te awa ki Te Hoe

Ka rere taku titiro, ki te whenua e rite nei ki ngā kina o te moana,  
ki ngā maunga kōrero o Tatarakina, ki te whenua o Waitara  
Kia tū te ringa, kia whakapono ki te atua,  
mō te whenua kua riro, mō te kōti o te whenua

Ka hoki i ngā wai karekare o Te Hoe,  
kia eke ki te ngutu awa o Hautapu  
He awa kōrero, he awa honohono ki ngā iwi whakarua,  
ka tau ki Te Pukahunui, Matakuhia, Mangapapa, ki Waipunga  
Ko Te Kohu, ko Whirinaki  
Hei whakawhirinaki ki Ngāi Tuhoe,  
Ngāti Manawa, Ngāti Whare

Ka whakatere i te toto o te whenua  
ki ngā kainga maha o te rohe  
Ngā whare kōrero o Hineuru  
Haruru ai te wairere ki Waipunga

Whakahokia mai rā ki runga o Rangitaiki  
Ka piki ake i ngā hau kerikeri  
Titiro whakararo ko Pohokura  
Hei kura mō te iwi

Nō te Waipunga, ka tai rere ngā wai o Okoeke

o Tunamaro kia eke ki Ripia, ki ngā awaawa o te uru  
E hono nei ki te Mōhaka  
E karanga mai nā e nga hapū o Tauhara  
He taura herenga tangata nō mua  
Te takapau o te ora e

Ka nuku te whenua ki te tonga, ki Kaweka  
Ngā maunga whakahī mō te whare kōrero  
Ngā whakahekenga o Kahungunu  
O Mōkai Pātea

Kia whakahokia ki ngā maunga karangaranga  
o Te Waka o Ngarangikataka  
Kei runga ko Pirinoa pā  
Kei raro te tohu mō te iwi  
Te Pari o Mateawha

Ka eke ki runga i te hā o te roto,  
E tū mai ana hei Karauna mō te takiwā  
Te Haroto, kāinga tapu o ngā tīpuna  
Te whare o te Rongopai  
Whare oranga ko Piriwiritua  
Hononga tangata, hononga whenua  
Whakapono  
Ka tau te mauri ki te whenua  
Ka hora te marino ki te tangata  
Hineuru tū tangata whenua nei e!

**WHAIKORERO**

Ko Titiokura te maunga  
Ko Mōhaka te awa  
Ko Mataatua te waka  
Ko Te Rangihiroa te tangata

Tīhei mauri ora  
Maungarongo ki te whenua  
Whakaaro pai ki ngā tāngata katoa

Ka mihi ki te runga rawa, nāna te tīmatanga, te whakaotinga, me kī te kaihangā o ngā mea katoa, nō reira korōria ki tōna ingoa tapu.

Ka mihi atu ki a rātou mā kua wheturangitia. Haere, haere, haere, moe mai ra ki te kāinga tūturu mō te tangata.

Rātou te hunga mate ki a rātou, tātou te kanohi ora ki a tātou.

“He taima nō kua takoto mō ngā mea katoa, me te wā mō ngā meatanga katoa i raro i te rangi; He wā e tangi ai, he wā e kata ai; he wā e auē ai, he wā e kanikani ai” (Kaikauwhau 3:1:4)

Kua hipa atu nui ake i te kotahi rau tau te roa, mā tēnei, ka hoatu tātou i te arohā kia maumahara tō tātou iwi, ngā pēpi, ngā kaumātua, tāne me te wāhine kua mamae mai i te kore mahi tika o te tangata pukukai me te kino. Ka hoki ngā whakaaro ki te Rangatira a Te Rangihiroa, me ngā pākino i ngaua e te Kāwanatanga ki runga i a ia, me te iwi o Hineuru i ngā tau kua pahure.

Ka hoatu tātou i te whakanuitanga ki a rātou i te māia o te whawhai, i mate i raro i te tika, ki a rātou i mauheretia, i te raupatutanga hoki o tō rātou whenua. Ā, ki a rātou hoki kia mau tonu ki te ahikā o te kāinga.

Mō te rua tekau tau nui ake, he mahi nui te mahi o ngā mema o te Poari o Ngāti Hineuru Iwi Incorporated me ngā kaikōrero kua noho te kimi i te kōrero tūturu o Hineuru. Me whakanui tātou i a rātou kua hoea te waka, kia mānu ki uta, ā, me ērā o rātou kua wheturangitia.

Kia hiwa rā, kia hiwa rā e te iwi o Hineuru, maranga mai! Ana kua tae te wā kia pū te ruha kia hao te rangatahi. He ra hōu tēnei mō te iwi.

Nō reira, ko te tumanako kia whakaūngia mai mātou ki te arohā noa, paiheretia anō mātou ki te rangimārie i ngā wā katoa.

**MOTEATEA**

E rere te ao e kume i runga rā  
Homai kia mihia i te tuaititanga  
Ka hewa te ngākau i ō mātau rewā ai  
E hoki ki te iti te mahi mate tinana  
Hua atu e te iwi he mahi pai tēnei  
Kāore i ēnei he tīkaro manawa  
I mahue iti ai au  
Te hikanga waewae te whai nei i au  
Te tira o Maehe i whāngai aku mata  
Te hiwi ki te toroa patunga waihoe māu  
Nāu nei e Hare  
E ahu rā uta ngā roma i huri atu  
Kai tua koutou e aroha nei au.  
Whakatarawaia ana te pae whenua koe-  
Ara haerenga atu nō te kare ā roto  
Nōku te wareware te arumia atu te tira o Panapa  
Whakangaro atu ana  
Ngā uru rākau o Hau Tere i tua  
Tahuri mai ki muri ko au ka whai atu  
Nā te ngutu i whata  
Waiho rawa e te iwi, haua ana taku rongō  
Ki ngā tai whenua o te Rea i Rangīia  
Ka hoki au ki te iwi

**PEPEHA**

Ko Titiokura te Maunga

Ko Mōhaka te Awa

Ko te Rongopai me Piriwiritua ngā Whare

Ko Te Haroto te Marae

Ko Hineuru te Iwi

Ko Te Rangihiroa te Tangata

Ko Mataatua te waka



# 1 BACKGROUND

- 1.1 In this background section, Hineuru describe their kōrero tuku iho (traditional history) about their origins and rohe (traditional area). Hineuru also discuss their pursuit of redress and the Waitangi Tribunal inquiries into their claims.

### THE ORIGINS OF HINEURU

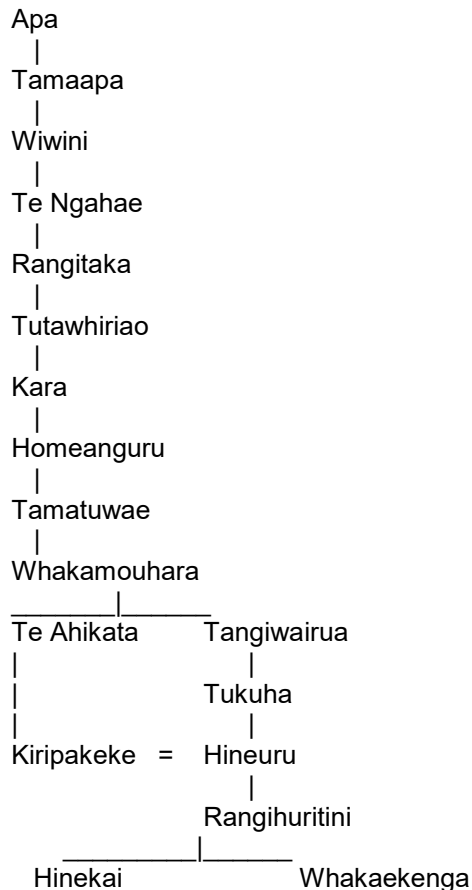
- 1.2 The Hineuru iwi trace their descent back to two key ancestors: Apa Hapaitaketake, of Ngāti Apa, and Kurapoto.
- 1.3 Apa Hapaitaketake, also named Apa Tikitiki, was the son of Ruatea, captain of the Kurahaupō waka. Apa Hapaitaketake, could also trace descent from Toi Te Huatahi, who was a descendant of the great Maui tikitiki a Taranga. Apa originally resided with his people at Pūtauaki (Mt Edgecumbe). However, trouble flared in Pūtauaki resulting in Ngāti Apa migrating and settling at Lake Rotoaira, south of Taupo.
- 1.4 After some time, Ngāti Apa was again entangled in conflict with the local people and migrated from the Rotoaira district; dividing themselves into three sections. The first section went into the Rangitikei district, the second section into Murupara, and the third section under the command of Miromiro moved to Te Runanga and eventually to Pohokura and finally settled at Ohinekonehu Pā. From this third section of Ngāti Apa descended Hineuru, the eponymous ancestress of the iwi of Hineuru.
- 1.5 It is said that Apa Hapaitaketake settled at Kawerau, and from there, launched his attack on the local people of Runanga. These former inhabitants were conquered over generations by the descendants of Apa, and according to varying traditions, were “completely destroyed”, driven out of the area entirely, or absorbed by Hineuru. Their conquered lands included Pohokura, Tatarakaia, Runanga, Pukahunui and Heruiwi, and Apa’s descendants expanded and settled these lands.
- 1.6 Apa himself, after the first wave of conquest, settled on Runanga and established several kāinga there.
- 1.7 Nine generations after Apa first attacked the local peoples it was Whakamouhara, Apa’s descendant who further expanded the boundaries of their early rohe into lands which later became known as Heruiwi 4. This was the second wave of conquest.
- 1.8 The first pā established by Whakamouhara, were Te Kopua pā and Tukemohoao pā. Tamatuwae, the father of Whakamouhara, soon followed him to Heruiwi, as did Whakamouhara’s son Te Ahirata, and Te Ahirata’s son Kiripakeke.
- 1.9 Around this time, there was another migration of Ngāti Apa into the area. This party, led by the rangatira Takapumanuka and his two sons Miromiro and Whakakahu, travelled from the Kawerau district into Tarawera and eventually settled at Lake Rotoaira. This group, allied to the Ngāti Apa already living in the region, played a further role in the ultimate defeat of the former inhabitants of the region.
- 1.10 The eponymous ancestor of Hineuru was the granddaughter of Whakamouhara, and her first husband Kiripakeke was also his descendant. Following the death of Kiripakeke, Hineuru married Rakauwhakapuna, a descendant of Tangiharuru. One son was born of each marriage, Rangihurituni to Kiripakeke and Tokowaru to

## DEED OF SETTLEMENT

### 1: BACKGROUND

Rakauwhakapuna. Hineuru shared her lands between them. Rangihurituni inherited land at Tarawera. It is said that Hineuru died at Tatarakina.

- 1.11 The marriage of Rangihurituni to Te Amionga, who descended from Kurapoto, was a significant moment in the history of the iwi as it united the two key ancestral lines. Kurapoto originally came to Aotearoa via the Te Arawa waka. It is said that, from his original home at Kawerau, Kurapoto explored the upper Mōhaka and Tarawera districts with his son Kawhea.
- 1.12 Kurapoto, and particularly his son Kawhea are attributed with conquering the land later known as the Tarawera, Wharetoto, Umupapamaro, Te Matai, Tapapa, Hautu and Tauhara South, North and Middle blocks.
- 1.13 The descendants of the union between Rangihurituni and Te Amionga were thereafter known as Ngāti Hineuru.
- 1.14 Below is the whakapapa showing the line of descent from Apa to Rangihurituni and his sons Hinekai and Whakaekenga.



- 1.15 Below is the whakapapa showing the relationship between the line of descent of Whakamouhara and of Takapumanuka.



## DEED OF SETTLEMENT

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### 1: BACKGROUND

who would use the access route. The brothers were eventually killed in defence of this route, and as a result a rahui was placed over the river. Taunga died and was buried at Te Hāroto, and Whero at Whareoneone, a fighting pa which Whero was particularly associated to.

- 1.20 Due to the location of their rohe, Hineuru were often faced by hostile pressure and encounters with other iwi. This was due to competitiveness over the prime lands and resources within the Hineuru rohe, and the fact that their rohe was located in the midst of so many tribal groups, who often had to utilise access routes across Hineuru lands.
- 1.21 Hineuru exercised and maintained tino rangatiratanga and rights and interests over the lands in their rohe through ahi kaa, but also through the protection and defence of their lands and mana.

#### THE ROHE OF HINEURU

- 1.22 The traditional rohe of Hineuru is described in the following pepeha:

Ko Titiokura te Maunga  
Ko Mōhaka te Awa  
Ko te Rongopai me Piriwiritua nga Whare  
Ko Te Hāroto te Marae  
Ko Hineuru te Iwi  
Ko te Rangihīroa te Tangata  
Ko Mataatua te waka.

- 1.23 The Hineuru rohe, although in a mountainous region lying across the main divide, was in a pivotal position as it was the location of the main access routes from Hawke's Bay to Taupō, Rotorua and the Bay of Plenty.
- 1.24 The north and north-eastern expanses of the rohe are comprised of the Rangitaiki and Kaingaroa plains, which were traditionally seasonal mahinga kai areas rather than settlement zones. The core areas of occupation were the high altitude lands located to the south of the plains, bordered by the Titokura and Te Waka Ranges to the east and south-east and the Kaweka Ranges to the south and south-west.
- 1.25 The Waipunga River Valley was the focal point of settlement; the landscape was less rugged and covered in dense native forest. The geographical character of the valley made it not only ideal for settlement, resource gathering and cultivation, but also an important communications route between the Hawke's Bay and the central plateau.
- 1.26 Hineuru also had settlements to the south at Te Hāroto and along the Mōhaka River Valley. Some of the most significant historical pā and kāinga were: Tarawera, Te Hāroto, Waiparati, Ohinekonehu Pā, Porimeke Pā, Matawhero kāinga, Pohoi Ate Mumuhu, Raroa Pā, Pukemohao Pā, and Whareoneone Pā.
- 1.27 Hineuru are tangata whenua within their rohe. They have held, and continue to hold, ahi-kā-roa (long occupation) since the original inhabitants first settled the land. The importance of various taonga, significant sites and places, are detailed in the Hineuru values and statements of association set out in the documents schedule.

## DEED OF SETTLEMENT

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### 1: BACKGROUND

#### PURSUIT OF REDRESS AND THE WAITANGI TRIBUNAL

- 1.28 For generations the people of Hineuru have sought redress for the many breaches of the Treaty by the Crown. From the nineteenth century, Hineuru have made claims, petitions, submissions and taken action to seek redress for Treaty breaches.
- 1.29 The rohe of Hineuru is so large that the iwi have been involved in four separate Waitangi Tribunal District Inquiries: the Mohaka ki Ahuriri Inquiry, the Urewera Inquiry, the Central North Island Inquiry and the Taihape Inquiry.
- 1.30 Hineuru have filed various claims with the Waitangi Tribunal, to have their grievances heard, reported on and acknowledged, particularly:
- 1.30.1 Wai 299: Relating to the Mōhaka-Waikare confiscation. This claim was brought jointly with a number of other hapū who also have interests in the Mōhaka-Waikare confiscated block. This claim covered the Mōhaka-Waikare confiscation district, “which lay roughly between the Ahuriri block to the south, the sea in Hawke Bay to the south-east, the Mohaka block to the north-east, and the 39th parallel or provincial boundary to the north.”
- 1.30.2 Wai 1034: Relating to the balance of the Hineuru rohe including lands in the Urewera and Central North Island Waitangi Tribunal Inquiry districts.

#### THE MOHAKA KI AHURIRI WAITANGI TRIBUNAL INQUIRY

- 1.31 The Waitangi Tribunal Inquiry into the Mohaka ki Ahuriri district took place between 1996 and 2000.
- 1.32 According to their closing submissions, the Wai 299 claimants stated that their claim was “primarily a **raupatu** grievance, as much as the Taranaki and Waikato raupatu grievance.” They expressed the position that, “[t]he evidence for the claimants has shown that ultimately the principles in the Treaty were to be subordinated to the self-interest of the Crown’s policies for colonial settlement as well as the personal interests of its members of government.”
- 1.33 The Tribunal’s, *Mohaka ki Ahuriri Report* was released in 2004. The Tribunal reported that the claims of Hineuru were well founded, and concluded that the Crown has breached the Treaty in a number of ways. In particular, Hineuru wish to highlight the following breach conclusions:
- 1.33.1 The Crown negotiated unscrupulously to purchase land at Ahuriri in 1851, and made insufficient effort to obtain Hineuru’s agreement; instead, their ‘consent’ was essentially acquired ex post facto, when the transaction was a fait accompli.
- 1.33.2 The Crown was not justified in perceiving a threat from the Pai Mārire followers camped at Ōmaranui or Te Rangihīroa’s party near Pētane, and its attacks on them and the subsequent pursuit of the escapees, and destruction of their (and others’) property were unjustified.

## DEED OF SETTLEMENT

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### 1: BACKGROUND

- 1.33.3 The Crown's expedition to the Hineuru rohe at Waiparati and the surrounding area after Omaranui was unreasonable and involved indiscriminate excesses.
- 1.33.4 Following the battle of Omarunui, the manner in which 'confessions' were extracted and the prisoners' indefinite detention on the Chathams without trial amount to breaches by the Crown of its duty of active protection and its duty to act reasonably and in good faith.
- 1.33.5 The actions of those who encamped at Ōmarunui and Pētane, and were then forcibly engaged in battle by the Crown were not 'rebellious' and as such, the confiscation of the Mōhaka–Waikare district under the New Zealand Settlements Act 1863 was a breach of the provisions and principles of the Treaty.
- 1.33.6 The New Zealand Settlements Act breached article 2 of the Treaty, which laid down that the Crown could purchase only such land as Maori were willing to sell. This Act was furthermore, not correctly applied in certain respects such as the failure of the Governor to set aside 'eligible sites for settlement' as required by the Act.
- 1.33.7 In regards to the confiscation the Tribunal concluded that even if it were to conclude (which it did not) that Hineuru were in rebellion, it considered that land far beyond their rohe was taken under the confiscation proclamation. Even where some individuals were involved, they did not constitute a 'significant' portion of the tribe. The Tribunal found that the Crown breached the principle of equal treatment and that Hineuru suffered thereby.
- 1.33.8 Although most of the confiscated land was returned, the Crown was unjustified in retaining certain blocks, such as Waitara, particularly as they were not used for military settlements as the New Zealand Settlements Act 1863 required. The loss of Hineuru's principal cultivations and settlements at Tarawera alongside the Waipunga River was a serious blow to the viability and maintenance of that community.
- 1.33.9 The Crown permitted the Native Land Court to investigate the title of Pakaututu, which was confiscated land. The title of the block was awarded to an iwi who were allies of the Crown. The Tribunal concluded that the Crown should have required the Compensation Court to consider claims to the block, rather than allow Hineuru to be disenfranchised at a court sitting in Napier. The Crown breached the principle of equal treatment, as well as its duties to act reasonably and in good faith and to actively protect the interests of Hineuru.
- 1.33.10 Hineuru were the predominant customary owners of the Tarawera and Tatarakina blocks. But, having wrongly dispossessed them by way of confiscation, the Crown wrongly granted title to those in the 1870 agreement, who were largely another iwi.
- 1.33.11 In regards to Tarawera and Tatarakina, Hineuru were faced with many years of title confusion and uncertainty as to who could occupy the land due

## DEED OF SETTLEMENT

### 1: BACKGROUND

to revisions of the titles. The Tribunal considered that the Crown was obliged to compensate those dispossessed by the 1870 agreement awards with Crown land elsewhere, or with other resources. Instead, the Crown passed legislation in 1924 that, on the Native Land Court's investigation of customary titles, allowed those dispossessed in 1870 or their descendants to get land already awarded to the 1870 grantees. Attempting to reverse that mistake, as the Crown did in 1952, further compounded the breach of the Treaty.

- 1.33.12 The native land legislation imposed a revolution in Māori land tenure that seriously undermined the social, political, and economic structures of customary Māori society.
- 1.33.13 The Crown, in its acquisition of excessive amounts of land from Hawke's Bay Māori, in its failure to assist Māori to develop their remaining lands at an early date, and in its limited vision of the role of Māori in the economy, breached the principles of the Treaty of Waitangi."



*Rere Puna, Bevan Taylor, and Fred Reti receiving the Mohaka ki Ahuriri Report  
Taken by Dean Cowie consented to Hineuru for use in negotiations*

### UREWERA WAITANGI TRIBUNAL INQUIRY

- 1.34 The Urewera Inquiry took place during the period of November 2003 to February 2005 and the Hineuru claim related to Crown actions and policies with respect to their interests in the Heruiwi and Heruiwi 4 blocks, including the effects on Hineuru of the Native Land Court, Crown purchasing policies and practices, survey liens, and Crown forestry policies.
- 1.35 The Tribunal released its pre-publication reports in 2009. It has not as yet released a final report. The Tribunal reported that the claims of Hineuru were well founded, and concluded that the Crown has breached the Treaty in a number of ways. In particular, Hineuru wish to highlight the following breach conclusions:

## DEED OF SETTLEMENT

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### 1: BACKGROUND

- 1.35.1 The Crown's dealing with individuals to bypass and defeat community opposition to sales in Heruiwi 4 was in breach of the Treaty.
- 1.35.2 The Tribunal found that the Crown "purchase machine, with its interlocking policies and practices, coerced Maori to part with their land, in a manner utterly inconsistent with the Treaty of Waitangi. The prejudice suffered by the claimants was serious." The Tribunal accepted the submission of claimant counsel that nothing illustrated more clearly the Crown's willingness to circumvent and undermine community attempts to control the land alienation process than the power, granted by legislation in 1913, to purchase individual interests in land. The Crown used this power during its acquisition of Heruiwi 4A2B.
- 1.35.3 The extremely low quorum requirement for meetings of assembled owners, so as to disenfranchise the majority of owners and obtain their land without consent was a breach of the Treaty.
- 1.35.4 The 1913 legislative amendment to bypass meetings of assembled owners altogether was a breach of the Treaty.
- 1.35.5 The Crown "failed to consider the impact on the peoples of Te Urewera of the inescapable and cumulative costs – survey costs, court fees, and the costs of travel, food, and accommodation involved in attending court hearings – of securing new titles to their land, and to provide appropriate assistance."

### CENTRAL NORTH ISLAND WAITANGI TRIBUNAL INQUIRY

- 1.36 The Central North Island Inquiry covered claims from across three districts: Rotorua, Taupō and Kaingaroa. Hearings took place during 2005. The Hineuru claim in the Central North Island related to the Runanga, Pukahunui and Pohokura blocks. The claimants submitted that Hineuru suffered numerous social and economic difficulties as a "direct and indirect result of Crown confiscation, purchasing and the operations of the Native Land Court and other Crown actions... Ngāti Hineuru were dislocated from their traditional lands, wahi tapu and resources and as a consequence destabilised their traditional patterns of resource use, economic structures and societies and were hampered and/or prevented from economic utilisation and development of their remaining resources."
- 1.37 Hineuru also argued that the Crown 's actions reported on in the Waitangi Tribunal's *Mohaka ki Ahuriri Report* and the effects of these Treaty breaches were also felt in the Central North Island. The harm to them in terms of loss of life, economic loss, and loss of mana, affected their whole rohe. They were weakened by these things, and by the Crown's continued hostility to them, greatly reducing their ability to resist the Native Land Court, land alienation, and further harm in the Central North Island. Their labelling as 'hauhau' and 'rebels' is a continuing source of grief and harm.
- 1.38 The Tribunal's *He Maunga Rongo, Report on Central North Island Claims, Stage One*, was released in 2008. The Tribunal reported that the claims of Hineuru were well founded, and concluded that Hineuru suffered, like many other Central North Island iwi from the impact of the war, their unwillingness or inability to attend the Native Land Court. All Central North Island Maori were affected by the economic damage that

## DEED OF SETTLEMENT

### 1: BACKGROUND

stemmed from the wars. They also all suffered long term damage through being forced into a civil war situation. The Tribunal found that “the wars were the unnecessary creation of a settler government bent on conquest”.

- 1.39 The Tribunal found that war and confiscation had devastating prejudicial effects, some of them casting shadows to the present day. These included loss of life, loss of land and resources, economic harm, social disruption, divisions among kin, indirect loss of land and resources (through war-influenced absence from the Native Land Court), and stigmatisation as ‘rebels’. Ultimately, war and confiscation undermined the autonomy of all Central North Island Maori (including those who allied with the Crown), in breach of Treaty principles.

#### SETTLEMENT ASPIRATIONS

- 1.40 On 13 August 2010 Hineuru delivered a presentation to the Minister of Treaty of Waitangi Negotiations on the settlement aspirations that Hineuru are seeking to achieve through the settlement process.
- 1.41 These aspirations have laid the foundation for the pursuit through its Treaty settlement, and serves as a basis on which Hineuru can move forward as an iwi with our mana and rangatiratanga intact.
- 1.42 Through this settlement, Hineuru claim their right to their customs, to their heritage, to their ancestors, and to their land.
- 1.43 As a means of implementing the Hineuru settlement aspirations, Hineuru requires the fulfilment of six pou that reflect the aspirations their tipuna held for their mokopuna. These six pou indicate the direction of Hineuru in settling their Treaty claims and guide Hineuru in moving forward into a stronger future. They are as follows:

##### Pou 1

**Restoration and protection of our cultural heritage and history for our future generations.**

##### Pou 2

**Restoration of the health and wellbeing of our people.**

##### Pou 3

**Recognition of the mana of Hineuru and restoration of the relativity Hineuru had with other iwi of the region.**

##### Pou 4

**Reassertion of the presence of Hineuru through our rohe.**

## DEED OF SETTLEMENT

### 1: BACKGROUND

#### Pou 5

Rebuilding an economic base for Hineuru.

#### Pou 6

Revitalisation and restoration of our role as kaitiaki of our resources and environment.

#### **Pou 1: The restoration and protection of our cultural heritage and history for our future generations**

- 1.44 The loss of land and displacement of our people has severely damaged our culture and traditions. Our troubled history has stripped us of our sense of self, of our people and of our community. We still carry the burden of being labelled “rebels” today, and our mana has suffered as a result of incorrectly recorded history. Through this settlement we seek to have the heritage of our culture restored and safeguarded for current and future generations.

#### **Pou 2: Restoration of the health and wellbeing of our people**

- 1.45 The well-being and living conditions of our people was severely eroded following the raupatu period. As a consequence, our people suffered the effects of poor health as living and housing conditions plummeted. Many of our people today live in an impoverished state. Looking forward, we hope to improve the physical and subsequently the cultural health of our people using the settlement as a foundation to do that.

#### **Pou 3: Recognition of the mana of Hineuru and restoration of the relativity Hineuru had with other iwi**

- 1.46 Our mana whenua has been subjected to ongoing and systematic assault as a result of Crown interventions. The Crown has continually undermined the mana of Hineuru and the failure to acknowledge Hineuru as an iwi with authority has been carried through up until recent times. As a consequence of Crown intervention, Hineuru have been classified and labelled, up until recently, a hapū of other iwi in the region. Through this settlement, we seek to begin to reinstate our mana as tangata whenua relative to other iwi and to lay a foundation for a positive relationship in true partnership with the Crown.

#### **Pou 4: Reassertion of the presence of Hineuru through our rohe**

- 1.47 With the strategic location of the Hineuru rohe, we enjoyed being one of the key iwi in the region. Following raupatu and the following decades of uncertainty concerning occupation rights to our lands, the prime position of Hineuru was taken away and relegated to a more minor iwi status. Hineuru are often excluded as an iwi from publicly available material such as census material. This settlement provides recognition by the Crown of our mana through physical means such as the return of lands, as well as recognition based Treaty settlement redress.

## DEED OF SETTLEMENT

### 1: BACKGROUND

#### **Pou 5: Rebuilding an economic base for Hineuru**

- 1.48 The troubled history of Hineuru beginning with unprovoked attacks and exacerbated by the loss of large areas of land as well as the lack of assistance received in subsequent years has meant that Hineuru have not had the opportunity to be in a position to even consider economic opportunities to date. Through this settlement Hineuru wish to rebuild an economic base.

#### **Pou 6: Revitalisation and restoration of our role as kaitiaki of our resources and environment**

- 1.49 Our natural environment, as the source of our sustenance and nourishment, forms another of our key cornerstones. Our maunga Titiokura, and te Waka a Ngarangikataka, as well as our rivers and forests hold great cultural significance and were vital to our sustenance. Today many of our resources are depleted and degraded and we are unable to access these resources or to assist with their management. Through this settlement, Hineuru will have greater involvement in the management of resources within the rohe.

### **NEGOTIATIONS**

- 1.50 The iwi of Hineuru gave Ngāti Hineuru Iwi Incorporated a mandate to negotiate a deed of settlement with the Crown by deed of mandate on 8 April 2009.
- 1.51 The Crown recognised the mandate in October 2009.
- 1.52 Hineuru and the Crown, -
- 1.52.1 by terms of negotiation signed in June 2010, agreed the scope, objectives, and general procedures for the negotiations; and
- 1.52.2 by agreement, signed on 2 October 2012 at Parliament by the Minister for Treaty of Waitangi Negotiations, and Tuhūiao Kahukiwa, Karauna Brown, Ivy Kahukiwa-Smith, Tirohia Bridger, Te Reo Spooner, Toi Tawhai, Renata Bush and Joyce Eparaima, for and on behalf of Ngāti Hineuru Iwi Incorporated, agreed, in principle, that Hineuru and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
- 1.52.3 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**

- 1.53 On 8 July 2014 Ngati Hineuru Iwi Incorporated resolved –
- 1.53.1 that this deed be initialled by the Crown and Ngati Hineuru Iwi Incorporated; and

## DEED OF SETTLEMENT

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### 1: BACKGROUND

- 1.53.2 that Tirohia Bridger, Karauna Brown, Renata Bush, Tuhiao Kahukiwa, Ivy Kahukiwa-Smith, Te Reo Spooner and Toi Tawhai (being board members of Ngati Hineuru Iwi Incorporated) initial this deed.
- 1.54 Hineuru have, since the initialling of the deed of settlement, by a majority of-
- 1.54.1 81%, ratified this deed and approved its signing on their behalf by the trustees of Te Kōpere o te iwi o Hineuru Trust (the **trustees**); and
- 1.54.2 75%, approved the trustees receiving the redress.
- 1.55 Each majority referred to in clause 1.54 is of valid votes cast in a ballot by eligible members of Hineuru.
- 1.56 The trustees approved entering into, and complying with, this deed by resolution of the trustees on 17 March 2015.
- 1.57 The Crown is satisfied –
- 1.57.1 with the ratification and approvals of Hineuru referred to in clause 1.54; and
- 1.57.2 with the trustees' approval referred to in clause 1.56; and
- 1.57.3 the trustees are appropriate to receive the redress.

### CENTRAL NORTH ISLAND CROWN AGREED PROPORTION

- 1.58 On 25 June 2008, Ngāi Tūhoe, Ngāti Manawa, Ngāti Tūwharetoa, Ngāti Whakaue, Ngāti Whare, Raukawa and the Affiliate Te Arawa Iwi/Hapū entered into a deed of settlement (the **CNI deed**) with the Crown relating to their Historical CNI Forests Land Claims (as defined in the CNI deed).
- 1.59 Settlement under the CNI deed was effected by the CNI settlement legislation vesting the CNI forests land in CNI Iwi Holdings Limited (the **CNI trustee**) to hold and administer the CNI forests land, in accordance with the CNI settlement legislation, the CNI deed, and a deed of trust, for –
- 1.59.1 the CNI Iwi Collective; and
- 1.59.2 the Crown.
- 1.60 The CNI settlement legislation provides that the Crown agreed proportion (as defined in that legislation), which includes the Crown's entitlement as a beneficiary of the CNI Iwi Holdings Trust to an undivided 10% share by value of the CNI forests land, is to allow for the settlement of the historical claims to the CNI forests land of a claimant who is not part of and is not represented by the CNI Iwi Collective (section 19).
- 1.61 Hineuru is an iwi which has historical CNI forests land claims, but is not part of and is not represented by the CNI Iwi Collective.
- 1.62 The CNI Iwi Collective proposed to Hineuru and the Crown that, instead of Hineuru being allocated any CNI forests land or other property representing its share of the Crown agreed proportion, –

## DEED OF SETTLEMENT

### 1: BACKGROUND

- 1.62.1 the Crown would accept the addition of Hineuru as a beneficiary of the CNI Iwi Holdings Trust, with a beneficial entitlement to the CNI forests land only, in substitution for the Crown in respect of a share of the Crown agreed proportion; but
- 1.62.2 the share of the Crown agreed proportion applicable to Hineuru would be redeemed by way of the CNI trustee paying \$16 million into an interest-bearing solicitor's trust account, in the name of the Crown and for the ultimate benefit of Hineuru, in consideration of Hineuru relinquishing -
- (a) its rights as a beneficiary of the CNI Iwi Holdings Trust; and
  - (b) its historical CNI forests land claims.
- 1.63 Hineuru has, in a deed entered into with the CNI Iwi Collective and the CNI trustee, accepted the CNI Iwi Collective's proposal.
- 1.64 Under a deed between Hineuru and the Crown, -
- 1.64.1 Hineuru has—
- (a) relinquished –
    - (i) its historical CNI forests land claims; and
    - (ii) any interest in the Crown agreed proportion and the CNI forests land; and
  - (b) waived its right to make any claim in any court, tribunal, or other judicial body in relation to the historical CNI forests land claims; and
  - (c) acknowledged that legislation giving effect to a settlement of its historical claims may include provisions giving effect to paragraph (b) by excluding the jurisdiction of courts, tribunals, and other bodies; and
- 1.64.2 the Crown has agreed to instruct the solicitors holding the payment of \$16 million referred to in clause 1.62.2 to pay the \$16 million together with the balance of interest in the trust account (interest on the payment capable on specified conditions of being used for the purposes of funding the negotiations for this deed) to an entity that –
- (a) the Crown is satisfied is appropriate to receive the redress provided on a settlement of the historical claims; and
  - (b) has been approved by Hineuru to receive the redress, in accordance with an agreed process.
- 1.65 The Crown subsequently redeemed 41.9% of the Crown agreed proportion (4.19% of the total shares in the CNI trustee with a value of approximately \$9.46 million).

## DEED OF SETTLEMENT

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### 1: BACKGROUND

#### AGREEMENT

1.66 Therefore, the parties –

1.66.1 in a spirit of co-operation and compromise, with an open and honest intent, wish to enter, in good faith, into this deed settling the historical claims; and

1.66.2 agree and acknowledge as provided in this deed.

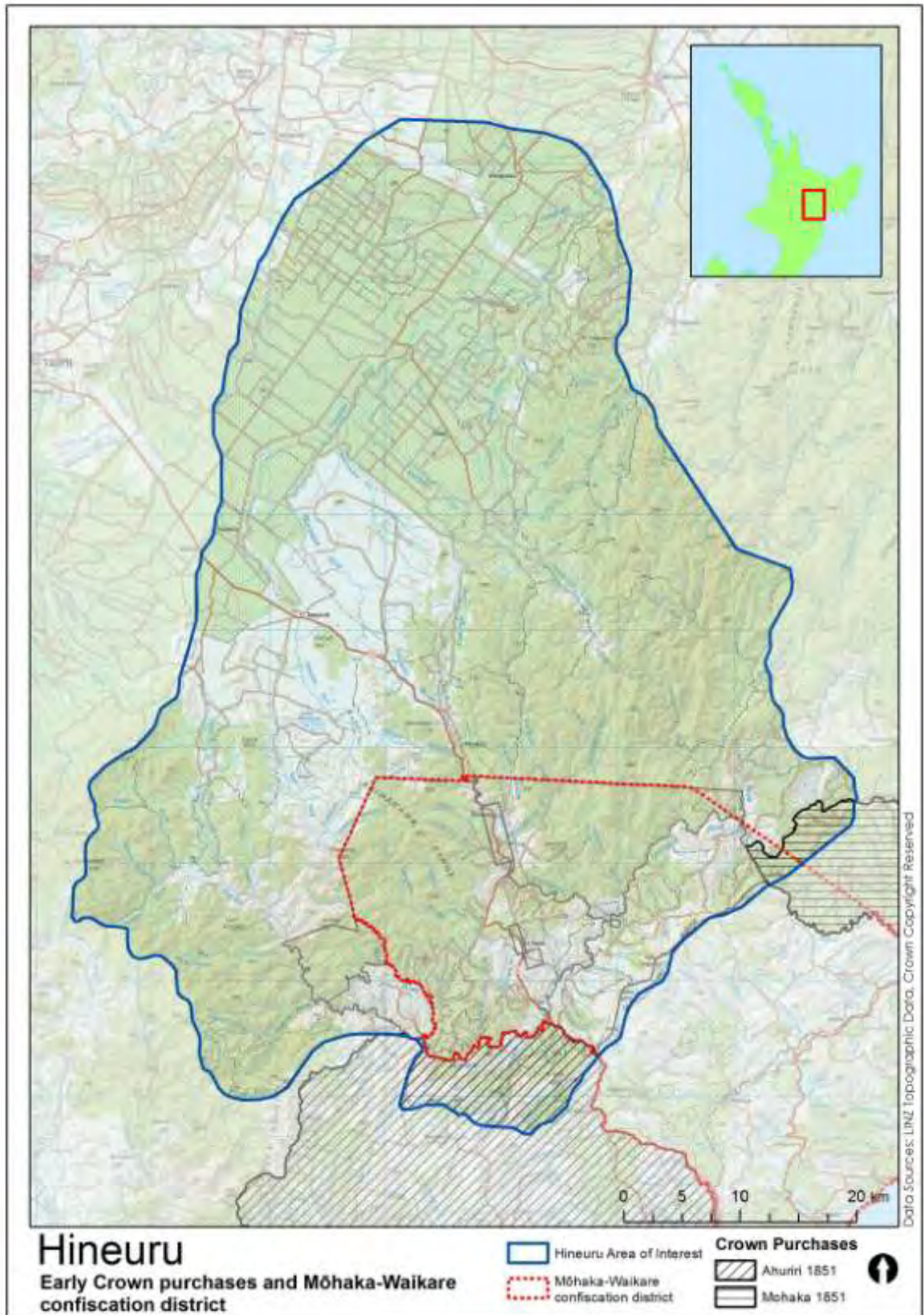
## 2 HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgements and apology to Hineuru in part 3 are based on this historical account.
- 2.2 Hineuru see themselves as descended from the ancestor Apa and take their name from the ancestress Hineuru, a descendant of Apa. In the mid nineteenth century the tipuna of Hineuru lived and cultivated in the Waipunga and Mōhaka river valleys, and at Tarawera, Te Hāroto, Waiparati and other kāinga in the mountainous inland region between Hawke's Bay and Taupō Moana, crossed by the upper reaches of the Mōhaka and Waipunga Rivers. Hineuru have interests in the Mōhaka-Waikare confiscation district proclaimed by the Crown in 1867, and in other land blocks to the north of the confiscation boundary.
- 2.3 Hineuru did not have the opportunity to sign Te Tiriti o Waitangi on 24 May 1840, when Crown representatives brought Te Tiriti to the mouth of the Tukituki River at the southern end of Hawke's Bay. Hineuru had some contact with Europeans during the 1840s and 1850s through visiting Christian missionaries, both Anglican and Catholic, and other travellers. By 1850 Hineuru had erected a chapel at Tarawera.

### THE AHURIRI PURCHASE

- 2.4 In the early 1850s the Crown decided to acquire a large amount of land in Hawke's Bay. The Crown was keen to purchase land for settlement rather than allow Māori to lease it to settlers. In 1851 the Crown's chief land purchase agent, Donald McLean, commenced negotiations for large scale purchases in Hawke's Bay.
- 2.5 In April 1851, the Governor instructed McLean to purchase the Ahuriri block for the lowest price Māori would accept. The Hineuru rangatira Te Rangihīroa led a party to Tangoio to protest against the inclusion in the purchase negotiations of lands inland of Titiokura, in which they had interests. Their arrival was met by armed Māori who supported the sale. McLean admonished those Māori for resorting to arms and defended Te Rangihīroa's entitlement to speak in support of his claims. However, when McLean met Te Rangihīroa and his party he told them to return home and not to interfere in negotiations for land in which he said they had no interests.
- 2.6 By 2 May 1851 Māori from another iwi agreed to sell the Ahuriri block to the Crown for £1500. Hineuru were not parties to the agreement. On 17 November 1851 the Crown and members of another iwi signed a deed of purchase for the Ahuriri block. By this time the western boundary of the block had been moved to the summit of the Kaweka Range and into the Hineuru rohe.
- 2.7 Hineuru did not receive a share of the payment for the Ahuriri block in 1851, and the inland boundary of the Ahuriri transaction continued to be an issue for them in the years that followed.

DEED OF SETTLEMENT  
2: HISTORICAL ACCOUNT



## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.8 In early 1858 McLean finally met with Te Rangihīroa and other rangatira to discuss Hineuru concerns. As a result of their discussions, the iwi who had signed the 1851 deed promised to pay compensation to Hineuru for their claims to the block out of the proceeds of further land sales and Te Rangihīroa withdrew his opposition to the revised boundary. On 24 February 1858 three Hineuru rangatira signed a deed of receipt for £50, which the Crown paid on behalf of the other iwi in relation to Te Rangihīroa's claims to the Ahuriri block. On 20 August 1859 the Crown forwarded a further payment of £50 to another group of eight Hineuru "in complete settlement" of their claims to the block. In July 1859, McLean also purchased the Kaweka block from Hineuru and another iwi. Part of the Kaweka block lay within the boundaries of the Ahuriri block, and so, theoretically, had already been purchased.
- 2.9 The land the Crown reserved from the Ahuriri block amounted to less than one percent of the total area of the block. The Crown did not make any reserves in land in which Hineuru had interests.

### THE INTRODUCTION OF THE NATIVE LAND LAWS

- 2.10 Parliament established the Native Land Court under the Native Land Acts 1862 and 1865, to determine the owners of Māori land "according to native custom" and to convert Māori customary title into title derived from the Crown. Through the native land laws the Crown also set aside its Article 2 Treaty right of pre-emptive purchase, allowing Māori owners to lease and sell their lands to private parties or the Crown once title had been granted. The Crown intended these Acts to facilitate the opening up of Māori customary lands to Pākehā settlement. Any Māori individual could initiate a Native Land Court title investigation by submitting an application to the Court. When the Court decided to hear an application, all of those with customary interests had to participate in the hearing if they wished to be included in the Court's order regardless of whether or not they wanted a Crown title. Māori were not represented in Parliament when this legislation was introduced, and Hineuru were not consulted about the introduction of the laws.
- 2.11 The native land laws introduced a significant change to Māori customary land tenure. The titles available under the native land laws were awarded to individuals and undermined tribal control of land and land alienation. The Crown expected that this change would eventually lead Māori to abandon the tribal and communal structures of traditional land holdings.

### HINEURU AND THE NEW ZEALAND WARS

- 2.12 Wars between the Crown and Māori in Taranaki and the Waikato during the early 1860s did not directly lead to conflict in Hawke's Bay, but they contributed to tensions that led to warfare later in the decade.
- 2.13 In the late 1850s Hineuru were involved in Māori political affairs in Hawke's Bay. In 1857 Crown land purchasing in the region created tensions among Māori that led to fighting, and Hineuru supplied weapons to some of the combatants. In 1859 Hineuru people attended a large hui at Pā Whakairo, near present day Hastings, which considered the alternatives of establishing rūnanga or supporting the Kīngitanga. Hineuru also had some contact with settlers and the Hawke's Bay provincial government in the early 1860s.

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

- 2.14 In early July 1863 war broke out in the Waikato. Hawke's Bay Māori sought to avoid involvement in the conflict. Later in July rangatira of Hineuru and other Hawke's Bay iwi met with representatives of the Provincial Government at Pā Whakairo to discuss how best to keep the peace in the region. The rangatira present later issued a declaration stating that all parties agreed to protect each other from attack, and that they had decided to designate a number of rangatira as "guardians" of the peace. The Hineuru rangatira Nikora Te Whakaunua, Kipa, and Te Rangihīroa were declared guardians at Tarawera.
- 2.15 There was no conflict in Hawke's Bay in 1864 and 1865, but many Māori and settlers feared for the worst and the situation remained tense. On 11 May 1864 Donald McLean, now Superintendent of Hawke's Bay province, wrote to the Crown warning of a suspected attack on Napier by Māori from the Urewera district. In his memorandum McLean wrote that Te Rangihīroa was actively engaged in rallying Māori against Europeans and Māori at Ahuriri. McLean sought an extra five or six hundred troops to counter the perceived threat to the peace in Hawke's Bay. In May 1864 Governor Grey authorised three hundred troops for Napier, but the suspected attack never took place and the reinforcements were soon withdrawn.

#### *Hineuru and Pai Mārire*

- 2.16 In 1862 the Taranaki prophet Te Ua Haumene founded the Pai Mārire (Good and Peaceful) religion. Pai Mārire promised the achievement of Māori autonomy. From the mid-1860s the rise of the Pai Mārire movement caused growing concern in the Hawke's Bay and East Coast regions, which contributed to the tensions arising from military activity in neighbouring areas. Although the new religion gained followers in Hawke's Bay, many rangatira pushed to keep Pai Mārire out of the region, particularly following the killing of the missionary Carl Volkner at Ōpōtiki in early March 1865. Pai Mārire leaders in Hawke's Bay tried to disassociate themselves from what had happened at Ōpōtiki and the religion continued to attract some followers.
- 2.17 Some Hineuru converted to Pai Mārire. The Pai Mārire leader amongst Hineuru was the poropiti (prophet) Panapa, who had returned to the Hineuru rohe after spending time as a mission catechist. About 1865 Panapa established a Pai Mārire settlement, complete with a niu pole (used in Pai Mārire rituals), at Waiparati near the present-day settlement of Te Hāroto.
- 2.18 On 15 March 1865, soon after the killing of Volkner, McLean was appointed Agent of the General Government for the East Coast in addition to his existing roles as Superintendent for Hawke's Bay province and Member of the House of Representatives for Napier. This appointment made McLean head of civil and military affairs in the East Coast region. His instructions, which reflected the concerns of the Crown and its Māori allies about Pai Mārire, empowered him to deal with unrest of any kind in the region, and to summon, train, and arm local militia, including 'loyal' Māori. In early 1866 it was alleged that Hineuru followers of Pai Mārire had interfered with the arrest of men accused of stealing sheep. McLean asked for further instructions from Wellington, and in February 1866 the Crown authorised McLean to use force to assist with the arrest of the accused. McLean did not make use of these powers in relation to Hawke's Bay at this time, although there was fighting between the Crown and adherents of Pai Mārire north of the region in 1865 and early 1866.

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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***Ōmarunui and Pētane***



*Pai Mārire Prisoners, 1865*  
*Swan and Wrigglesworth (estab. 1864, closed 1870), gifted by Mrs M O*  
*Gibson, Collection of Hawke's Bay Museums Trust, Ruawharo Tā-ū-rangi,*  
*4386 a.*

- 2.19 The conflict at Ōmarunui and Pētane in October 1866 was a key turning point in the history of Hineuru, and led to the Crown proclaiming the confiscation of the Mōhaka-Waikare block in 1867.
- 2.20 In 1866 the Crown had yet to conclude peace agreements with all Māori it had fought against in the New Zealand wars. In August 1866, Te Rangihīroa and Panapa wrote to McLean to say they would lead a party to coastal Hawke's Bay in response to his invitation to meet. In September 1866 an armed party of about one hundred, led by Panapa and including a number of Hineuru people, came to Pētane on the Hawke's Bay coast hoping to meet with McLean. Te Rangihīroa remained inland at Te Pōhue.
- 2.21 This party stayed at Pētane for several weeks. They told a Crown official who visited there that they had come to Hawke's Bay in response to an invitation from McLean. On 4 October most of the party at Pētane moved to Ōmarunui a few miles away. The usual inhabitants of Ōmarunui left their pā.
- 2.22 On 5 October McLean wrote to Panapa and the other leaders of the party encamped at Ōmarunui to ask them to explain their intentions. In correspondence between 5 and 8 October the leaders indicated that they were expecting to meet McLean in light of his invitation to come to Hawke's Bay. At no time did the party at Ōmarunui attack anyone.
- 2.23 On 8 October 1866 McLean decided that the party encamped at Ōmarunui were a threat to the security of the region surrounding Napier. It is not clear why McLean came to this view. He ordered Crown military forces to begin preparations to neutralize the threat he perceived.

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

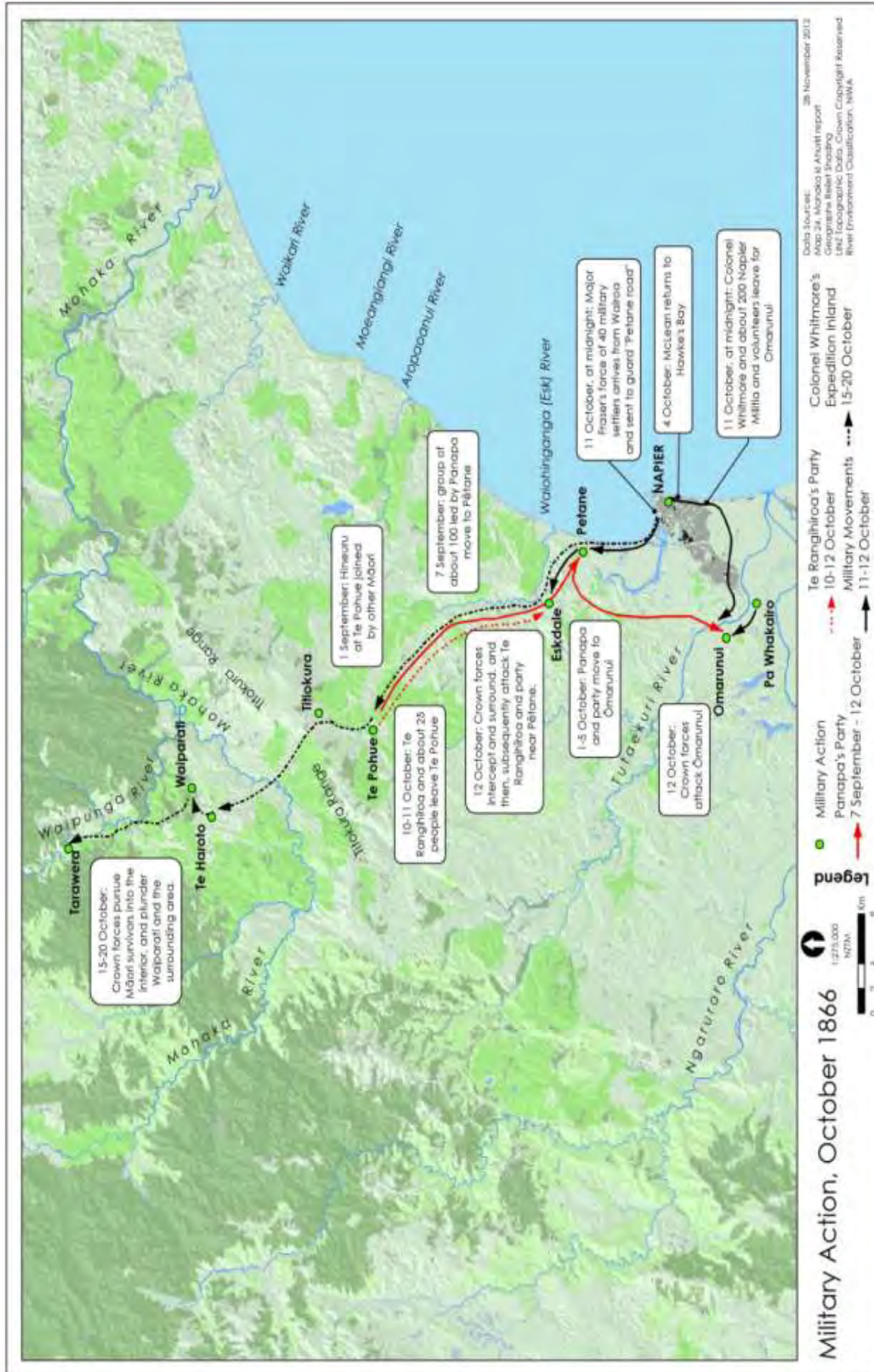
- 2.24 At midnight on 11 October 1866 Crown military forces began to surround Ōmarunui. McLean hoped that a display of overwhelming military force would induce those inside the pā to surrender. In the morning though, the Crown sent an ultimatum to them demanding that they surrender within one hour or face attack. After almost two hours the occupants had not surrendered and Crown forces launched an assault on the pā.
- 2.25 Crown forces killed about 23 of those inside Ōmarunui in over an hour of fighting. One Pākehā and two Māori fighting as part of the Crown forces were also killed. Hineuru kōrero records that Panapa died beneath the willow tree at Ōmarunui where he had stood during the battle. The battle ended when most of those inside Ōmarunui surrendered. Some managed to break out and flee towards Te Pōhue, but they were pursued and mostly killed or captured.
- 2.26 At the same time Ōmarunui was attacked Crown forces marched to Pētane and arrested three men who had remained at the pā. According to a report made by the commanding officer, Crown forces then intercepted and surrounded a party of armed Māori on horseback, led by Te Rangihīroa, who were riding from Te Pōhue in the direction of Pētane. Crown forces fired on the party after they refused several calls to surrender. Te Rangihīroa and eleven others were killed in the fighting. Te Rangihīroa's half-brothers Kipa and Kingita were both killed at Ōmarunui.
- 2.27 The Crown captured 86 prisoners after its attacks at Ōmarunui and Pētane, including 34 Hineuru. Most of the prisoners were transported to the Chatham Islands. Petera Te Rangihīroa, who later became a Hinueru leader and played a very important role in the Native Land Court, was amongst the Hineuru people transported.

No.	Name	Sex	Age	Complexion	Color of Eyes	General Remarks
1	Kōwhiri Pātiki	Male	25	Dark	Green	Lips tattooed
2	Tāhau	Male	21	Dark	Dark	Partially tattooed
3	Pōhaka Teheke	Male	21	Dark	Dark	Well tattooed
4	Tōwhiri	Male	21	Dark	Dark	Well tattooed
5	Kōwhiri Teheke	Male	25	Dark	Dark	Well tattooed
6	Waharoa Kōwhiri	Male	22	Dark	Dark	Well tattooed
7	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
8	Waharoa Kōwhiri	Male	22	Dark	Dark	Well tattooed
9	Waharoa Kōwhiri	Male	22	Dark	Dark	Well tattooed
10	Waharoa Kōwhiri	Male	22	Dark	Dark	Well tattooed
11	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
12	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
13	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
14	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
15	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
16	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed
17	Pōhaka Teheke	Male	25	Dark	Dark	Well tattooed

Excerpt of names of Hineuru prisoners captured at Ōmarunui

## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT



## DEED OF SETTLEMENT

### 2: HISTORICAL ACCOUNT

#### *The Crown pursuit of Hineuru after Ōmarunui and Pētane*

- 2.28 Immediately following the battles at Ōmarunui and Pētane, Crown forces made up of military settlers, volunteers, and about 200 of the Crown's Māori allies, pursued the scattered Māori survivors, including some Hineuru, into the interior. The Crown forces were commanded by Lieutenant-Colonel Whitmore, who had led the attack on Ōmarunui.
- 2.29 At Titiokura, a Hineuru village, Crown forces found only a few old men and some women. By 19 October 1866 Whitmore's force had arrived at Te Hāroto. They reached Panapa's kāinga at Waiparati later the same day but found it abandoned. Whitmore ordered the kāinga's niu pole, which he described as "of all the poles we had destroyed... the largest and most carefully constructed," to be cut down, and, at the request of his whole force, for a discharge of small arms to be fired as it fell. Crown forces then plundered Waiparati and the surrounding area, taking approximately two hundred horses amongst other things.
- 2.30 Whitmore continued his pursuit to what he considered to be the Hawke's Bay provincial boundary, where the survivors fled into the mountains of the central North Island. At the top of a hill overlooking the Waipunga valley, Whitmore posted a notice in te reo Māori that informed the "Hauhaus" that they had been punished and pursued to the boundary, and threatening them that if they attempted to oppose the Crown's sovereignty they would be "followed up to the farthest end of New Zealand." In closing his report on these events Whitmore stated that "the defeat of the enemy on the plains & the rapid pursuit of the few fugitives into a country always hitherto considered inaccessible, has for the present averted all danger of invasion [of Hawke's Bay] from the Tarawera side."
- 2.31 By the end of 1866 Hineuru had abandoned nearly all of their kāinga and cultivations. A small community remained at Tarawera, comprised of almost solely women and children. The men were either dead, had retreated to other parts of the North Island, or had been transported to the Chatham Islands. According to a contemporary source who visited the area, the women at Tarawera lamented their losses every morning and evening with customary mourning practices, scoring themselves with pipi shells, which had "the effect of making them weep most naturally."

#### *Hineuru and the Whakarau (1868-1872)*

- 2.32 The Crown held the Hineuru and other Māori prisoners on the Chatham Islands in harsh conditions for nearly two years. At no time were the prisoners given a trial. During their detention many of the prisoners converted to the Ringatū faith founded by Te Kooti Arikirangi, a fellow prisoner who had been transported to the Chatham Islands after conflict in Tūranga.
- 2.33 In July 1868 Te Kooti led 298 prisoners in an escape. Te Kooti and his followers seized a ship and sailed back to the New Zealand mainland. On 9 July 1868 the escapees landed on the coast of the North Island to the north of Hawke's Bay. Many Hineuru people were among those who came ashore, including Petera Te Rangihīroa. Te Kooti wished to lead his followers, who became known as the Whakarau, peacefully to Taupō. However the Crown and the Whakarau soon became embroiled in a bitter war.
- 2.34 In September 1868 the Crown decided to offer peace terms to the Whakarau that no further action would be taken against them if they laid down their arms and surrendered.

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The Crown also promised to find them land to live on. Some kind of offer reached the Whakarau but it is unclear whether the full extent of the Crown's terms was communicated.

- 2.35 On 10 November 1868 the Whakarau, led by Te Kooti, attacked Matawhero and killed more than 50 men, women and children, both Māori and Pākehā. Over the next month they also raided Pātūtahi and Oweta.
- 2.36 The Crown responded quickly to the attack on Matawhero. It assembled a force to apprehend the Whakarau, comprised largely of other iwi. They fought several engagements, and killed many of the Whakarau in November and December 1868. The Whakarau suffered significant casualties at Makaretū, and those found wounded were summarily executed. By early December 1868 Te Kooti and the Whakarau had retreated to Ngātapa, a fortified pā located in a strong defensive position at the top of a steep hill. Hineuru rangatira Henara Paata, Petera, Akutina and Maka were killed by Māori forces allied with the Crown during initial fighting at Ngātapa.
- 2.37 In early January 1869, Crown forces led by Colonel Whitmore besieged Ngātapa. On 5 January, having lost their water supply, Te Kooti and some of his supporters escaped down an unguarded cliff. Crown forces captured the pā and some set off in pursuit of the escapees. A severed head reported to belong to Nikora of Hineuru was brought back to the Crown camp. Other Hineuru may have been killed during the attack and its aftermath. Whitmore's report on the events at Ngātapa stated that by the end of 6 January at least 136 of pā's defenders had been killed either in battle or the pursuit.
- 2.38 In the days following the taking of Ngātapa Crown forces summarily executed a number of prisoners who had been captured. The identity of most of those executed is not definitely known. The exact number of those executed was not officially recorded at the time and is now debated as is the manner in which the executions occurred. Despite descriptions of such killings appearing in newspapers, the Crown never conducted an inquiry into the events at Ngātapa.
- 2.39 After Ngātapa Crown forces pursued the Whakarau throughout the central North Island until 1872. During the course of the pursuit the Whakarau raided other Māori settlements. The pursuit meant that Hineuru individuals with the Whakarau were unable to return to their homes. In February 1869, after travelling through the Hineuru rohe, a Crown official expressed the view that Hineuru were "almost extinct" as the result of losses at Ōmarunui and elsewhere.
- 2.40 The conflict in 1869 brought Crown forces and the Whakarau into the Heruiwi district, where Hineuru had interests. Te Kooti took some Hineuru people from Heruiwi to Taupō as prisoners. This, and ongoing Crown military activity in and around Te Urewera after 1869, meant the Hineuru people remaining at Heruiwi judged it unsafe to stay and eventually left the area for Tarawera.
- 2.41 In 1872 Te Kooti sought shelter in the King Country, where he advocated peace and adherence to the law. In 1883 the Crown issued a general pardon of Māori who had fought against the Crown during the New Zealand wars.
- 2.42 The end of the war meant that exiled Hineuru could finally return to their rohe. In the 1870s Hineuru people began to return to Te Hāroto, which was now Crown land.

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#### THE MŌHAKA-WAIKARE CONFISCATION

- 2.43 During the 1860s it was Crown policy to confiscate land from those it considered rebels, and the New Zealand Settlements Act 1863 was enacted to facilitate such confiscations.
- 2.44 On 8 January 1867 McLean wrote to the Premier recommending that the Crown confiscate a block of land in Hawke's Bay pursuant to the New Zealand Settlements Act and its amendments. McLean described the proposed confiscation district as an area lying between Pētane and the Waikare River along the coast and extending inland to the Hawke's Bay provincial boundary. McLean believed that about half of the proposed block was owned by Māori who were "taken in arms at Ōmarunui." McLean's correspondence shows that although he considered the land to be of little economic value he thought it had strategic value as the route for a road linking Napier and Taupō.
- 2.45 On 12 January 1867 the Crown proclaimed that it would confiscate land in the Mōhaka-Waikare district under the New Zealand Settlements Act 1863. The Crown did not define the district selected for confiscation with reference to iwi and hapū boundaries. Some land within the district was already Crown land. The proclamation stated that the Crown would not retain the land of any loyal inhabitants within the confiscation district, and any "rebels" who submitted to the Crown within a reasonable time frame would receive only a "sufficient quantity" of land that was "adequate for their maintenance". The New Zealand Settlements Act was punitive in nature and did not provide a definition of "rebel".
- 2.46 The Crown did not establish any judicial inquiry into interests within the Mōhaka-Waikare district or to determine who had been loyal and who had been in rebellion. The Compensation Court, used in some other parts of New Zealand where the Crown confiscated land, did not sit in Hawke's Bay. Nor was any process equivalent to the Tauranga Commissioners or the Poverty Bay Commission established with respect to the Mōhaka-Waikare confiscation. The process of collecting the names of the persons to whom the returned blocks were to be allocated to was left entirely up to Crown officials.

#### ***The Mōhaka-Waikare deeds of 1868 and 1870 and the Mōhaka and Waikare Districts Act 1870***

- 2.47 On 8 May 1868 the Crown signed a deed with a number of Hawke's Bay rangatira, returning some of the Mōhaka-Waikare district to Māori ownership and retaining the remainder for the Crown. However, the deed was never implemented. In July 1868 the prisoners who had been sent to the Chatham Islands escaped, and the Crown became embroiled in further fighting against them.
- 2.48 In 1869, during the fighting between the Crown and the Whakarau, the Crown began renegotiating how much land the Crown would retain, and how much would be returned to Māori. On 13 June 1870 a second Mōhaka-Waikare deed was signed. The deed split the Mōhaka-Waikare district into smaller blocks. It provided for the Crown to retain four inland blocks: Waitara (approximately 40,000 acres), 50 acres on the left bank of the Mōhaka River, Te Hāroto (1000 acres), and Tarawera Reserve (2000 acres, which included the site of the Crown redoubt). The land at Te Hāroto was to be divided into two 500-acre portions. One portion included the site of another Crown redoubt and the other was to be made available for members of another iwi or "such other purposes as Government may desire." The agreement also provided for the remainder of the confiscated area, excluding those parts already purchased by the Crown, to be subdivided and granted to individual Māori recorded in a schedule. These included the

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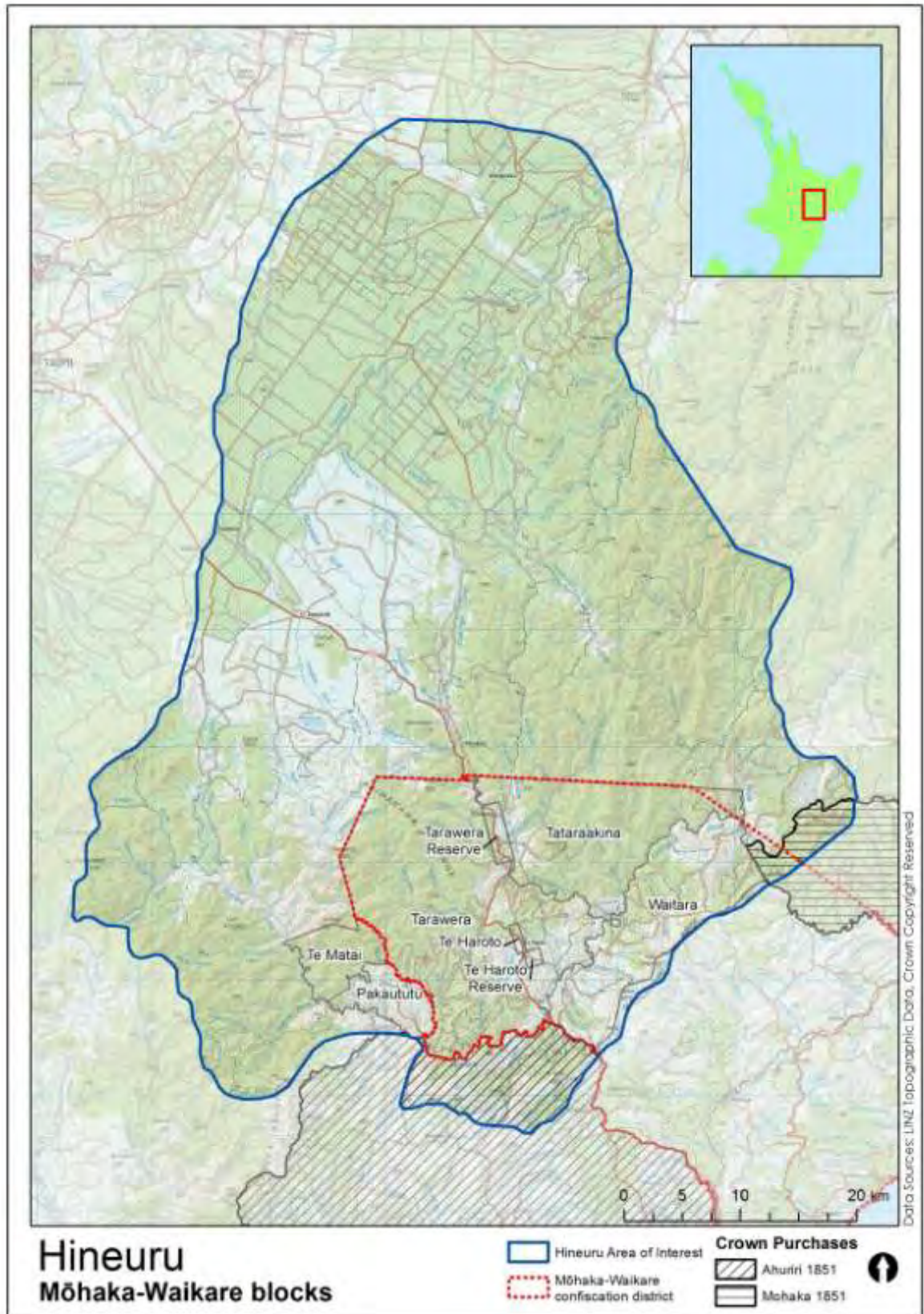
Tarawera block (approximately 76,700 acres; 24 names) and the Tatarakaikina block (approximately 37,000 acres; 22 names).

- 2.49 Of the 165 Māori recorded in the schedule to the 1870 agreement, only 18 were identified as Hineuru in the 1920s. Most of the Hineuru grantees were included in the list of owners for the Tatarakaikina block. Tatarakaikina, bounded by the Waipunga River to the south and west and by the Mōhaka River to the south and east, was rugged and remote. Although part of the Hineuru rohe, it was separated from the Hineuru settlement at Te Hāroto. The list of grantees for the Tarawera block was predominantly comprised of members of another iwi, and few Hineuru were listed as grantees for the block even though it encompassed a large proportion of their traditional rohe.
- 2.50 At the time of the negotiation of the 1868 and 1870 agreements many Hineuru people were no longer resident in their rohe. Many were in the Chatham Islands, or were with the Whakarau after their escape in 1868. Others were living in exile in other parts of the North Island. The 1870 deed provided that the returned blocks were to be inalienable “both as to sale and mortgage” and that they were to be held in trust by the persons named in the schedule “in the manner provided, or hereinafter to be provided by the General Assembly for Native Lands under trust.” The deed did not clarify whether interests in the returned blocks were equal, or whether they were held according to Māori custom.
- 2.51 The 1870 deed was given effect by the Mohaka and Waikare District Act. The Act confirmed the extinguishment of Hineuru interests in the Waitara block and the three other interior confiscation blocks, all of which were within the Tarawera corridor and the core of the Hineuru rohe. Hineuru lost the majority of their interests in the Tarawera block. The Act returned the Tatarakaikina block to the listed Hineuru owners, but extinguished the rights of many other traditional owners at the same time.
- 2.52 The Crown sections of the Mōhaka-Waikare lands were surveyed in the 1870s. There were, however, lengthy delays in the issuing of Crown grants to the individuals referred to in the 1870 agreement.

#### ***The Native Land Court hearing of 1882***

- 2.53 In 1878 the Mohaka and Waikare Districts Act was inadvertently repealed. In 1881 the Native Land Acts Amendment Act included provisions revalidating both the 1867 confiscation and the 1870 agreement. By this time much of the land earmarked in the 1870 agreement for return to Māori was being leased by them to Pākehā settlers.
- 2.54 The 1881 Act provided for the Native Minister to apply to the Native Land Court to determine ownership of the Mōhaka-Waikare blocks that were to be returned under the 1870 legislation. The Native Land Court usually awarded ownership of Māori land to individuals it determined to have customary rights to the land. However in July 1882 when the Native Land Court considered ownership of the returned blocks it proceeded on the understanding that the only persons who could be recognised as having an interest in the land were those named in the 1870 agreement or their successors. The Court’s awards confirmed that the 1870 grantees were the owners of the Tarawera and Tatarakaikina blocks.

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**2: HISTORICAL ACCOUNT**

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**TARAWERA AND TATARAAKINA BLOCKS**

- 2.55 The 1870 Mōhaka-Waikare deed returned the Tarawera block to 24 named individuals and the Tataraaakina block to 22 named individuals. In the 1920s only three of the 24 individuals named on the list of Tarawera grantees were identified as Hineuru, with the balance being persons from a different descent group rewarded for their loyalty to the Crown. Eighteen of the 22 grantees named on the Tataraaakina list were identified as Hineuru. Legislation enacted in 1914 stated that the 1870 owners of returned Mōhaka-Waikare blocks, including Tarawera and Tataraaakina, were owners in equal shares, confirming that Hineuru interests in Tarawera were in the minority.

***Petitions***

- 2.56 Between 1909 and 1918 Hineuru, often led by Hape Nikora, repeatedly petitioned Parliament and protested to the Crown about their grievances in respect of Tarawera and Tataraaakina. Amongst other things, they called for full investigations of the titles to the two blocks. The Crown did not support title investigation at this stage.
- 2.57 In 1919 Parliament authorised the Native Land Court to determine which individuals named as owners of Tarawera and Tataraaakina in the 1870 deed had been omitted from the titles arranged by the Native Land Court in 1882. In 1920 the Court recommended the addition of four names to the Tarawera title, and incorrectly stated that Tarawera and Tataraaakina were not included within the boundaries of the Mōhaka-Waikare confiscation.

***Partitions and Crown Purchases***

- 2.58 Meanwhile, in 1918 some of the existing grantees applied to have the Tarawera block partitioned. By 1923 the Native Land Court had partitioned Tarawera into 23 subdivisions and awarded Hineuru individuals interests in four of them.
- 2.59 In 1923 and 1924 the Crown purchased three of the Tarawera subdivisions awarded to non-Hineuru owners, despite earlier requests from Hineuru petitioners for the Crown to refrain from purchasing before the titles had been investigated. The subdivisions purchased adjoined the confiscated Tarawera and Te Hāroto blocks and were close to the Napier-Taupō road.

***Title investigations in the 1920s***

- 2.60 In 1923 and 1924 Hape Nikora filed further petitions seeking full investigations of the titles to Tarawera and Tataraaakina. The 1924 petition referred to the statement made by the Native Land Court in 1920 that Tarawera and Tataraaakina were not included within the boundaries of the Mōhaka-Waikare confiscation. The Native Affairs Committee referred the petitions to the Crown for “favourable consideration”.
- 2.61 In 1924 the Crown promoted legislation that empowered the Court to “inquire and determine what persons, if any, other than those already admitted, ought to be included” in the Tarawera and Tataraaakina titles. The legislation provided for the Court to redefine the relative interests of the owners if it found that other persons should be admitted into the title. However, the Court had no power to remove individuals who had been admitted

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in 1870, nor did it have jurisdiction over the subdivisions already purchased by the Crown.

- 2.62 In 1925 the Native Land Court investigated title to the Tarawera block and found that Hineuru were in occupation prior to 1867. The Court found that the descent group awarded the majority of interests in Tarawera in 1870 had no customary rights in Tarawera. However, the Court could not remove individuals who had been admitted to the title in 1870 and awarded the bulk of the interests in Tarawera to Hineuru (46,857 shares), with an allocation of 15,000 shares to the descent group who had been in the majority under the 1870 deed and 3,200 shares to another iwi.
- 2.63 The Native Land Court made final orders for Tarawera in 1926, which were amended by the Native Appellate Court in 1927 after hearing appeals lodged by affected persons, including some Hineuru individuals. Some of the 1922 partitions were cancelled and others were retained. On 10 May 1926 the final vesting order awarded 4,800 shares in Tarawera 8 and Tarawera X to a Hineuru individual to be sold to pay survey costs and other expenses. The Court investigated title to Tatarakaia in 1927.
- 2.64 The Court's decision in 1925 gave rise to a quarter-century of disputes between and among Hineuru and the descendants of the 1870 owners over the re-allocation of land in the Tarawera block, giving rise to further legislation and petitions, and another Native Land Court inquiry. A 1939 report by two Native Land Court judges stated that the Crown should have compensated people excluded from ownership of Tarawera in 1870 out of confiscated land or other Crown land in the region. However in the letter transmitting the report to the Native Minister, the Chief Judge of the Native Land Court stated he could see "no justification for granting compensation, as suggested, out of Crown lands" and the recommendation was not taken any further.

#### ***The 1951 Royal Commission report and further revisions to the titles***

- 2.65 In 1949 the Crown established a Royal Commission of Inquiry to investigate a number of Māori grievances, including the Tarawera and Tatarakaia titles. The Commission's terms of reference asked it to report on whether there should have been any alterations to the original titles, and if there should not have been any such alterations, what should be done to remedy any injustices that might have occurred.
- 2.66 The Commission reported in 1951. The Commission found that the Crown should not have interfered with the titles provided for by the 1870 deed. It was opposed to confirming the present ownership and paying compensation to the former owners whose interests were diminished in 1924 as this would "accept the wrong which was done by the 1924 and 1928 legislation without attempting to right it." The Commission also drew attention to the costs of compensating the former owners, and difficulties that might arise as result of the substantial increase in the value of timber on the blocks.
- 2.67 The Commission recommended that Parliament pass new legislation to restore the titles for both blocks to the position they were in prior to the amendments after 1924 and 1928, and to empower the Māori Land Court to determine the descendants of the owners listed in the 1870 deed and their relative interests. However, the Commission also recommended that the legislation empower the Court to allocate interests to owners admitted in 1925 who had settled on the block and attempted to develop their land.

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- 2.68 In 1952 Parliament adopted the Commission's recommendations and passed new legislation that cancelled the existing partitions in Tarawera and Tatarakaikina, negating the heavy Māori expenditure and land alienations previously made to cover survey and court costs. The Act deemed Tarawera to be divided into 55,451 equal shares and Tatarakaikina into 36,773 shares. The Māori Land Court revised the ownership lists for Tarawera and Tatarakaikina the same year. It reduced the number of owners in Tarawera from 812 to 214. The number of owners in Tatarakaikina shrank from 285 to 205.
- 2.69 The effects of the 1952 revisions on Hineuru individuals varied, depending on whether they were included in the 1870 lists of owners for Tarawera and Tatarakaikina, whether they had been admitted in 1924-1928, and whether they occupied land in the blocks in 1952. The revised lists excluded individuals admitted in 1924-1928 who were not occupiers in 1952, including Hineuru individuals who lived at Te Hāroto but who continued to use their lands in Tarawera and Tatarakaikina for purposes other than occupation. Eight individual Hineuru applicants who had been admitted to the titles in 1924-1928 secured places on the revised lists by proving that they were now in occupation of their lands. The lands awarded to these individuals totalled 2,355 acres in Tarawera and 725.5 acres in Tatarakaikina.
- 2.70 The 1952 Act provided for the Māori Land Court to determine the amount of compensation payable for loss of improvements or reduction of relative interests, but there was no provision for compensation to be paid to individuals who lost interests they had acquired in 1924-1928 as the result of not being in occupation in 1952. Ultimately, there were few applications for compensation and little compensation was paid.
- 2.71 Hineuru are of the view that the Crown should have compensated individuals and whānau who lost interests in Tarawera and Tatarakaikina as a result of title revisions out of its own land-holdings in the region, including land it acquired in the Pakaututu block in 1962.

#### HINEURU AND THE NATIVE LAND COURT

- 2.72 The northern part of the Hineuru rohe was not included in the Mōhaka-Waikare confiscation block. The Native Land Court investigated title to a number of blocks outside the confiscation boundary after 1877. These blocks were then partitioned and the Crown and private purchasers acquired large areas.
- 2.73 The Court's early proceedings relating to lands in the Hineuru rohe took place in the shadow of conflict and confiscation. During the late 1860s and early 1870s many Hineuru had left their rohe because of conflict. From 1873 to 1877 the Crown suspended the operation of the native land legislation in the central North Island. This stopped the Native Land Court from sitting and prevented private parties and the Crown from completing transactions involving the alienation of Māori land.
- 2.74 After 1877 the Court sat in a number of places, including some that were considerable distance from Hineuru settlements, to investigate title to blocks in the Hineuru rohe. Hineuru often had to travel long distances to attend the hearings. In 1878 Hineuru were unable to attend the Pukahunui block title investigation at Matatā. The Court declined a subsequent Hineuru application for a rehearing.

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**2: HISTORICAL ACCOUNT**

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***Pakaututu block***

- 2.75 Hineuru assert shared interests with other iwi in the 7,606-acre Pakaututu block. Although Pakaututu was included within the boundaries of the 1867 Mōhaka-Waikare confiscation proclamation, the Crown allowed it to pass through the Native Land Court.
- 2.76 In November 1869, while most Hineuru were absent from their rohe, the Native Land Court in Napier investigated title to Pakaututu. The Court awarded the block to another iwi. The block was sold in 1874.

***Runanga 1 and Runanga 2 blocks***

- 2.77 In 1872 the Runanga 1 and 2 blocks came before the Native Land Court at Taupō. Some Hineuru present in Court objected to the investigation of Runanga 1 (42,390 acres), which had been sought by a single applicant affiliated to Hineuru and another iwi. Another Māori attendee told the Court that the objectors were survivors from the war, that they had no money to pay for surveys, and that they were old men and women. The Court adjourned the Runanga 1 investigation, but decided to proceed with the investigation of Runanga 2 (45,100 acres). The Court awarded Runanga 2 to another iwi.
- 2.78 In 1877 another iwi applied for an investigation of the title to Runanga 1. Hineuru again opposed this, but the Court decided to proceed. The Hineuru claim was led by Petera Te Rangīhira. The Court awarded the block to individuals from Hineuru and another iwi.

***Heruiwi block***

- 2.79 In 1877 another iwi who had previously agreed to lease the Heruiwi block to the Crown applied to the Native Land Court to investigate title to this block, of approximately 24,000 acres. When the case came before the Court at Matatā in July 1878, six individuals, including Pehi Te Hira of Hineuru, lodged a counter-claim. Following a discussion between the claimants and the counter-claimants, the counter-claims were withdrawn. The Court ordered that title to Heruiwi be granted to the claimants. The list of 55 owners submitted by the claimants included some Hineuru people.

***Pohokura block***

- 2.80 In March 1885 the Native Land Court, sitting in Hastings, investigated title to the 104,467-acre Pohokura block. Hineuru were not present at the hearing. A rangatira affiliated to another iwi claimed a small part of the block for himself and informed the Court that the rest of the block belonged to Petera Te Rangīhira and others through descent from Hineuru. The Court ordered that title be granted to a list of owners that included Hineuru people. At subsequent hearings in March and April the Court partitioned Pohokura into four subdivisions.

***Heruiwi 4 block***

- 2.81 The Native Land Court investigated title to the Heruiwi 4 block of approximately 75,000 acres during a sitting at Whakatāne in 1890. Heruiwi 4 was distinct from the Heruiwi block investigated by the Court at Matatā in 1878. The Court awarded most of Heruiwi 4

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to a neighbouring iwi. Hineuru participated in the hearing as counter-claimants and were awarded Heruiwi 4A, a 5,880-acre portion in the north-west of the block.

#### ***Te Matai block***

- 2.82 Te Matai, like Pakaututu, was included within the boundaries of the 1867 Mōhaka-Waikare confiscation proclamation but later passed through the Native Land Court.
- 2.83 On 3 December 1880 the Native Land Court investigated title to Te Matai at Taupō. Hineuru did not attend the hearing. The Court awarded the block, recorded as covering 8,580 acres, to another iwi. However, in the following days the Court was informed that only 254 acres of Te Matai lay outside of the Mōhaka-Waikare confiscation boundary. This became known as Te Matai 1. The area inside the confiscation district and considered Crown land became known as Te Matai 2.
- 2.84 In 1888 Hape Nikora of Hineuru applied to the Native Land Court for a title investigation for Te Matai 2, but the application lapsed after Nikora learned that the block was within the confiscation boundary. Between 1922 and 1924 five separate groups applied for title investigations for Te Matai 2, including Hape Nikora and his section of Hineuru. The Native Land Court, however, did not have jurisdiction to investigate customary title to confiscated land. In 1924 Parliament passed legislation that gave Te Matai 2 the status of Māori customary land and gave the Court jurisdiction to investigate title.
- 2.85 The Native Land Court finally heard Māori claims to Te Matai 2 at Hastings in February 1928. The conductor of the Hineuru case claimed the block on the basis of ancestry, ringakaha (strong arm) and occupation. Kipa Anaru and Wano Taungakore gave evidence in support. Wano Taungakore said that Te Matai and Pakaututu were one area, that Hineuru were “suspected of being rebels” at the time of the Pakaututu purchase, and that Hineuru had not made a claim to Te Matai at the 1880 Native Land Court hearing for the same reason. The Court decided that the 1880 order should be amended so that it covered the whole Te Matai block, but adjourned the case indefinitely, leaving title to Te Matai 2 and Hineuru claims to the block in limbo.
- 2.86 In 1951 the Māori Land Court reopened the Te Matai case. Six claimant groups, including two representing Hineuru interests, participated in the hearing at Napier. The Court found the evidence of occupation on the block as a whole to be inconclusive. Seeing no reason to revise the 1880 decision, the Court awarded the block to the original grantees of Te Matai 1. Hineuru lodged an appeal with the Māori Appellate Court, but did not pursue the proceedings due to financial difficulties.

#### **CROWN PURCHASING IN NATIVE LAND COURT BLOCKS**

##### ***Leasing in Runanga 1 and Heruiwi***

- 2.87 In 1875 the Crown agreed to lease the Runanga 1 block from Hineuru and another iwi. It also agreed to lease the Heruiwi block, in which Hineuru had interests, from another iwi. The rents for both blocks were set at £100 per annum, but the Crown declined to make regular rent payments on the blocks. At this time the Crown preferred not to pay regular rents on blocks it had agreed to lease until the Native Land Court had determined the customary owners. The Court could not investigate title to the Heruiwi or Runanga 1 blocks until after the Crown lifted the suspension of the native land laws in the central North Island in 1877.

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- 2.88 In February 1878 the Crown proclaimed Runanga 1 under negotiation, which prohibited all parties except the Crown from acquiring interests in the block. By this time the Crown had made payments towards Runanga 1 totalling £157. In 1879 the Crown paid a further £194 to Hineuru to cover back rents and a survey charge for the Hineuru part of the block. From this point the Crown declined to make further payments for the Runanga 1 lease, but agreed to lift the proclamation of its monopoly powers in December 1882 after the owners paid back all of the money the Crown had previously paid towards the block. The owners subsequently sold most of Runanga 1 to a private purchaser through a series of transactions between 1882 and 1886.
- 2.89 By 1878 the Crown had paid a total of £160 on the Heruiwi block, consisting of a £100 advance paid in 1874 and two further payments of £50 and £10. In March 1878, several months before the Native Land Court title investigated, the Crown issued a proclamation that prohibited all parties except the Crown from acquiring interests in Heruiwi.

#### ***Crown purchase of Heruiwi***

- 2.90 By 1880 the Crown continued to be behind in its rent payments to the owners of Heruiwi, who included Hineuru individuals admitted to the title in 1878. In March 1881 the Crown took steps to open purchase negotiations even though some owners did not wish to sell. The owners could not accept a private offer that was several thousand pounds greater than the Crown's because of the Crown's monopoly proclamation.
- 2.91 During June 1881 the Crown purchased 48 of the 56 individual interests in Heruiwi, to the total value of £2,142. The Crown also paid a total of £428 to the sellers for back rents. On basis of the purchase money and back rents paid to 48 sellers, the Native Land Court awarded 20,910 acres out of the 24,394-acre block to the Crown in December 1881. The Crown portion became known as Heruiwi 1. The Court divided the remainder of the block for the non-sellers into Heruiwi 2 (2,484 acres) and Heruiwi 3 (1,000 acres). The Crown did not continue to lease Heruiwi 2 and 3.

#### ***Heruiwi 4A***

- 2.92 During 1895 the Crown purchased individual shares in Heruiwi 4A to the value of £882. In 1898 the Crown applied to the Native Land Court to have Heruiwi 4A partitioned into separate blocks for the Crown and Hineuru non-sellers. The Court partitioned the block the following year and awarded Heruiwi 4A1 (3,724 acres) to the Crown. Heruiwi 4A2, which contained the Heruiwi kāinga and encompassed an area of 2,156 acres, was awarded to 109 non-sellers.
- 2.93 The part of Heruiwi 4A awarded to the Crown in 1899 included 67 acres for costs relating to the survey of the external boundary of Heruiwi 4A. In 1899 the Crown land purchase officer promised Hineuru that they would not be liable for any further survey costs relating to the partition of Heruiwi 4A. Notwithstanding this promise, in the early twentieth century the Crown began taking steps to obtain payment of £80.18.2 plus interest from the owners of Heruiwi 4A2 for the survey of the boundary between Heruiwi 4A1 and 4A2 in 1900. In December 1915 the Native Land Court partitioned Heruiwi 4A2 between Hineuru and the Crown. The Court awarded 489 acres to the Crown for survey costs and interest (Heruiwi 4A2A), leaving the Hineuru owners with 1,740 acres (Heruiwi 4A2B).
- 2.94 The Crown also wished to acquire Heruiwi 4A2B. The owners were willing to sell, but for a much higher price than the Crown was willing to pay. In 1917 the Crown offered to

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purchase the block at a price of 5 shillings per acre, which was rejected by a meeting of the assembled owners. In 1919 the Crown made offers of 8 shillings per acre and 10 shillings per acre. A further meeting of the assembled owners in 1920 rejected the offer of 10 shillings per acre as too low, and offered to sell the land to the Crown for £3 per acre. The Crown rejected this offer and commenced purchasing individual shares in the land at 10 shillings per acre. Crown purchasing of shares in Heruiwi 4A2B progressed slowly. By 1933 the Crown had acquired shares equivalent to almost half of the area of the block.

- 2.95 In 1943 the Crown applied to the Native Land Court to partition Heruiwi 4A2B between the Crown and Hineuru non-sellers. However, the Court adjourned the case because the Crown and Hineuru disagreed about the commercial value of the timber on the block and whether or not the Crown payments had accounted for the timber.
- 2.96 In 1961 the Crown opposed a proposal put forward by a private company for the Māori owners of Heruiwi 4A2B to sell their timber interests in the block to the company. However, in 1962 the Crown supported a different proposal put forward by another private company. Under this proposal, the Māori owners would sell their timber interests to the company and their freehold interests in the land to the Crown. In 1963 a meeting of owners agreed to the two transactions, and the sales were confirmed and executed in 1963-1964. This extinguished the remaining Hineuru interests in Heruiwi 4A.
- 2.97 By about the 1960s confiscation and Crown and private purchasing had left Hineuru with few remaining lands. Hineuru retained ownership interests in the Tataraka and Te Hāroto blocks, and such interests as remained in Tarawera after the revision of the title in 1952. Each block was held by multiple owners, and the owners of Tarawera and Tataraka had experienced long periods of uncertainty of tenure due to the changes resulting from the 1924 and 1952 legislation.

### SOCIO-ECONOMIC ISSUES

#### *Hineuru re-establish a community at Te Hāroto*

- 2.98 In 1871 a group of Māori from the Hawke's Bay region who were living in exile in Hauraki surrendered to the Crown. The group, which included Hineuru individuals, were then brought to Napier. They pointed out to Donald McLean, then Native Minister, that they had nowhere to live as their land had been confiscated.
- 2.99 During the 1870s Hineuru took up residence on the land the Crown had confiscated and retained at Te Hāroto. In the 1880s the Te Hāroto community built a meeting house, which Te Kooti named "Rongopai." By about 1900 Te Hāroto was a substantial community and the centre of Hineuru life for the surrounding area.
- 2.100 In 1910 Parliament passed the Reserves and Other Lands Disposal and Public Bodies Empowering Act, which set aside 517 acres at Te Hāroto for Māori. In 1911 the Native Land Court divided the reserve into two blocks. Te Hāroto 2B, of 480 acres, was awarded to 127 owners who were mainly Hineuru.

## DEED OF SETTLEMENT

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### 2: HISTORICAL ACCOUNT

#### ***Socio-economic issues at Te Hāroto***

- 2.101 In 1901 the Crown established a Native School at Te Hāroto at the request of the community. Thirty-six children enrolled during the school's first year. At this time the proportion of all children moving on to secondary school and tertiary education was very low, though it increased significantly over the twentieth century. However the education system generally had lower expectations for Māori than Pākehā children until well into the twentieth century.
- 2.102 Until about 1935, before the establishment of large-scale timber milling in the area, people living at Te Hāroto principally supported themselves by seasonal work such as shearing. Some people worked as shepherds on nearby sheep stations owned by or leased to Pākehā runholders. Subsistence crops, the harvesting of wild foodstuffs such as pikopiko, and hunting were all important aspects of the local economy.
- 2.103 From the 1920s members of the community were burdened by the costs generated by court hearings and surveys for the Tarawera and Tatarakaia title reinvestigations and partitions.
- 2.104 Hineuru people at Te Hāroto lived in poverty. During the 1930s a teacher at Te Hāroto school informed the Crown of the poor state of housing at Te Hāroto, including the "disgraceful unhygienic conditions" present in some homes. He described one house as "a small hovel... with one window, earth floor, and the timber rotting". In 1938 the Ikaroa District Māori Land Board carried out a housing survey at Te Hāroto. The report stated that housing conditions were "very bad," and recommended that all except three or four houses out of a total of seventeen in the community be condemned. The report also noted that the community received very little income.
- 2.105 Teachers and School Medical Officers reported in 1930 that children at Te Hāroto were suffering from diseases such as impetigo, scabies, measles, and "a croupy kind of cough". The 1938 Te Hāroto housing survey linked poor housing conditions to the "bad health existing among the people." A particular problem was the high incidence of tuberculosis. The survey report noted that six of the 17 adults in the community had tuberculosis, and that five people had died of it during the six months before the survey. The report urged that "something must be done... otherwise the rest of the people will die of T.B."

#### ***Religious changes***

- 2.106 For Hineuru, an important legacy of their association with Te Kooti and the Whakarau was the Ringatū faith, which remained important at Te Hāroto until about the 1920s. From that point onwards, many whānau at Te Hāroto joined the Rātana faith and followed the Māori political renewal it initiated.

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### 2: HISTORICAL ACCOUNT

#### *Timber milling*



*Parengarenga Mill  
Photo supplied by the Kahukiwa Whanau*

- 2.107 In the early twentieth century significant tracts of indigenous forest remained in parts of the inland Mōhaka-Waikare district. A private company built the first sawmill at Te Hāroto about 1920. Timber milling became important at Te Hāroto after 1936, when a private company built a large sawmill that provided employment for the Te Hāroto community. The mills processed extensive amounts of timber from the surrounding district.
- 2.108 Following the closure of the sawmills in the post-Second World War period, many Hineuru left Te Hāroto and the community fell into a decline. Those who moved away found the transition from life at Te Hāroto to life in a large town such as Napier very difficult.

#### **THE WHIRINAKI HIGH VOLTAGE TRANSMISSION LINES**

- 2.109 During the period 1973-1975 the Crown constructed 220-kilovolt transmission lines from Wairakei to the Whirinaki pulp and paper mill north of Napier. The lines traverse the Pohokura, Tatarakina, and Tarawera blocks.
- 2.110 At the time of construction, legislation gave the Crown broad powers to construct transmission lines on private lands, but subject to a right to compensation for loss, injury or damage.
- 2.111 On 10 October 1973 the Crown mailed “wayleave notices” to some of the owners of the Tarawera, Tatarakina and Pohokura blocks. The notices advised the owners that construction of the lines would begin on or after 31 October 1973, that some bush and scrub would be cut, and that there was an entitlement to compensation. The notices stated that “any claim should be made no later than 12 months after the completion of the work,” but did not provide an expected date for completion.
- 2.112 After mailing the wayleave notices, the Crown took no further steps to consult with the owners or ensure they understood their entitlement to compensation under public works legislation. At this time some of the Māori land in question was managed by the Crown.
- 2.113 In 1982 some owners applied for compensation for loss of production in the 55.5-metre wide “protection strip” that had to be kept clear of trees along the length of the lines. The

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### 2: HISTORICAL ACCOUNT

Crown refused the application on the ground that it was outside of the statutory time limit for compensation claims.



*Transmission lines through Hineuru rohe  
Photo supplied by Ivy Kahukiwa-Smith*

#### ENVIRONMENTAL ISSUES

- 2.114 For Hineuru, the forests and waters of their rohe provided an abundance of resources, including birds, medicines, plants and building materials. Rivers and streams provided an abundance of fish and eels. Rivers also provided hāngi stones, stones to make tools and weapons, and wood and logs used for firewood and for constructing buildings.
- 2.115 Hineuru managed these resources according to customary practices. The practice of trading pork, kereru and other commodities in exchange for pipi, paua, crayfish and dried fish with coastal groups located at Pētane, Arapaoanui, Tangoio and Mōhaka was a feature of the traditional economy Hineuru maintained into the twentieth century.
- 2.116 The Hineuru rohe has experienced significant environmental and ecological changes since 1840. The region has seen high rates of forest clearance, invasion by noxious weeds and introduced predators, and accelerated rates of erosion.
- 2.117 The principal change has been the destruction of indigenous forests in the region. The sawmill at Te Hāroto processed much of the millable timber on the Tarawera block, and closed when the accessible timber had been depleted. Removal of the forest cover has led to destruction of habitats for wildlife, accelerated soil erosion and the depletion of soil fertility. Mahinga kai located in the Tarawera block near the Tarawera and Te Hāroto settlements have been lost as a result of deforestation.

**DEED OF SETTLEMENT**  
**2: HISTORICAL ACCOUNT**

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*Pohokura Mill*  
*Photo supplied by the Kahukiwa Whanau*

2.118 Introduced predators are another problem. In the early 1980s researchers found a population of approximately 30 kiwi on the Waitara farm settlement block, estimated to be the largest kiwi population in Hawke's Bay at the time. However, subsequent monitoring has shown that the population is declining due to predators such as stoats.

## DEED OF SETTLEMENT

### 2: NGA TĀTAI KŌRERO O NEHE

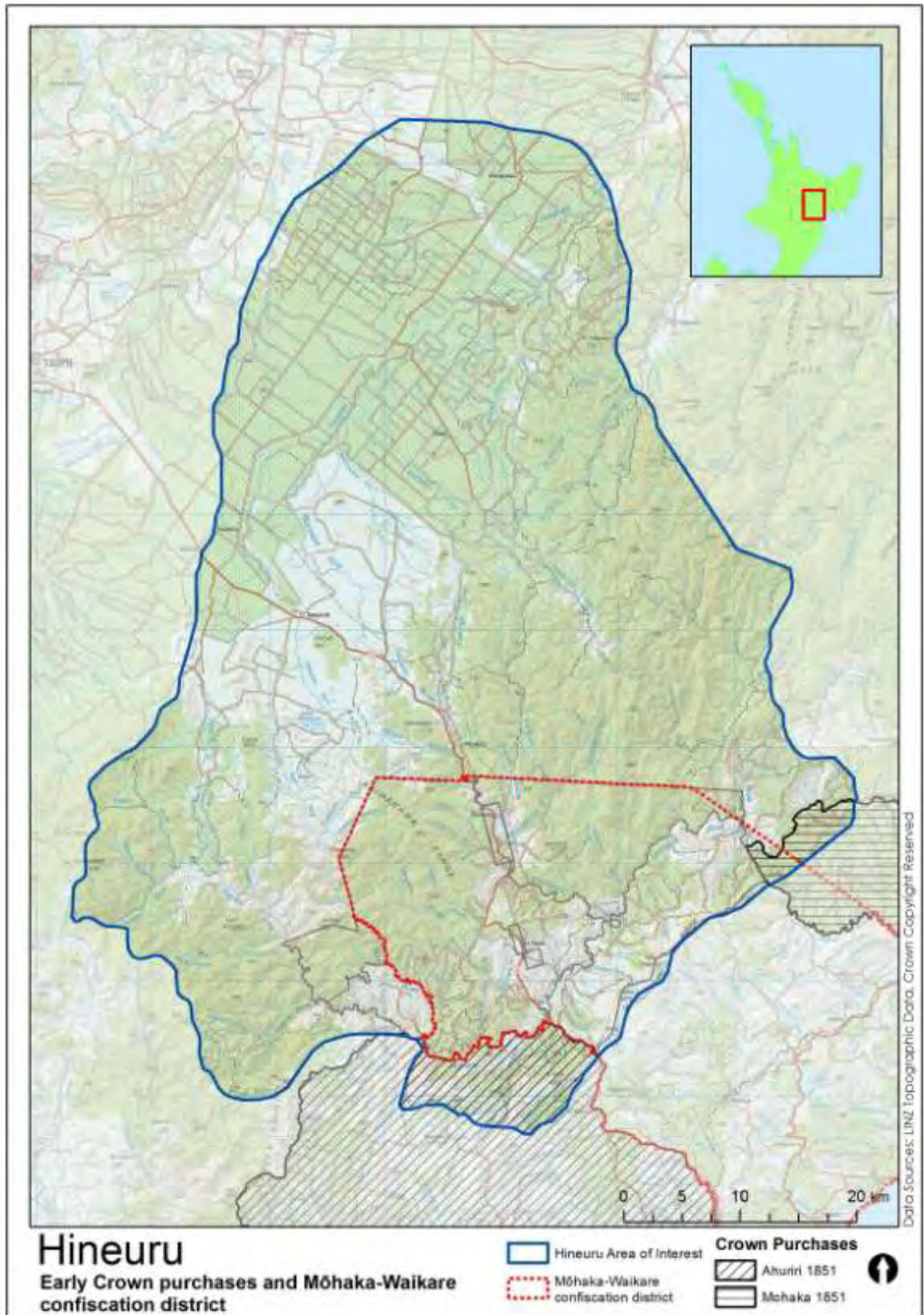
#### NGA TĀTAI KŌRERO O NEHE

- 2.1 E ai ki a Hineuru he uri rātou nō tō rātou tipuna nō Apa, ā, i takea mai tō rātou ingoa i tō rātou tipuna wahine i a Hineuru, he uri whakaheke hoki ia nō Apa. I waenganui i te rau tau tekau mā iwa i noho ngā tīpuna o Hineuru i ngā kōawa o Waipunga me Mōhaka, i ngā kāinga o Tarawera, o Te Hāroto, o Waiparatī me ētahi atu kāinga i te tuawhenua i ngā maunga i waenga i Heretaunga me Taupō moana, e rīpekatia nei e ngā kāuru o ngā awa o Mōhaka me Waipunga. He pānga anō tā Hineuru i roto i te rohe raupatu i pānuitia ai e te Karauna i te tau 1867 o Mōhaka-Waikare, i ētahi atu poraka whenua hoki ki te raki o te rohe raupatu.
- 2.2 Kāore a Hineuru i whai wāhi ki te haina i te Tiriti o Waitangi i te pūau o te awa o Tukituki i te pito whakarunga o Heretaunga i tōna haringa atu ki reira e ngā kanohi a te Karauna i te 24 o Mei 1840. Kua tūtakitaki a Hineuru ki ētahi o ngā tāngata Pākehā ki reira i ngā tau mai i 1840, mai i 1850 hoki, rā roto i ngā toronga mai a ngā mihingare Karaitiana, he Mihingare ētahi, he Katorika ētahi, me ētahi atu tāngata haere. Ka tae ki te tau 1850 kua tū tētahi whare karakia iti i a Hineuru i Tarawera.

#### TE HOKO O AHURIRI

- 2.3 I ngā tau tuatahi mai i 1850 ka tau ngā whakaaro o te Karauna kia hoko whenua nui ia ki Heretaunga. Ko te tino hiahia o te Karauna he hoko whenua hei whakanohonoho i a tauwiwi, ehara i te mea hei tuku i te Māori kia rīhi whenua ki ngā tauhou. I te tau 1851 ka tīmata ngā kōrerorero a te kaihoko matua a te Karauna a Donald McLean, mō ētahi hoko whenua rahi rawa i Heretaunga nui tonu.
- 2.4 I te marama o Aperira 1851, ka tonu te Kāwana i a Te Makarīni kia hoko i te poraka o Ahuriri mō te utu iti rawa e whakaae ai te iwi Māori ki te hoko. I haere a Te Rangihīroa, rangatira o Hineuru ki te ārahi i tōna rōpū ki Tangoio hei whakahē i ngā whiringa mō te hoko i ngā whenua ki uta o Tītī-o-Kura, i reira ētahi o ā rātou pānga. Ka tūtakina rātou i reira e ētahi tāngata Māori mau pū, nō te taha tautoko i te hoko. Ka whakahētia e Te Makarīni aua tāngata Māori mō te mau pū te take, me tana whakaae i te motika o Te Rangihīroa kia whakaputa whakaaro mō āna take ki te whenua. Ahakoa tērā, nō te tūtakinga a Te Makarīni ki a Te Rangihīroa me tana ope, ka whakahautia rātou e ia kia hoki ki te kāinga, me tana kī kia kaua e pokanoa ki ngā whiriwhiri mō aua whenua i kī rā ia, kāore kau ō rātou pānga.
- 2.5 Ka tae tēnei ki te 2 Mei 1851 ka whakaae ngā tāngata Māori o tētahi atu iwi ki te hoko i te poraka o Ahuriri ki te Karauna mō te £1500. Kāore a Hineuru i whai wāhi ki taua kirimana. I te 17 Nōema 1851 ka hainatia e te Karauna me ngā mema o tētahi atu iwi te tīti hoko i te poraka o Ahuriri. Te taenga ki tēnei wā kua nekehia te rohe whaka-te-uru o te poraka ki te tihi o te ikawhenua o Kāweka, ki roto hoki i te rohe o Hineuru.
- 2.6 Kāore kē a Hineuru i whiwhi i tētahi wāhanga o te utu mō te poraka o Ahuriri i te tau 1851, ā, ka noho ko te rohe ki te tuawhenua hei take nui mō rātou i roto i ngā tau o muri mai.

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2: NGA TĀTAI KŌRERO O NEHE



## DEED OF SETTLEMENT

### 2: NGA TĀTAI KŌRERO O NEHE

- 2.7 I ngā marama tuatahi o 1858 kātahi anō a Te Makarīni ka tūtaki ki a Te Rangihīroa rātou ko ētahi atu rangatira hei whakawhiti whakaaro mō ngā āwangawanga o Hineuru. Ka tau i roto i ā rātou whiriwhiringa, mā te iwi nāna i haina te tīti o 1851 e utu ētahi kāpeneheihana ki a Hineuru mō āna pānga ki te poraka, arā, ka tangohia aua moni i ngā hua o ngā hoko tuarua, ā, ka unuhia rawatia e Te Rangihīroa tāna whakahē mō te rohe hou. I te 24 o Pēpuere 1858 nā ētahi rangatira e toru o Hineuru i haina tētahi rihīti mō te £50, i utua ai e te Karauna mō ētahi ētahi iwi, hei whakaoti i ngā kerēme a Te Rangihīroa ki te poraka o Ahuriri. I te 20 Ākuhata 1859 ka tukua e Te Karauna tētahi atu utunga £50 ki ētahi atu tāngata tokowaru nō Hineuru “hei whakaea tūturu” i ā rātou kerēme ki te poraka. I te marama o Hūrae 1859, ka hokona hoki e Te Makarīni te poraka o Kāweka mai i Hineuru me tētahi atu iwi. Kei roto tētahi wāhanga o te poraka o Kāweka i ngā rohe o te poraka o Ahuriri, nā reira ki te whāia te aronga o taua whakaaro, i tika ai te kī, kua hokona kētia aua whenua.
- 2.8 Ko ngā whenua i rāhuitia e te Karauna mai i te poraka o Ahuriri, ina huia katoatia he iti iho i te kotahi ōrau o te poraka katoa. Kīhai te Karauna i whakarite rāhui ki ngā whenua i whai pānga ai a Hineuru.

### TE WHAKAMANANGA O NGĀ TURE MŌ NGĀ WHENUA MĀORI

- 2.9 Ka whakatūria te Kōti Whenua Māori e te Whare Pāremata i raro i ngā Ture mō ngā Whenua Māori o 1862 me 1865, hei whakatatū i ngā kaupuri o ngā whenua Māori “i raro i ngā tikanga Māori” hei huri hoki i ngā taitara Māori tuku iho ki ngā taitara i takea mai i te mana o te Karauna. Nā runga i ngā ture whenua Māori ka tahangia e te Karauna te motika i raro i te Upoko 2 o te Karauna kia noho ki a ia anake te mana hoko, arā, ka tukua e ia ngā kaupuri Māori kia rīhi kia hoko rānei i ō rātou whenua ki te tangata takitahi ki te Karauna rānei, i muri i te whakawhiwhinga i te taitara. Ko te hiahia o te Karauna mā ēnei Ture e whakatuwhera ngā whenua Māori tuku iho mō tauwiwi kia nohonoho mai. Ahakoa ko wai te tangata Māori ka āhei ki te tīmata i tētahi tūhuranga taitara Kōti Whenua Māori, mā tana tuku tonu ki te Kōti. Ina tatū ngā whakaaro o te Kōti ki te whakarongo ki tētahi tonu, he ture tonu me haere katoa mai te hunga whai pānga tuku iho ki taua poraka ki ngā whakawā, me ka hiahia rātou kia uru ki te ōta a te Kōti, ahakoa tō rātou hiahia, tō rātou kore rānei e hiahia ki tēnei mea te taitara Karauna. Kāore kau he kanohi Māori i te whare Pāremata i te whakaurunga mai o ēnei ture, kāore hoki i mātorohia ngā whakaaro o Hineuru mō te whakaurunga o aua ture.
- 2.10 Nā ngā ture nei i uru mai ai tētahi huringa nui mō ngā tikanga pupuri whenua tuku iho a te Māori. Ko ngā taitara i wātea mai i raro i ngā ture whenua Māori he mea whakawhiwhi ki te tangata takitahi, nā konei i raru ai te pupuri a te iwi i ōna whenua me ngā tikanga hoko whenua. Te tūmanako ia o te Karauna mā tēnei hurihanga e māwete ai te piri a Māori ki ōna kaupapa ā-hapū, ā-iwi, mō te pupuri whenua.

### KO HINEURU ME NGĀ PAKANGA WHENUA O AOTEAROA

- 2.11 Ehara i te mea nā ngā pakanga i waenga i te Karauna me te iwi Māori i Taranaki me Waikato i ngā tau tuatahi mai i 1860 i whakatō te pakanga i Heretaunga, engari he tika te kī, nā reira ngā tautohetohe i toro ai te ahi i ngā tau o muri i taua ngahuru tau.
- 2.12 I ngā tau 1856-1859 i whai wāhi nui a Hineuru ki roto i ngā take Māori i Heretaunga. I te tau 1857 nā ngā mahi hoko whenua i te takiwā ka ara ake ngā tautohe i waenga i te iwi Māori, ka mutu ka pakaru mai te pakanga, ā, nā Hineuru anō i hoatu rākau whawhai ki

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ētahi o te hunga whawhai. I te tau 1859 i tae ake te iwi o Hineuru ki tētahi hui nui i Pā Whakairo, i te takiwā o Hēhitingi i ēnei rā, hei whiriwhiri i ngā huarahi e rua, he whakatū rūnanga, he tautoko rānei i te Kīngitanga. I tūtaki anō a Hineuru ki ētahi o tauiwi noho i tō rātou rohe, me te kāwanatanga ā-takiwā o Heretaunga i ētahi wā, i ngā tau tuatahi mai i 1860.

2.13 I ngā rā tuatahi o te marama o Hūrae 1863 ka toro te pakanga i roto i Waikato. Ko te whai a ngā tāngata Māori o Heretaunga he pēhi atu i te riri kei tōia rātou ki roto i te pakanga. I ngā wiki o muri, i te marama o Hūrae anō, i tūtaki ngā rangatira o Hineuru me ētahi atu iwi o Heretaunga ki ngā kanohi o te Kāwanatanga ā-takiwā ki Pā Whakairo hei whakawhiti whakaaro mō te huarahi e tau ai te rangimāire ki roto i te rohe. Nō muri mai ka whakaputaina e ngā rangatira tā rātou whakapuaki i kī rā kua whakaae te katoa ki te tautiaki i a rātou anō kei mate i ngā huaki a ētahi, ā, kua tohua hoki he kāhui rangatira hei "kaitiaki" mō te rongomau. Ko ngā rangatira a Hineuru, a Nikora Te Whakaunua, rātou ko Kipa, ko Te Rangihīroa ka whakaingoatia hei kaitiaki i Tarawera.

2.14 Kāore kau he pakanga i Heretaunga i ngā tau 1864 me 1865, heoi anō he maha ngā tāngata Māori me tauiwi i tino matakū, ā, ka hēmanawa tonu te iwi. I te 11 Mei 1864 ka tuhia e Te Makarīni, Hūpiritene o Heretaunga, tana reta whakatūpato ki te Karauna i kī ai ia meāke pea ka huaki ngā tāngata Māori o te Urewera i Ahuriri. I roto i tana reta whakamōhio ka tuhi a Te Makarīni i te mahi nui a Te Rangihīroa ki te whakapātāritari i a ngāi Māori kia whawhai ki ngā Pākehā me ngā Māori i Ahuriri. Ko te tonoa a Te Makarīni kia tonoa mai ētahi atu hōia rima rau, ono rau rānei hei kaupare atu i te hunga whakapōraruru i te noho i Heretaunga. I te marama o Mei 1864 ka whakamanaia e Kāwana Kerei te taenga atu o ētahi atu hōia e toru rau mō Ahuriri, engari kīhai i puta te kōkiri, ā, ka tangohia wawetia ngā taituarā.

#### ***Ko Hineuru me te Pai Mārire***

2.15 I te tau 1862 ka whakaputaina e te poropiti o Taranaki e Te Ua Haumene ngā kōrero mō tana whakapono Pai Mārire. Ko te kī taurangi a te Pai Mārire tērā tonu e tau mai te whakaūnga o te mana Māori motuhake. I ngā tau i waenga i te ngahuru tau mai i 1860 ka tipu te āwangawanga i roto i ngā rohe o Heretaunga me te Tai Rāwhiti i runga i te toronga mai o te Pai Mārire ki aua rohe. Nā konei hoki i piki ake ai ngā tautohetohe i ara ake i muri i ngā mahi whakatū ope, i ngā rohe pātata ki aua mahi. Ahakoa he maha te hunga whaiwhai i ēnā āhuatanga i Heretaunga, i mahi nui anō te tini o ngā rangatira kia noho rawa te Pai Mārire i waho rawa i te rohe, ā, i tino kaha te pērā i muri i te patunga o te mihingare, o te Wākana ki Ōpōtiki i ngā rā tuatahi o Māehe 1865. I ngana ngā kaihautū o te Pai Mārire i roto i Heretaunga ki te tū kē i waho i ngā raruru i Ōpōtiki, ā, i piri anō ētahi tāngata ki te whakapono hou.

2.16 I tahuri ētahi o Hineuru ki te whakapono Pai Mārire. Ko Pānapa te poropiti i tū hei kaiārahi mō te Pai Mārire i roto i a Hineuru. Kua hoki mai ia ki te rohe o Hineuru i muri i ōna tau i ngā mīhana e whakaako ana i ngā karaipiture. I te takiwā o te tau 1865 ka whakatūria e Panapa tētahi kāinga mō te hunga Pai Mārire me tōna niu (he pou i whakamahia i roto i ngā whakahaere o te hāhi Pai Mārire), ki Waiparatī tata ki te kāinga o Te Hāroto i ēnei rā.

2.17 I te 15 Māehe 1865, i muri tata mai i te patunga o Te Wākana, i whakaingoatia a Te Makarīni hei Kanohi mō te Kāwanatanga Ā-Motu mō te Tai Rāwhiti i tua atu i ana tūnga hei Hūpiritene mō te takiwā o Heretaunga, hei mema hoki mō Te Whare Pāremata mō Ahuriri. Nā tēnei whakaingoatanga ka piki a Te Makarīni hei tumuaki mō ngā take ā-iwi,

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### 2: NGA TĀTAI KŌRERO O NEHE

ā-hōia hoki mō te rohe o te Rāwhiti. I whakamanaia ia i raro i ōna tohutohu kia whakatikaina ngā take nui ahakoa he aha i te rohe, hei whakahau, hei ārahi, hei hoatu pū hoki ki ngā hōia ā-rohe, tae atu ki ngā 'kūpapa' i te taha Māori. I whakaatatia ngā āwangawanga o te Karauna i roto i ēnei tohutohu. I ngā marama tuatahi o te tau 1866 ka whakapae ētahi, nā ngā tāngata Pai Mārire o Hineuru i whakapōrearea te mauheretanga o ngā tāngata, ko te whakapae, nā rātou ētahi hipi i whānako. I tono a Te Makarīni kia tukua mai anō ētahi tohutohu ki a ia i Pōneke, ā, nō te marama o Pēpuere 1866 ka whakamanaia a Te Makarīni e te Karauna kia tukua ngā hōia kia āwhina i te mauheretanga o te tangata i whakapaetia. Kīhai a Te Makarīni i hāpai i ēnei whāinga mana mō Heretaunga i taua wā, ahakoa kua ara ake te pakanga i waenga i te Karauna me te hunga piri ki te Pai Mārire ki te raki o taua rohe i te tau 1865 me ngā marama tuatahi o 1866.

#### *Ōmarunui me Pētane*



*Pai Mārire Prisoners, 1865*  
*Swan and Wrigglesworth (estab. 1864, closed 1870), gifted by Mrs M O*  
*Gibson, Collection of Hawke's Bay Museums Trust, Ruawhāro Tā-ū-rangi,*  
*4386 a.*

- 2.18 He tino wā nui te pakanga i Ōmarunui me Pētane i te marama o Oketopa 1866 mō Hineuru i roto i ngā tau, ā, nā konei ka tahuri te Karauna ki te raupatu i te poraka o Mōhaka-Waikare i te tau 1867.
- 2.19 I te tau 1866 kāore anō te Karauna kia whakaoti i āna kirimana rongomau ki ngā tāngata Māori i whawhai rā ia ki a rātou i ngā pakanga nunui o Aotearoa. I te marama o Ākuhata 1866, ka tuhi a Te Rangihīroa rāua ko Pānapa ki a Te Makarīni me te kī, mā rātou e ārahi tētahi tira ki tai o Heretaunga, hei whakautu i tana pōwhiri kia hui tahi ia me rātou. I te marama o Hepetema 1866 ka eke tētahi ope mau rākau whawhai, kotahi rau te tokomaha, me ētahi tāngata o Hineuru, ki runga o Pētane i te takutai o Heretaunga, i runga i tō rātou hiahia kia hui rātou me Te Makarīni. Ka noho whakauta tonu a Te Rangihīroa ki Te Pōhue.
- 2.20 I noho tonu tēnei rōpū ki Pētane mō ētahi wiki. I kī rātou ki tētahi āpiha o te Karauna kua mātoro atu ki reira, i haere mai rātou ki Heretaunga hei whakautu i tētahi pōwhiri mai i Te Makarīni. I te 4 Oketopa ka nuku te nuinga o te tira i Pētane ki Ōmarunui, kāore i tino tawhiti. I wehe atu ngā tāngata o Ōmarunui i tō rātou pā.

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### 2: NGA TĀTAI KŌRERO O NEHE

- 2.21 I te 5 Oketopa ka tuhi a Te Makarīni ki a Pānapa me ētahi atu tāngata nō tētahi atu tira i noho hōpuni rā ki Ōmarunui ki te inoi ki a rātou ki te whakamārama i ō rātou hiahia. I roto i ngā tuhinga mai i te 5 ki te 8 Oketopa nā ngā kaiārahi i whakaatu i mea rātou ki te tūtaki ki a Te Makarīni i runga anō i tana pōwhiri kia haere mai rātou ki Heretaunga. Kāore kau te tira nei i whakaeke i tētahi atu tangata i aua rā.
- 2.22 I te 8 Oketopa 1866 ka tatū ngā whakaaro o Te Makarīni ko te tira noho hōpuni he tira whakatumā i te rohe huri noa i te takiwā o Ahuriri. Kāore i te mōhiotia te take i pērā ai te takanga o ōna whakaaro. Ka puta tana whakahau i ngā ope hōia o te Karauna kia takatū ki te pēhi atu i aua tāngata i kīa ai e ia he whakatumā.
- 2.23 I waenganui pō i te 11 Oketopa 1866 ka karapoti ngā ope hōia a te Karauna i Ōmarunui. Ko te tūmanako ia o Te Makarīni, mā tēnei kōkiri a tāna ope nui whakahirahira hei whakamataku i te hunga o te pā, kia whakahauraro. Ahakoa tērā, i te ata ka tukua atu e te Karauna tāna whakahau kia whakahauraro rātou i roto i te haora kotahi, kei whakaekengia rātou. E rua haora i muri mai kāore anō te hunga o te pā kia whakahauraro, ā, ka huakina te pā e ngā hōia a te Karauna.
- 2.24 Tata ki te 23 ngā tāngata i roto i Ōmarunui i mate i roto i te whawhai i nga ringa o te ope Karauna, nui iti ake i te kotahi haora te roa. Kotahi te Pākehā, tokorua hoki ngā Māori piri ki ngā hōia a te Karauna i mate rawa. E ai ki ngā kōrero a Hineuru i hinga a Pānapa i raro tonu i te rākau wiro i Ōmarunui i te tū rā ia i roto i te pakanga. Nō te whakahaurarotanga o te nuinga o te hunga i roto i Ōmarunui, ka mutu te pakanga. Ko ētahi i puta ki waho, ka rere atu ki Te Pōhue, engari i whāia, ā, ka whakamatea te nuinga, ka mauheretia rānei.
- 2.25 I taua wā anō o te whakaekenga o Ōmarunui ka hīkoi ngā ope hōia a te Karauna ki Pētane, ā, ka mauheretia ētahi tāngata tokotoru i noho kē i te pā. E ai ki tētahi pūrongo mai i te āpiha matua, i aukati, i karapoti hoki ngā ope a te Karauna i tētahi ope o ngāi Māori, arā, he ope eke hōiho, ko Te Rangihīroa te rangatira, e haere atu ana i Te Pōhue ki Pētane. Ka pupuhi ngā hōia a te Karauna ki taua ope, i muri i te tukunga i te karanga ki a rātou kia whakahauraro. Ka mate a Te Rangihīroa me ētahi atu tekau mā tahi, i roto i taua whawhai. I mate hoki ngā tēina o Te Rangihīroa, a Kipa rāua ko Kingita i Ōmarunui.
- 2.26 E 86 ngā whakarau a te Karauna i Ōmarunui me Pētane, ā, 34 o aua whakarau nō Hineuru. Ko te nuinga o ngā whakarau i kawea atu ki Wharekauri. Ki Petera Te Rangihīroa tētahi o ngā tāngata o Hineuru i kawea ki Wharekauri. I ngā tau o muri mai ka eke hei kaihautū, ā, he nui āna mahi nui i te Kōti Whenua Māori.

Name	Sex	Age	Height	Complexion	Color of Eyes	General Remarks
1. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
2. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
3. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
4. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
5. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
6. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
7. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
8. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
9. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
10. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
11. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
12. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
13. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
14. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
15. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
16. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
17. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
18. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
19. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed
20. Pōhoro	Male	25	5.8	Dark	Green	Lips tattooed

*Excerpt of names of Hineuru prisoners captured at Ōmarunui*

# DEED OF SETTLEMENT

## 2: NGA TĀTAI KŌRERO O NEHE



## DEED OF SETTLEMENT

### 2: NGA TĀTAI KŌRERO O NEHE

#### *Te whāinga a te Karauna i a Hineuru i muri i Ōmarunui me Pētane*

- 2.27 I muri tata tonu iho i ngā pakanga i Ōmarunui me Pētane, ka whāia ngā mōrehu Māori e ngā hōia o te Karauna, he kainoho whenua hōia ētahi, he tūao ētahi, me ētahi 200 o ngā kūpapa Māori o te taha Karauna, ka marara ngā mōrehu ki te tuawhenua, tae atu ki ētahi o Hineuru. Ko te kaihautū o ngā ope a te Karauna ko Rūtene-Kānara Whitmore, nāna i ārahi te kōkiri ki Ōmarunui.
- 2.28 Te taenga ki Tītī-o-Kura, tētahi o ngā kāinga o Hineuru, heoi anō nei te hunga i reira he kaumātua, he wāhine. Ka tae nei ki te 19 Oketopa 1866 kua tae atu ngā ope a Whitmore ki Te Hāroto. Ka tae ki te kāinga o Pānapa ki Waiparatī i muri mai, i taua rangi anō, engari kua whakarērea. Ka whakahau a Whitmore kia tuaina te pou niu o te kāinga, ki tāna, “o ngā pou katoa i turakina ai e mātou koinei ... te mea rahi rawa, te mea i hāngaia mārire,” ā, ka whakahau hoki tana ope katoa i a ia kia puhia ā rātou pū i tōna hinganga ki raro. Kātahi ka murua te kāinga o Waiparatī e ngā ope a te Karauna me te takiwā i te taha, ā, e rua rau ngā hōiho i kahakina, me ētahi atu mea.
- 2.29 Ka haere tonu te whai a Whitmore i a rātou taea noatia te mutunga o te rohe o Heretaunga, ki te wāhi rā anō o te taupā, ki tāna i whakaaro ai, ā, ka rere atu ngā mōrehu ki ngā maunga o te puku o Te Ika-a-Māui. Te taenga ki tētahi hiwi i runga tonu i te riu o Waipunga, ka pānuitia e Whitmore tētahi pānui ki te reo Māori hei whakaatu ki ngā “Hauhau” kua oti rātou te whakawhiu, kua whāia ki te pito o te rohe rā anō, me te whakatuma i a rātou, i tana kī, me ka ātete tonu rātou ki te mana o te Karauna ka “whāia rātou ki ngā pito mamao rawa o Aotearoa.” I a ia ka kati i tana pūrongo mō ēnei āhuatanga i kī a Whitmore “nā te whakahinga i te hoariri i ngā raorao me te whāinga hohoro o ngā mōrehu i rere ki te tuawhenua, arā, ki tētahi wāhi i whakaarotia i mua he wāhi kāore e taea e te tangata, kua pareā atu te mōreatanga o te huaki mai a te hoariri i Heretaunga, mai i te taha ki Tarawera.”
- 2.30 Te taenga ki te mutunga o te tau 1866 kua whakarērea e Hineuru tata ki te katoa o ō rātou kāinga me ā rātou māra. I noho mai tētahi poriri ki Tarawera, tata ki te katoa o ērā he wāhine, he tamariki. Kua matemate ngā tāne, kua heke whakamuri rānei ki ētahi atu wāhi o te Ika a Māui, ko ētahi kua kawea rawatia ki Wharekauri. E ai ki tētahi tangata o taua wā i peka atu ki taua kāinga i ngā rā o muri mai, tangi tonu ai ngā wāhine o Tarawera mō ō rātou mate, ia ata, ia pō, me te kōhae i te kiri ki te anga pipi, “i tangi tīkapa ai rātou, ka pupū ake te aroha i te whakarongo atu.”

#### *Ko Hineuru me ngā Whakarau (1868-1872)*

- 2.31 Ka puritia e te Karauna ngā whakarau o Hineuru me ētahi atu whakarau Māori ki Wharekauri mō te takiwā o te rua tau. Kāore kau i tika te whakawā i ngā mauhere. Kua kawea atu a Te Kooti Arikirangi, tētahi o ō rātou hoa mauhere ki Wharekauri, i muri i te whawhai ki Tūranga. Ka poua e ia te whakapono Ringatū ki te whenua, ā, he maha ngā mauhere i huri ki tana whakapono i tō rātou mauheretanga i reira.
- 2.32 I te marama o Hūrae 1868 ka ārahina e Te Kooti ngā mauhere 298 kia tahuti i Wharekauri. Ka kahakina he kaipuke, ka whakaterā mai ki Aotearoa e Te Kōoti me āna kaitautoko. I te 9 Hūrae 1868 ka tau mai te hunga i tahuti i Wharekauri ki uta ki te Ika a Māui, ki te raki o Hāke Pei. Tokomaha tonu ngā tāngata o Hineuru i tau mai ki uta, tae atu ki a Petera Te Rangihīroa. Ko te hiahia a Te Kooti kia ārahi ia i āna kaitautoko ki Taupō i runga i te rangimārie. I mōhiotia rātou ko ngā Whakarau. Ahakoa tērā, ka tomo te Karauna me ngā Whakarau ki tētahi pakanga tino kino.

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- 2.33 I te marama o Mahuru 1868 ka tatū ngā whakaaro o te Karauna kia kawea atu he kupu hohou rongu ki ngā Whakarau me te kī, e kore rātou e whiua anō me ka tāpaea ā rātou rākau, pū hoki, ki raro ki te whenua, me te whakahauraro anō. Ka puta hoki i reira te kī taurangi a te Karauna ka hoatu he whenua ki a rātou. I tae tētahi tāpaetanga ki ngā Whakarau, engari kāore i te mōhiotia mehemea i whakamāramatia te katoa o ngā whakaritenga a te Karauna ki a rātou.
- 2.34 I te 10 Nōema 1868 ka whakaekea a Matawhero e ngā Whakarau, ā, neke atu i te 50 ngā tāne, ngā wāhine me ngā tamariki i mate. He Māori ētahi, he Pākehā ētahi. I roto i te marama whai i muri ka huakina hoki a Pātūtahi me Ōweta.
- 2.35 Hohoro tonu te whakahoki a te Karauna ki te whakaekenga o Matawhero. Ka huia mai e ia he ope nui tonu hei hopu i ngā Whakarau, ko te nuinga nō ētahi atu iwi Māori. I haere ngā pakanga, ā, he maha ngā Whakarau i patua i ngā marama o Noema, o Tīhema hoki i te tau 1868. He maha ngā mate o ngā Whakarau ki Makaretū, ā, i patua reretia ētahi o ngā taotū i kitea, mate rawa. Ka tae ki ngā rā tuatahi o Tīhema 1868 kua hoki a Te Kooti me ngā Whakarau ki runga o Ngātapa, tētahi pā tū pakari i runga i te keokeonga hiwi, he tūpoupou, he uaua ki te whakaeke, e kore e horo wawe. I mate a Henara Paata rātou ko Petera, ko Akutina ko Maka arā, ngā rangatira o Hineuru i ngā kūpapa Māori piri ki te Karauna, i ngā kōkiri tuatahi i Ngātapa.
- 2.36 I ngā rā tuatahi o Hānuere 1869, ka whakaekea a Ngātapa e ngā ope hōia a te Karauna i raro i a Kānara Whitmore. I te 5 o ngā rā o Hānuere, i te aukatinga o tō rātou puna wai, ka tahuti a Kooti me ētahi o ana kaitautoko mā tētahi pari kāore i tirohia e te taha Karauna. I pāhorotia te pā e ngā hōia o te Karauna, ā, ko ētahi i tahuri ki te whaiwhai i ērā i tahuti. I whakahokia mai he upoko tangata kua oti te poutoa ki te puni o te Karauna, ki ētahi, ko te upoko tēnei o Nikora o Hineuru. Tērā anō ētahi o Hineuru i patua i tēnei o ngā kōkiri me ngā mahi whai i muri. E ai ki te pūrongo a Whitmore mō ngā āhuratanga i pā i te mutunga o te 6 Hānuere, ā, kāore i iti iho i te 136 ngā toa o roto i te pā kua mate i te pakanga, i te whāinga rānei.
- 2.37 I ngā rā o muri tata mai i te rironga o Ngātapa nā ngā ope hōia a te Karauna i patu ohore ētahi o ngā mauhere kua hopukina. Kāore i āta mōhiotia ko wai rawa ngā ingoa o te nuinga o ērā i patua. Kāore i āta tuhia te tokomaha o ērā i patua rawatia i roto i ngā rekoata o taua wā, ā, he mea tautohe tērā i ēnei rā, waihoki te pēheatanga o te patu i a rātou. Ahakoa i puta he whakaaturanga mō aua patunga i roto i ngā nūpepa, kīhai te Karauna i tahuri ki te wherawhera i ngā āhuratanga i pā i Ngātapa.
- 2.38 I muri i Ngātapa ka whāia ngā Whakarau e te Karauna huri noa te puku o te Ika a Māui, taea noatia te tau 1872. I roto i ngā rā o te whāinga ka whakaekea ētahi kāinga Māori e te Whakarau. Nā te āhua o te whāinga i kore ai ētahi atu tāngata takitahi o Hineuru o roto i ngā Whakarau e āhei kia hoki ki ō rātou kāinga. I te marama o Pēpuere 1869, i muri i tana haere mā roto i te rohe o Hineuru, ka whakaputaina e tētahi o ngā āpiha o te Karauna, kua "tata korehāhā" i runga i ngā matenga i Ōmarunui me ērā atu wāhi.
- 2.39 Nā te pakanga i te tau 1869 ka tōia ngā ope hōia a te Karauna me ā ngā Whakarau ki te takiwā o Heruiwi, i reira ētahi o ngā pānga o Hineuru. Nā Te Kooti i ārahi mai ētahi o ngā tāngata o Hineuru i Heruiwi ki Taupō hei mauhere. Nā tēnei me ngā mahi hōia a te Karauna i te rohe o Te Urewera i muri i 1869, i tatū ai ngā whakaaro o ngā tāngata o Hineuru i Heruiwi kāore e haumaruru te noho tonu, ā, wehe atu ana ki Tarawera.

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- 2.40 I te tau 1872 i haere a Te Kooti ki raro i te haumarua o te Rohe Pōtae, i huri ai ia ki te kauhau i te rongomārie me te ū ki te ture. I te tau 1883 ka whakaputaina e te Karauna tana pānui murunga hara ki ngā Māori katoa kua whawhai ki te Karauna i roto i ngā pakanga i Aotearoa.
- 2.41 Nā te mutunga o te pakanga i āhei ai ērā o Hineuru ki te hoki ki ō rātou rohe. I ngā tau tuatahi mai i 1870 i tīmata te hokihoki o Hineuru ki Te Hāroto, kua huri hei whenua Karauna i tērā wā.

### TE RAUPATU O MŌHAKA-WAIKARE

- 2.42 I te ngahuru tau mai i 1860 ko te kaupapa here ia o te Karauna he raupatu i ngā whenua o ērā i whakaarotia ai he kaiwhakatuma, ā, ka whakatinanatia te New Zealand Settlements Act 1863 hei whakangāwari i aua raupatu.
- 2.43 I te 8 o Hānuere 1867 ka tuhi atu a Te Makarīni ki a Te Pirīmia ki te tohutohu i a ia kia raupatungia he poraka whenua i Heretaunga i raro i te New Zealand Settlements Act me ōna menemana. E ai ki ngā whakamārama a Te Makarīni ko te rohe i whakaarotia e ia mō te raupatu nei ko te takiwā i waenganui i Pētane me te awa o Waikare i te takutai moana, ahu whakautā ki te rohe ā-takiwā kāwanatanga o Heretaunga. Ki ngā whakaaro o Te Makarīni tata ki te haurua o taua poraka i whakaarotia hei raupatu, nō ngā tāngata Māori "i tahuri ki te hāpai pū ki Ōmarunui". Ka kitea i roto i ngā reta a Te Makarīni, ki a ia, kāore i nui te wāriu mahi moni o aua whenua engari he wāriu anō tōna hei takiwā whakatakoto rori atu i Ahuriri ki Taupō.
- 2.44 I te 12 Hānuere 1867 ka whakaputaina e te Karauna tana pānui ka raupatungia e ia he whenua i te takiwā o Mōhaka-Waikare i roto i te New Zealand Settlements Act 1863. Kāore hoki te Karauna i āta whakahāngai i tana tautuhi i te rohe hei raupatu ki ngā rohe o ō reira hapū, me ō reira iwi. Ko ētahi atu o ngā whenua i roto i te takiwā kua huri kē hei whenua Karauna. Ka puta hoki he kōrero i te pānui e kore te Karauna e pupuri i ētahi whenua o te hunga piri ki a ia i roto i te rohe o te raupatu, ā, me ka tahuri ētahi "kaiwhakatuma" ki te tāpapa ki te Karauna i roto i te wā ka kīa he wā tōtika, ka whiwhi noa iho i ētahi whenua "āhua rawaka" "e tika ai te rahi hei oranga mō rātou." Te tikanga o te New Zealand Settlements Act he whakawhiu, ā, kāore i horaina i reira te tautuhitanga o te ingoa "kaiwhakatuma".
- 2.45 Kīhai te Karauna i whakatū i ētahi uiuinga ā-ture mō ngā pānga i roto i te rohe o Mōhaka-Waikare kia mōhiotia ai ko wai i piri ki te Karauna, ko wai hoki i whakatuma. Kīhai te Kōti Kāpeneheihana i noho i roto i Heretaunga. He Kōti tēnei i noho i roto i ētahi atu takiwā o Aotearoa, i raupatuhia ai he whenua e te Karauna. Kāore hoki i whakatūngia he tikanga wherawhera pērā i ngā Kaikōmihana o Tauranga, i te Kōmihana o Tūranga nui a Kiwa rānei, mō te raupatunga o Mōhaka-Waikare. Ko te mahi kohikohi ingoa o ngā tāngata i whakahokia ai he poraka ki a rātou, i waiho katoa ki ngā āpiha o te Karauna anake mā rātou e whakaoti.

### ***Ngā tīti o Mōhaka-Waikare o 1868 me 1870 me te Mōhaka and Waikare Districts Act 1870***

- 2.46 I te 8 o Mei 1868 i hainatia e te Karauna tana tīti ki ngā rangatira o Heretaunga, ka whakahoki mai i ngā takiwā o Mōhaka-Waikare ki roto i ngā ringa o te tangata Māori, me te pupuri i te nuinga atu mō te Karauna. Heoi, kīhai te tīti i whakatinanatia. I roto i

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ngā rā o Hūrae 1868 i tahuti ngā whakarau kua tonoa ki Wharekauri, ā, ka tōia te Karauna ki roto i ngā whawhai ki a rātou.

- 2.47 I te tau 1869, i roto i ngā whawhai i waenga i te Karauna me ngā Whakarau, ka tīmata te kōrerorero a te Karauna mō te nui o ngā whenua ka puritia e te Karauna, me te nui hoki kia whakahokia ki te iwi Māori. I te 13 Hune 1870 ka hainatia he tīti tuarua mō Mōhaka-Waikare. I raro i tēnei tīti ka wehea te rohe o Mōhaka-Waikare kia noho he poraka iti iho. I raro i tēnei whakaritenga ka puritia ētahi poraka tuawhenua e whā e te Karauna: Ko Waitara (tata ki te 40,000 eka), 50 eka i te tahataha mauī o te awa o Mōhaka, ko Te Hāroto (1000 eka), ko te Rāhui o Tarawera (2000 eka, kei roto nei te maioro whawhai o te Karauna). Ko ngā whenua i Te Hāroto ka wehea kia rua ngā wāhanga 500-eka te rahi. Ko tētahi ko te wāhi kei reira te maioro nā te Karauna i whakatū, ā, ko tētahi ka whakawāteatia mō ngā mema o tētahi atu iwi, mō "ētahi atu take ka hiahiatia pea e te Kāwanatanga" rānei. I raro hoki i tēnei kirimana ka wehewehea te toenga o te whenua raupatu, ka tukua ki ngā tāngata Māori takitahi i tuhia ki te rārangi, hāunga ērā wāhi whenua kua oti kē te hoko e te Karauna. Kei roto i te poraka o Tarawera (tata ki te 76,700 eka; 24 ngā ingoa) me te poraka o Tatarakina (tata ki te 37,000 ngā eka; 22 ngā ingoa).
- 2.48 O ngā tāngata Māori 165 i tuhia te ingoa ki roto i te rārangi ki te kirimana o 1870, 18 noa iho i kīa nō Hineuru ake, i roto i te ngahuru tau mai i 1920. Ko te nuinga o ngā tāngata whiwhi o Hineuru ka uru ki te rārangi rangatira mō te poraka o Tatarakina. He whenua pāhiwhiwhi, pāmamao hoki a Tatarakina. Kei tōna taha tonga mā uru ko te awa o Waipunga, ā, ko te awa o Mōhaka kei te tonga mā marangai e rere ana. Ahakoa he wāhanga tēnei nō te rohe o Hineuru, he tawhiti i te kāinga o Hineuru i Te Hāroto. Ko te nuinga o te hunga i whakawhiwhia ki ngā hea o te poraka o Tarawera he tāngata nō tētahi iwi kē, ā, tokoiti noa a ngāi Hineuru i kitea i te rārangi tāngata whiwhi mō te poraka, ahakoa i kapi tētahi wāhi nui o tō rātou rohe tuku iho i tēnei takiwā.
- 2.49 I te wā o te whakawhitinga kōrero mō ngā kirimana o 1868 me 1870 kāore te tini o ngā tāngata o Hineuru i te noho i tō rātou rohe. He maha tonu rātou i Wharekauri, i te taha rānei o ngā Whakarau i muri i tō rātou tahutitanga i te tau 1868. Ko ētahi atu i te noho manene i ētahi takiwā o Te Ika a Māui. I raro i te tīti o 1870 ka herea ngā poraka i whakahokia kia kua ai e tukua rawatia "ahakoa mā te hoko mā te mōkete rānei", ā, ka puritia e ētahi kaitiaki ka whakaingoatia i te rārangi tāpiri "i runga anō i ngā āhuatanga i whakaritea, i muri rānei i runga i ētahi tikanga mā te Whare Pāremata e homai mō ngā whenua Māori hei kaitiaki." Kāore te tīti i āta whakamārama mārire mehemea he ōrite ngā pānga i ngā poraka i whakahokia, mehemea rānei ka puritia i raro i ngā tikanga Māori.
- 2.50 I whakamanaia te tīti o 1870 i raro i te Mohaka and Waikare District Act. Nā te ture i whakaū te whakakorenga o ngā pānga o Hineuru i roto i te poraka o Waitara, me ētahi atu poraka e toru i te tuawhenua, ēnei katoa kei roto i te putanga ki Tarawera, kei te manawa tonu hoki o te rohe o Hineuru. Ka ngaro te nuinga o ngā pānga a Hineuru ki te poraka o Tarawera. Nā te ture nei i whakahoki te poraka o Tatarakina ki ngā kaupuri o Hineuru i te rārangi, engari he maha ngā kaupuri whenua tuku iho i whakawetohia ā rātou tika i taua wā anō.
- 2.51 I rūritia ngā wāhanga Karauna o ngā whenua o Mōhaka-Waikare i ngā tau mai i 1870. Ahakoa tērā, tērā ētahi whakaroaroatanga i te whakaputanga o ngā karāti ki ngā tāngata takitahi i whakahuatia ai i te kirimana o 1870.

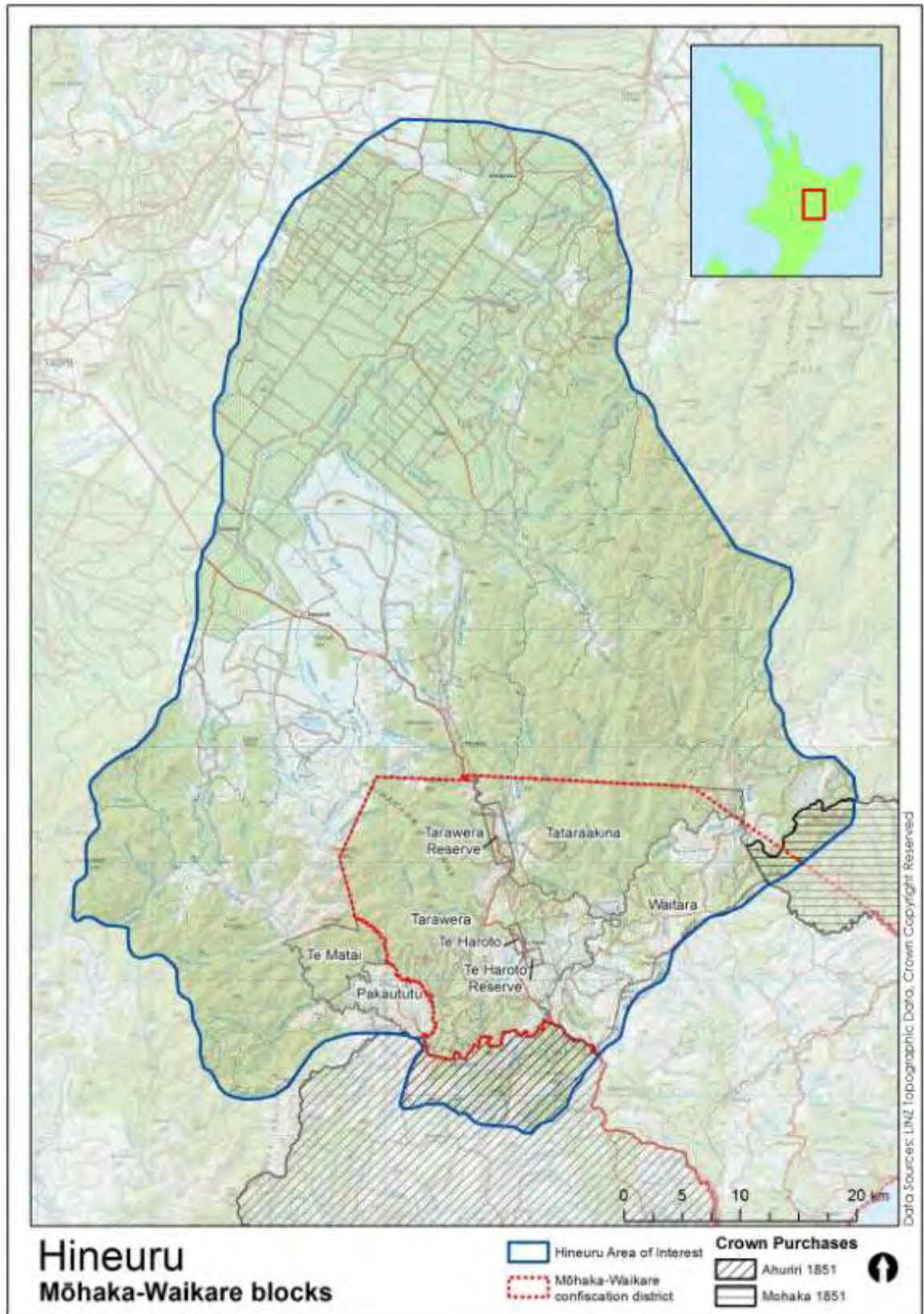
## DEED OF SETTLEMENT

### 2: NGA TĀTAI KŌRERO O NEHE

#### *Te whakawā a Te Kōti Whenua Māori o te tau 1882*

- 2.52 I te tau 1878 i whakakorea pokerehūtia te Mohaka and Waikare Districts Act. Nō te tau 1881 ka whakaurua ki te Native Land Acts Amendment Act ētahi tekiana hei whakamana anō i te raupatu o 1867 me te kirimana o 1870. Te taenga ki taua wā kua rīhitia atu te nuinga o ngā whenua kua oti te tautuhi hei whakahoki ki te Māori, ki ngā tauhou Pākehā.
- 2.53 I raro i te Ture o 1881 ka āhei te Minita mō ngā Take Māori ki te tono ki te Kōti Whenua Māori kia kitea ai ko wai rawa ngā rangatira whai tikanga mō ngā poraka o Mōhaka-Waikare, tērā e whakahokia i raro i te ture o 1870. Mō te nuinga o āna whakatau, ka whakawhiwhia e te Kōti Whenua Māori te mana o ngā whenua Māori ki ngā tāngata takitahi i kī ai ia he whai tika tuku iho ki te whenua. Ahakoa rā, i te marama o Hūrae 1882, nō te whiringa a te Kōti Whenua Māori i te mana pupuri i ngā poraka i whakahokia, i whirinaki ia ki te kī, heoi anō te hunga ka whakamanaia kia whai pānga ki te whenua, ko ngā tāngata i whakaingoatia i te kirimana o 1870 me ō rātou piki tūranga, uri rānei. Nā ngā whakawhiwhinga a Te Kōti i whakaū ko ngā rangatira pupuri o 1870 ngā kaupuri i ngā poraka o Tarawera me Tatarakina.

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**2: NGA TĀTAI KŌRERO O NEHE**



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#### NGĀ PORAKA O TARAWERA ME TATARAAKINA

2.54 I raro i te tīti o 1870 mō Mōhaka-Waikare i whakahoki te poraka o Tarawera ki ngā tāngata 24 i whakaingoatia, ā, ka whakahokia te poraka o Tataraaakina ki ngā tāngata 22 i whakaingoatia. I te ngahuru tau mai i 1920 e toru anake o ngā tāngata 24 takitahi i whakaingoatia hei hunga whiwhi mō Tarawera, ka tautuhitia nō Hineuru, ā, ko te nuinga nō tētahi tipuna whakaheke, i whakawhiwhia ki te whenua hei utu i tō rātou ū ki te taha Karauna. Tekau mā waru o ngā tāngata whiwhi 22 i whakaingoatia i te rārangi o Tataraaakina, ka tautuhitia nō Hineuru. I raro i tētahi ture i whakamanaia i te tau 1914 ka puta te kī, ko ngā kaupupuri o ngā poraka i whakahokia i Mōhaka-Waikare i te tau 1870, he kaupupuri hea tauriterite. Nā konei ka whakaūngia kei te wāhanga iti ngā pānga o te hunga o Hineuru i roto i Tarawera.

#### *Ngā Pitihana*

2.55 I waenga i ngā tau 1909 me 1918, he maha ngā pitihana a Hineuru ki te Pāremata me te whakahē ki te Karauna mō ā rātou nawe mō Tarawera me Tataraaakina. Te nuinga o ēnei pitihana na Hape Nikora i āpiti. Arā atu anō ngā take, engari ko tētahi he tono kia āta wherawheratia ngā taitara mō ngā poraka e rua. Kīhai te Karauna i tautoko i te wherawheratanga i te taitara i taua wā.

2.56 I te tau 1919 ka whakamanaia te Kōti Whenua Māori e te Pāremata kia whakawhāiti ko ēhea ngā tāngata takitahi i whakaingoatia hei tāngata pupuri hea i Tarawera me Tataraaakina i te tīti o 1870 kua waiho ki waho i ngā taitara, nā te Kōti Whenua Māori i whakarite, i te tau 1882. I te tau 1920 ka whakaae te Kōti me tāpiri ētahi atu ingoa tokowhā ki te taitara o Tarawera, me tōna hapa anō, nā tana whakapuaki kīhai a Tarawera me Tataraaakina i noho i waenga i ngā rohe o te raupatu o Mōhaka-Waikare.

#### *Ngā Wāwāhanga me ngā Hoko a te Karauna*

2.57 Ahakoa ra, i te tau 1918 ka tono ētahi o te hunga whiwhi kia wāhia te poraka o Tarawera. Ka tae ki te tau 1923 kua oti a Tarawera te wāwāhi e te Kōti Whenua Māori kia noho mai ōna wehenga 23, me te whakawhiwhi hea i roto i ētahi wehenga e whā ki ngā tāngata takitahi o Hineuru.

2.58 I ngā tau 1923 me 1924 ka hokona e te Karauna e toru ngā wehenga o Tarawera kua whakawhiwhia ki ngā tāngata ehara nō Hineuru, ahakoa ngā tono a Hineuru i mua kia kua te Karauna e tahuri ki te hoko i aua taitara, kia oti rā anō te wherawhera. Ko ngā wehenga i hokona i kāpīpiti ki ngā poraka o Tarawera me Te Hāroto, ā, i tata anō ki te huarahi atu i Ahuriri ki Taupō.

#### *Ngā wherawheratanga taitara i te ngahuru tau mai i 1920*

2.59 I ngā tau 1923 me 1924 ka tāpaetia atu e Hape Nikora ētahi atu pitihana e tono ana kia wherawheratia katoatia ngā taitara mō Tarawera me Tataraaakina. I whakahua te pitihana o 1924 i te whakapuaki a Te Kōti Whenua Māori i te tau 1920, kīhai a Tarawera me Tataraaakina i noho i waenga i ngā rohe o te raupatu o Mōhaka-Waikare. Ka tukua atu ngā pitihana e te Komiti mō ngā Take Māori ki te Karauna “kia whiria, kia whaiwhakaaro pai.”

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### 2: NGA TĀTAI KŌRERO O NEHE

- 2.60 I te tau 1924 ka whakaurungia e te Karauna tētahi ture whakamana i te Kōti "kia uiui, kia whakatau hoki ko ēhea tāngata, me he tangata whai mana, i tua atu i ērā kua uru kē, me whakauru ki roto" i ngā taitara o Tarawera me Tatarakaakina. I raro i tēnei ture i whai wāhi te Kōti kia tautuhi anō i ngā pānga o tēnā kaupupuri, o tēnā kaupupuri, me ka kite ia, he tika tonu kia uru atu he tangata kē anō ki te taitara. Ahakoa tērā, kāore kau te Kōti i whai mana ki te tango i ngā tāngata takitahi i whakaurua i te tau 1870, kāore hoki i whai mana ki runga i ngā wehenga kua oti te hoko e te Karauna.
- 2.61 I te tau 1925 ka tūhuratia e te Kōti Whenua Māori te taitara ki te poraka o Tarawera, me tana kite, i reira a Hineuru i mua atu i te tau 1867. Ka kitea e te Kōti ko te rōpū heke i tētahi tipuna i whakawhiwhia ki te nuinga o ngā hea i Tarawera i te tau 1870 kāore kau ōna pānga tuku iho ki ngā whenua o Tarawera. Ahakoa tērā, kāore te Kōti i āhei ki te tango i ngā tāngata takitahi kua whakawhiwhia ki te taitara i te tau 1870, ā, ka whakawhiwhia e ia te nuinga o ngā hea i Tarawera me Hineuru (46,857 ngā hea), me tētahi tohanga 15,000 hea, ki tētahi rōpū heke i tētahi tipuna ko rātou te rōpū nui i raro i te tīti o 1870, me ētahi atu hea 3,200 ki tētahi atu iwi.
- 2.62 Ka whakaputaina e te Kōti Whenua Māori ana ōta whakamutunga mō Tarawera i te tau 1926, ā, ka menemanatia i raro i te Kōti Pīra Whenua Māori i te tau 1927 i muri i tana whakarongo ki ngā pīra i tukua atu e ētahi tāngata i pāngia ai, tae atu ki ētahi tāngata takitahi o Hineuru. Ko ētahi o ngā wehenga o 1922 i whakakorea, ko ētahi i puritia. I te 10 Mei 1926 ka whakawhiwhia i raro i te ōta whakawhiwhi whakamutunga ngā hea 4,800 ki roto i Tarawera 8 me Tarawera X ki tētahi tangata takitahi o Hineuru, kia hokona hei utu i ngā mahi o te rūri, me ētahi atu utunga. Ka wherawheratia te taitara o Tatarakaakina e te Karauna i te tau 1927.
- 2.63 I roto i te whakatau a te Kōti i 1925 i ara ake te tautohe mō te rua tekau mā rima tau i waenga i a Hineuru, i waenga hoki i a Hineuru me ngā uri whakaheke o ngā kaupupuri o te tau 1870 mō te tohanga anō o te whenua i te poraka o Tarawera. Nā konei ka ara ake hoki ētahi atu ture hou, ētahi atu pitihana hou, me tētahi atu wherawhera nā te Kōti Whenua Māori. I puta te kī a ētahi kaiwhakawā Kōti Whenua Māori e rua i tētahi pūrongo o te tau 1939, tōna tikanga kia tukua he kāpeneheihana e te Karauna mō te hunga i waiho ki waho i ngā hea o Tarawera i 1870, me ērā atu whenua raupatu, ētahi atu whenua Karauna rānei i raua rohe. Ahakoa tērā, i roto i te reta tuku i te pūrongo ki te Minita mō ngā Take Māori, ka kī te Kaiwhakawā Matua o te Kōti Whenua Māori, kāore rawa ia i kite "i te tikanga o te tuku kāpeneheihana, mai i ngā whenua Karauna, i runga i ngā tohutohu o roto" ā, kāore i whakatinanatia te tohutohu nei.

#### ***Te Pūrongo o te Kōmihana Roera o te tau 1951 me ētahi whakahoutanga ki ngā taitara***

- 2.64 I te tau 1949 ka whakatūngia e te Karauna te Kōmihana Uiuinga Roera hei wherawhera i ētahi nawe Māori, tae atu ki ngā taitara o Tarawera me Tatarakaakina. I roto i ngā whakaritenga wherawhera o te Kōmihana, me tuku pūrongo ia mō ngā pātai matua, arā, mehemea he tika kia whakarerekētia ngā taitara tuatahi, mehemea kāore e tika kia puta he whakarerekētanga, he aha he huarahi hei rongoā mō ngā hē kua pā ki te tangata.
- 2.65 I whakahoki te Kōmihana i tana pūrongo i te tau 1951. I kī te Kōmihana kāore i tika te raweke a te Karauna i ngā taitara i whakatakotoria i te tīti o 1870. Kāore te Kōmihana i whakaae ki te whakaū i te mana pupuri whenua o ēnei rā, me te utu kāpeneheihana ki ngā rangatira o mua, arā, ki ērā i whakaitingia ō rātou hea i te tau 1924, i te mea mā konā e "whakapūmau te hē o ngā ture o 1924 me 1928 me te wareware anō ki te

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whakatika i taua hē.” I whakaputaina hoki e te Kōmihana ōna whakaaro mō te utu mō te tuku kāpeneheihana ki ō mua rangatira o te whenua, me ngā uauatanga tērā pea ka ara ake i runga i te tino whakapikinga nui o te wāriu o ngā rākau e tipu ana i ngā poraka.

- 2.66 I tohutohu hoki te Kōmihana kia tahuri te Pāremata ki te hanga ture hou hei whakahoki anō i ngā taitara mō ngā poraka e rua ki te tūnga o aua taitara i mua atu i ngā menemana o 1924 me 1928, hei whakamana hoki i te Kōti Whenua Māori kia tautuhi i ngā uri o ngā rangatira o aua whenua i whakarāngitia i te tīti o 1870 me ngā pānga o tēnā, o tēnā. Ahakoa, i tohutohu hoki te Kōmihana kia whakamanaia e te ture ngā pānga ki ngā rangatira o aua whenua i tāpiritia i te tau 1925 kua nohonoho mai ki te poraka, kua ngana hoki ki te whakatikatika i aua whenua.
- 2.67 I te tau 1952 ka whakapūmautia e te Pāremata ngā tohutohu a te Kōmihana, me tana whakamana i tētahi ture hou, i whakakorea ai ngā wāwāhanga o aua wā i Tarawera me Tatarāakina, me te muku i ngā nama whakapaunga moni nui a te Māori me ngā tangohanga whenua i mahia i mua hei whakakapi i ngā utu rūri, me ngā utu kōti. I raro i te Ture nei ka wāhia a Tarawera kia noho mai ngā hea taurite 55,451, me ngā hea taurite 36,773 ki Tatarāakina. I whakahoutia ngā rārangi rangatira mō Tarawera me Tatarāakina i taua tau anō. I whakaheke i reira te maha o ngā rangatira mō Tarawera mai i te 812 ki te 214. I heke te maha o ngā rangatira mō Tatarāakina mai i te 285 ki te 205.
- 2.68 He rerekē te pānga o ngā whakahoutanga o 1952 ki ngā tāngata takitahi o Hineuru, kei te āhua o te uru ki ngā rārangi o ngā rangatira o 1870 mō Tarawera me Tatarāakina, o te whakaurunga i waenga i 1924-1928, kei te āhua hoki o tā rātou pupuri whenua i ngā poraka i te tau 1952 te rerekētanga. I waiho ki waho i ngā rārangi hou ngā tāngata takitahi i whakaurua i 1924-1928 ehara i te hunga noho i te whenua i te tau 1952, tae atu ki ngā tāngata takitahi o Hineuru i noho i Te Hāroto engari i whakamahi haere tonu i ō rātou whenua i Tarawera me Tatarāakina, mō ngā kaupapa i tua atu i te whakatū kāinga. Tokowaru ngā tāngata takitahi o Hineuru kua whakaurua ki ngā taitara i 1924-1928 i whiwhi tūnga i roto i ngā rārangi hou, nā te taunaki tūturu ko rātou tonu i te noho i ō rātou whenua. Ko te katoa o ngā whenua i whakawhiwhia ki ēnei tāngata takitahi e 2,355 eka i Tarawera, e 725.5 eka i Tatarāakina.
- 2.69 I raro i te Ture o 1952 i āhei te Kōti Whenua Māori ki te tautuhi i te rahi o te kāpeneheihana e tika ana mō te ngaromanga o ngā whakatikatika, mō te heke rānei o ngā pānga ina whakatairitea, engari kare kau ana he kāpeneheihana ki ngā tāngata takitahi i ngaro ō rātou pānga i whiwhi rātou i ngā tau 1924-1928, i runga anō i te āhua o tō rātou kore e noho i te whenua i 1952. Me kī, he iti noa ngā tono mō te kāpeneheihana, he iti ngā kāpeneheihana i utua.
- 2.70 E kī ana a Hineuru te tikanga kia tāpae te Karauna i ngā kāpeneheihana ki ngā tāngata takitahi me ngā whānau i ngaro ō rātou pānga i Tarawera me Tatarāakina i runga anō i ngā whakahoutanga taitara, arā, me whakamahi e te Karauna āna ake pānga i te rohe, tae atu ki ngā whenua kua hokona e ia i te poraka o Pākaututu i te tau 1962, hei kāpeneheihana.

#### KO HINEURU ME TE KŌTI WHENUA MĀORI

- 2.71 Kāore te wāhanga whaka-te-raki o te rohe o Hineuru i uru ki te poraka raupatu o Mōhaka-Waikare. I wherawheratia te taitara mō ētahi poraka i waho i te rohe raupatu e

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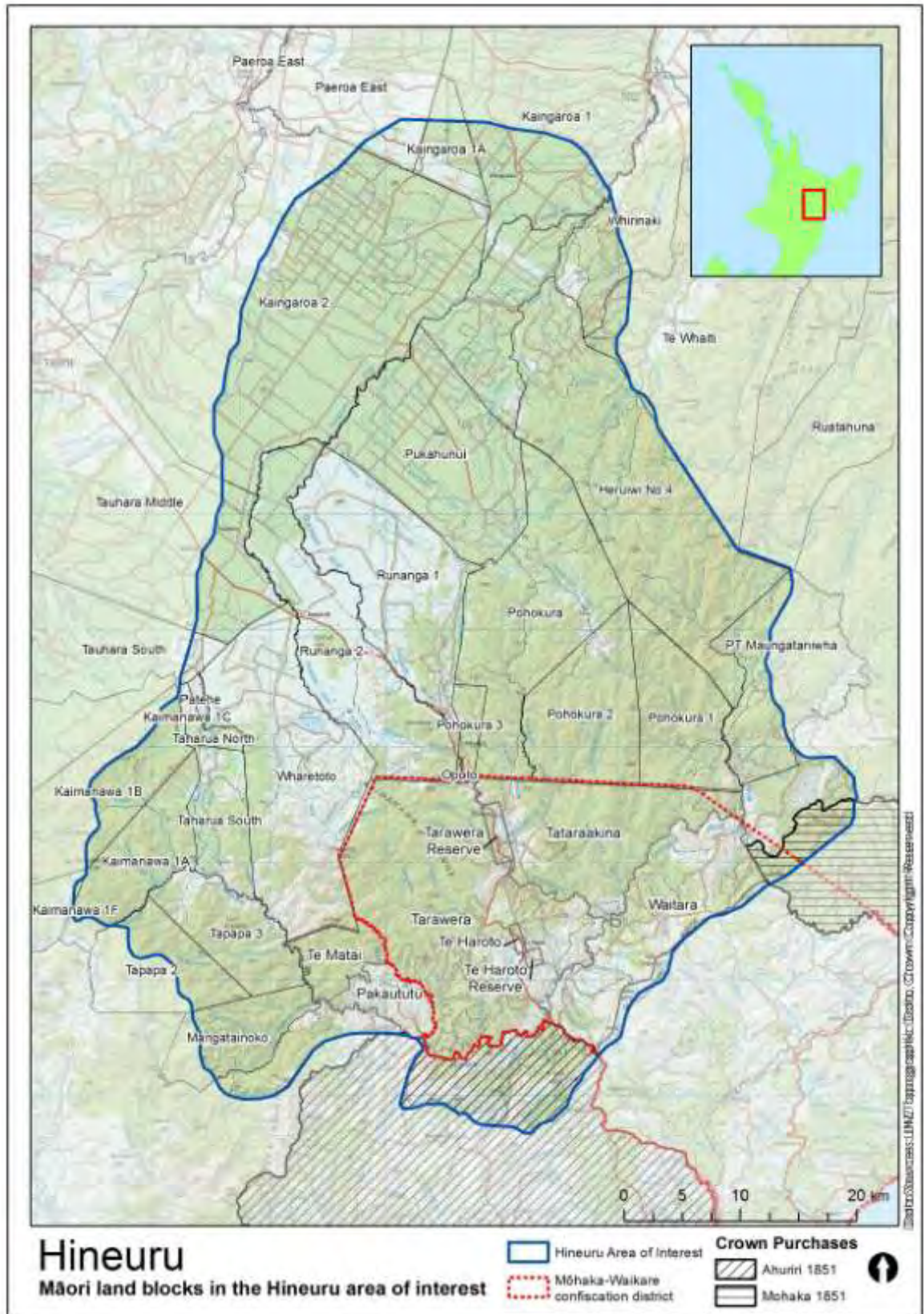
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te Kōti Whenua Māori i muri i te tau 1877. Kātahi ka wāhia ēnei poraka, ā, ka hokona ētahi wāhanga nunui e te Karauna me ngā kaihoko tūmataiti.

- 2.72 I haere ngā whakawā tuatahi a te Kōti mō ngā whenua o Hineuru i te wā o te pakanga me te raupatu. I ngā tau whakamutunga o te ngahuru tau mai i 1860 me ngā tau tuatahi o te ngahuru tau mai i 1870 i heke atu te tini o Hineuru i tō rātou rohe, nā te pakanga te take. Mai i 1873 ki 1877 ka whakatārewatia e te Karauna ngā mahi o ngā ture whenua Māori i te puku o Te Ika a Māui. Nā konei i mutu ai ngā hui whakawā a Te Kōti Whenua Māori, i aukatingia ai ngā rōpū tūmataiti me te Karauna kia kore ai e whakaoti i ngā hoko ko te ngaromanga o ngā whenua Māori tētahi wāhi.
- 2.73 I muri i te tau 1877 ka noho te Kōti i ētahi wāhi hei wherawhera i ngā taitara ki ngā poraka i te rohe o Hineuru. I ētahi wā, he mamao tonu ngā haerenga mā Hineuru kia tae atu ki ngā hui whakawā. I te tau 1878 kāore i taea e Hineuru te haere ki te wherawheratanga taitara mō te poraka o Pūkahunui i Matatā. I whakakāhoretia e te Kōti te tono a Hineuru i muri mai, kia rangona anō.

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**2: NGA TĀTAI KŌRERO O NEHE**



## DEED OF SETTLEMENT

### 2: NGA TĀTAI KŌRERO O NEHE

#### *Te poraka o Pākaututu*

- 2.74 I taunaha a Hineuru i ētahi pānga pipiri ki ō ētahi atu iwi i te poraka o Pakaututu, 7,606 eka te rahi. Ahakoa i uru a Pākaututu ki roto i ngā rohe o te pānui raupatu mō Mōhaka-Waikare o te tau 1867, arā, ka whakaae te Karauna kia puta i te Kōti Whenua Māori.
- 2.75 I te marama o Nōema 1869, ka wherawheratia e te Kōti Whenua Māori i Ahuriri te taitara ki Pākaututu, i te ngaromanga o te nuinga o Hineuru i tō rātou rohe. Ka whakawhiwhia e te Kōti te poraka ki tētahi atu iwi. I hokona te poraka i te tau 1874.

#### *Ngā poraka o Rūnanga 1 me Rūnanga 2*

- 2.76 I te 1872 i tae mai ngā poraka o Rūnanga 1 me Rūnanga 2 ki mua i te Kōti Whenua Māori ki Taupō. I whakahē ētahi o Hineuru i roto i te Kōti ki te wherawheratanga o te Rūnanga 1 (42,390 eka), i tonoa ai e te tangata takitahi i piri ki a Hineuru me tētahi atu iwi. Nā tētahi atu o ngā tāngata Māori i te Kōti i whakamārama ki te Kōti ko ngā kaiwhakahē he mōrehu nō te pakanga, ā, kāore kau ā rātou moni hei utu mō ngā rūri, ā, he kaumātua he kuia hoki rātou. I whakatārewatia e te Kōti te wherawheratanga mō Rūnanga 1, engari ko te whakatau kia haere tonu te wherawheratanga o Rūnanga 2 (45,100 eka). Ka whakawhiwhia e te Kōti a Rūnanga 2 ki tētahi atu iwi.
- 2.77 Nō te tau 1877 ka tonu tētahi atu iwi kia wherawheratia te taitara mō Runanga 1. I whakahētia tēnei e Hineuru, engari ko te whakaaro o te Kōti kia haere tonu. I ārahina te kerēme o Hineuru e Pētera Te Rangihīroa. Ka whakawhiwhia e te Kōti te poraka ki ētahi tāngata takitahi o Hineuru me ētahi atu iwi.

#### *Te poraka o Heruiwi*

- 2.78 I te tau 1877 nā tētahi atu iwi i tonu ki te Kōti Whenua Māori kia wherawheratia te taitara ki tēnei poraka, tata ki te 24,000 eka, arā, he iwi tēnei kua whakaae i mua kia rīhitia te poraka o Heruiwi ki te Karauna. Ka tae te take ki mua ki te Kōti i Matatā i te marama o Hūrae 1878, nā ētahi tāngata takitahi tokoono i tāpae tā rātou kerēme whakahoki, ā, ko Pehi Te Hira o Hineuru tētahi. I muri i tētahi kōrerorero i waenga i ngā kaitāpae me ngā kaitāpae kerēme whakahoki, ka kōnutia ngā kerēme whakahoki. Ka whakahau te Kōti kia hoatu te taitara o Heruiwi ki ngā kaitāpae. Kei roto i te rārangi o ngā rangatira 55 o te whenua nā ngā kaitāpae i whakauru, ētahi tāngata o Hineuru.

#### *Te poraka o Pohokura*

- 2.79 I te marama o Māehe 1885 ka wherawheratia e te Kōti Whenua Māori, i noho rā i Hēhitingi, ngā taitara ki te poraka 104,467 o Pohokura. Kāore a Hineuru i puta ki te whakawā. I taunaha tētahi rāngatira nō tētahi iwi kē i tētahi wāhanga iti o te poraka mōna anō, me tana whakamārama ki te Kōti ko te toenga o te poraka nō Petera Te Rangihīroa me ētahi atu, he uri nō Hineuru. Ka tonu te Kōti kia karātītia he taitara ki tētahi rārangi rangatira, kei roto nei ētahi o ngā tāngata o Hineuru. I ngā whakawā o muri mai i te marama o Māehe o Āperira ka wāhia a Pohokura kia takoto ōna wehenga e whā.

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#### *Te poraka o Heruiwi 4*

- 2.80 I tūhura te Kōti Whenua Māori i te taitara o Heruiwi 4, tata ki te 75,000 eka te rahi i tētahi hui whakawā i Whakatāne i te tau 1890. He poraka motuhake anō a Heruiwi 4 i te poraka o Heruiwi i wherawheratia e te kōti i Matatā i te tau 1878. Nā te Kōti i whakawhiwhi te nuinga o Heruiwi 4 ki tētahi iwi pātata te noho. I whai wāhi a Hineuru ki te hui hei kaikerēme whakahoki, ā, ka whakawhiwhia ki Heruiwi 4A, arā, tētahi wāhanga 5,880 eka te rahi i te raki o te rohe.

#### *Te poraka o Te Matai*

- 2.81 I uru a Te Matai, pēnei tonu me Pākaututu ki roto i ngā rohe o te pānui raupatu mō Mōhaka-Waikare o te tau 1867, engari i muri i whakawākia i roto i te Kōti Whenua Māori.
- 2.82 I te 3 o TThema 1880 ka wherawheratia e Te Kōti Whenua Māori te taitara o Te Matai i Taupō. Kīhai a Hineuru i tae atu ki te whakawā. Ka whakawhiwhia e te Kōti te poraka, i tuhia rā i tae ki te 8,580 eka, ki tētahi atu iwi. Ahakoa, i ngā rā whai i muri i whakamōhiotia te Kōti e 254 eka anake te nui o Te Matai i takoto i waho o te rohe raupatu o Mōhaka-Waikare. Ka kīa tēnei wāhi ko Te Matai 1. Ko te wāhanga i roto i te rohe raupatu i whakaarotia he whenua Karauna, ka kīa ko Te Matai 2.
- 2.83 I te tau 1888, ka tono a Hape Nikora o Hineuru ki te Kōti Whenua Māori mō tētahi wherawheratanga taitara mō Te Matai 2, engari kāore i roa i muri mai i te paunga o te mana o te tono ka rongō a Nikora kei roto taua poraka i te rohe raupatu. I waenganui i ngā tau 1922 ki 1924 e rima ngā rōpū motuhake i tono mō ngā wherawheratanga taitara mō Te Matai 2, tae atu ki a Hape Nikora me tōna wāhanga o Hineuru. Ahakoa rā, kāore Te Kōti Whenua Māori i whai mana ki te wherawhera i ngā taitara tuku iho ki ngā whenua raupatu. I te tau 1924 ka whakamanaia e Te Whare Pāremata ētahi Ture i noho ai a Matai 2 hei whenua Māori tuku iho, i whakamanaia ai te Kōti kia wherawhera i ngā taitara.
- 2.84 Kātahi anō ka whakawā te Kōti Whenua Māori i ngā kerēme Māori ki Te Matai 2, i Hēhitingi i te marama o Pēpuere 1928. Ko ngā take o te kaikerēme o Hineuru ki te whenua he take tuku iho, he take ringakaha, he take ahikāroa anō hoki. Nā Kipa Anaru rāua ko Wano Taungakore i tāpae kōrero hei tautoko. I kī a Wano Taungakore he rohe kotahi anō a Te Matai me Pākaututu, ā, ki a ia, i kīa a Hineuru “he hauhou pea” i te wā o te hoko o Pākaututu, ā, kāore a Hineuru i tāpae kerēme mō Te Matai i te whakawākanga o Te Kōti Whenua Māori o 1880 mō taua take anō. Ko te whakatau a te Kōti me menemana te whakahau o 1880 kia kapi katoa ai te poraka o Te Matai, engari i whakatārewatia te whakawā, kāore he rā tīmata anō i whakahuatia, i waiho ai kia tārewa noa te taitara ki te Matai 2 me ngā kerēme mō te poraka o Hineuru.
- 2.85 Nō te tau 1951 ka whakatuwheratia anō te take mō Te Matai e Te Kōti Whenua Māori. E ono ngā rōpū kaikerēme i whai wāhi ki te whakawā ki Ahuriri. E rua aua rōpū he kanohi mō ngā pānga o Hineuru. Ko te kitenga ia a te Kōti i āhua tārewarewa ngā taunakitanga mō te take ahikā a ētahi ki te poraka. Nā runga i tana kore e kite take hei whakahou i te whakatau o 1880, ka whakawhiwhia te poraka e Te Kōti ki te hunga whiwhi tuatahi o mua, o Te Matai 1. Ka whakaurua e Hineuru tana pīra ki te Kōti Pīra Whenua Māori, engari kāore i whāia ki tōna tutukitanga, nā te kore moni.

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#### NGĀ MAHI HOKO A TE KARAUNA I ROTO I NGĀ PORAKA A TE KŌTI WHENUA MĀORI

##### *Te Rīhi i te Rūnanga 1 me Heruiwi*

- 2.86 I te tau 1875 ka whakaae te Karauna ki te rīhi i te poraka o Rūnanga 1 i a Hineuru me tētahi atu iwi. Ka whakaae hoki ki te rīhi i te poraka o Heruiwi, mai i tētahi atu iwi, ahakoa he pānga anō ā Hineuru ki taua poraka. Ka whakaritea te reti mō ngā poraka e rua, he £100 i te tau, engari i whakakāhore te Karauna ki te utu reti puputu mō aua poraka. I taua wā rā kāore te Karauna i pai ki te utu reti puputu mō ngā poraka kua whakaae ia kia rīhitia ki a ia, kia tatū rā anō ngā rangatira tuku iho i te Kōti Whenua Māori. Kāore hoki te Kōti i āhei ki te wherawhera i te taitara ki ngā poraka o Heruiwi, o Rūnanga 1 rānei, kia hīkina rā anō te whakatārewatanga o ngā ture whenua Māori i te puku o te Ika a Māui i te tau 1877.
- 2.87 I te marama o Pēpuere 1878 ka pānuitia e te Karauna kua noho a Rūnanga 1 hei take kōrero, i whakakāhoretia ai te hoko a tētahi o ngā tāngata whai whanaungatanga i te poraka, hāunga anō te Karauna. Te taenga ki tēnei wā kua tukua e te Karauna ētahi utunga mō Rūnanga 1, huia katoatia te moni, £157. I te tau 1879 ka utu te Karauna i tētahi atu £194 ki a Hineuru hei utu mō ngā reti omua, me tētahi utunga rūri mō te wāhanga o Hineuru ki te poraka. Mai i tērā wā ka whakakāhore Te Karauna ki te utu mō te rīhi o Rūnanga 1, engari ka whakaae ia kia hikitia te whakapuaki mana anake i te marama o Tīhema 1882, i muri i te whakahokinga o ngā moni katoa, kua utua e te Karauna i mua mō te poraka, e ngā kaupupuri o te whenua. Nō muri mai ka hokona e ngā kaupupuri o te poraka te nuinga o Rūnanga 1 ki tētahi kaihoko tūmataiti, i roto i tētahi rārangi hoko mai i 1882 ki 1886.
- 2.88 I te 1878 kua utua e Te Karauna tētahi £160 mō te poraka o Heruiwi, he utunga tōmua £100 i 1874, me ētahi atu utunga e rua, £50 me £10. I te marama o Māehe 1878, ka whakaputaina e Te Karauna tana whakapuaki i whakakāhoretia ai te hoko o ngā tāngata whai whanaungatanga i ngā pānga ki roto i Heruiwi. Ko te Karauna anake te hunga whai wāhi ki tā te whakapuaki. I pānuitia tēnei i ētahi marama i mua i te wherawheratanga a te Kōti Whenua Māori i te taitara.

##### *Te Hoko a te Karauna i Heruiwi*

- 2.89 Ka tae tēnei ki te tau 1880 kua tōmuri tonu ngā utunga reti a Te Karauna ki ngā kaupupuri o Heruiwi, kei roto nei ētahi tāngata takitahi o Hineuru i tukua kia uru ki te taitara i te tau 1878. I te marama o Māehe 1881 ka whakawāteatia e te Karauna te huarahi whakawhiti kōrero mō te hoko, ahakoa kīhai ētahi o ngā kaupupuri o te whenua i hiahia ki te hoko. Kāore ngā kaupupuri i āhei ki te tango i tētahi tāpaetanga tumataiti, e hia mano pauna te pikinga ake i tā te Karauna tāpaetanga, nā te whakapuaki mana anake a Te Karauna.
- 2.90 I roto i te marama o Hune 1881 ka hokona e Te Karauna e 48 o ngā pānga takitahi 56 i roto i Heruiwi, huia katoatia e £2,142. Ka utua hoki e Te Karauna £428 ki ngā kaihoko mō ngā reti o mua. I runga i te moni hoko me ngā utu o mua i utua ki ngā kaihoko 48, ka whakawhiwhia e Te Kōti Whenua Māori ētahi eka 20,910 o te poraka katoa e 24,394-eka te rahi, ki te Karauna, i te marama o Tīhema 1881. Ka kīa te wāhanga o Te Karauna ko Heruiwi 1. Ka wehea e te Kōti te toenga o te poraka mō te hunga kāore i pai ki te hoko, kia noho mai ko Heruiwi 2 (2,484 eka) me Heruiwi 3 (1,000 eka). Kāore i haere tonu te rīhi a te Karauna i Heruiwi 2 me 3.

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#### *Heruiwi 4A*

- 2.91 I roto i te tau 1895 ka hokona e te Karauna ētahi hea takitahi i Heruiwi 4A, e £882 te wāriu. I te tau 1898 ka tonu te Karauna ki te Kōti Whenua Māori kia wāhia a Heruiwi 4A hei poraka motuhake mō te Karauna me ngā tāngata o Hineuru kāore i hiahia ki te hoko. Ka wāhia e Te Kōti te poraka i te tau o muri mai, ā, ka whakawhiwhia a Heruiwi 4A1 (3,724 eka) ki te Karauna. Ka whakawhiwhia a Heruiwi 4A2 ki te hunga 109 te tokomaha kīhai i pai ki te hoko; kei roto i taua wāhanga te kāinga o Heruiwi, ā, 2,156 eka te rahi o te whenua.
- 2.92 Kei roto i te wāhi o Heruiwi 4A i whakawhiwhia ki te Karauna i te tau 1899 ētahi eka 67 mō ngā utu i pā ki te rūritanga o te taupā whakawaho o Heruiwi 4A. I te tau 1899 ka kī taurangi te āpiha hoko whenua a te Karauna ki a Hineuru e kore rātou e mate ki te utu i ētahi atu utunga rūri mō te wāwāhanga o Heruiwi 4A. Ahakoa tēnei kī taurangi, i ngā tau tuatahi o te rau tau rua tekau, ka tīmata te mahi a Te Karauna kia riro i a ia he utu mō te £80.18.2 tāpiri mai ko te huamoni, mai i ngā kaupupuri o Heruiwi 4A2 me 4A2 i te tau 1900. I te marama o Tihema 1915 nā Te Kōti Whenua Māori i wāwāhi a Heruiwi 4A2 i waenga i a Hineuru me te Karauna. Ka whakawhiwhia e Te Kōti ngā eka 489 ki Te Karauna mō ngā utunga rūri me te huamoni (Heruiwi 4A2A), nā konā ka waiho ētahi eka 1,740 ki ngā kaupupuri o Hineuru (Heruiwi 4A2B).
- 2.93 I hiahia anō hoki te Karauna ki te hoko i Heruiwi 4A2B. I tino hiahia ngā kaupupuri ki te hoko, engari tērā noa ake te utu i tā Karauna i pai ai mō te hoko. I te tau 1917 ka tāpaetia e Te Karauna tana whakaaro kia hokona e ia te poraka mō te utu 5 herengi mō te eka, heoi anō i whakakāhoretia tēnei e tētahi hui o ngā kaupupuri i reira. I te tau 1919 ka tāpaetia e te Karauna ana whakaaro, tuatahi mō te 8 herengi mō te eka, me te 10 herengi mō te eka. I hui anō ngā kaupupuri i te tau 1920, ā, nā te whakaminenga i whakakāhore te tāpaetanga o te 10 herengi mō te eka, ki a rātou he pāpaku rawa, me te tāpae whakaaro anō a aua kaupupuri kia hokona ngā whenua ki te Karauna mō te £3 mō te eka. I whakakāhoretia e Te Karauna tēnei tāpaetanga, ā, ka tīmata tana hoko whenua takitahi i te whenua mō te 10 herengi i te eka. Ka takaroa tonu te hoko a te Karauna i ngā hea i roto i Heruiwi 4A2B. Ka tae ki te tau 1933 kua hokona e Te Karauna ētahi hea taurite tonu ki te hauruatanga o te rahi o te poraka.
- 2.94 I te tau 1943 ka tonu te Karauna ki Kōti Whenua Māori kia wāhia a Heruiwi 4A2B i waenga i te Karauna me ngā mea o Hineuru kāore i pai ki te hoko. Ahakoa tērā, ka whakatārewatia e Te Karauna te whakawā nā te mea kīhai te Karauna me Hineuru i whakaae he aha rawa te wāriu o ngā rākau i runga i te poraka, mehemea rānei kua ea te wāriu o ngā rākau i ngā utunga a te Karauna.
- 2.95 I te tau 1961 ka whakahē te Karauna ki te take i kōkiritia e tētahi kamupene tūmataiti, mō ngā kaupupuri Māori i roto i Heruiwi 4A2B kia hoko i ā rātou pānga rākau i te poraka ki taua kamupene. Ahakoa, i te tau 1962, ka tautokona e te Karauna tētahi atu take e tētahi atu kamupene tūmataiti. I raro i tēnei take, ka hiahia ngā kaupupuri whenua Māori ki te hoko i ā rātou pānga rākau ki te kamupene, me ā rātou pānga whenua pupuri noa ki te Karauna. I te tau 1963 ka hui ngā kaupupuri ki ngā hoko e rua, ā, i whakaūngia ngā hoko me te whakaoti anō i ngā tau 1963-1964. Nā reira i whakawetohia ai ngā pānga o Hineuru e toe ana i roto i Heruiwi 4A.
- 2.96 Te taenga ki ngā tau 1960, nā ngā raupatu me ngā hoko tūmataiti torutoru noa ngā whenua e toe ana ki a Hineuru. I pupuri tonu a Hineuru i ōna pānga i roto i ngā poraka o Tataraka me Te Hāroto, ā, ka noho tonu iho aua pānga i roto i Tarawera i muri i te

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whakahoutanga o te taitara i te tau 1952. I puritia ia poraka e ōna kaipupuri maha, ā, he roa tonu ngā wā o te rangirua, o te āwangawanga mō ngā kaipupuri o Tarawera me Tataraka, i runga anō i ngā hurihanga i takea mai i ngā ture o 1924 me 1952.

#### NGĀ TAKE PĀPORI, ŌHANGA ANŌ HOKI

##### *Ka whakatū a Hineuru i tōna hapori i Te Hāroto*

- 2.97 I te tau 1871 i te noho tonu ētahi tāngata Māori mai i te rohe o Heretaunga ki roto i Hauraki, ā, i whakahauraro ki te Karauna. Kātahi ka ārahina te rōpū, kei roto nei ētahi tāngata takitahi nō Hineuru, ki Ahuriri. Ka whakaatu atu rātou ki a Te Makarīni, te Minita mō ngā take Māori, nā te raupatu kua kore he kāinga noho mō rātou.
- 2.98 I te ngahuru tau mai i 1870 ka taki nohonoho a Hineuru ki ētahi whenua kua oti te raupatu me te pupuri e Te Karauna i Te Hāroto. I te ngahuru tau mai i 1880 i hangaia e te hapori o Te Hāroto tētahi whare nui, ā, nā Te Kooti i tapa ki te ingoa “Rongopai.” Ka tae ki te tau 1900 he hapori nui a Te Hāroto, ā, koirā hoki te pūtahi o te oranga o Hineuru i te rohe i te taha.
- 2.99 I te tau 1910 ka whakamanaia e Te Whare Pāremata te Reserves and Other Lands Disposal and Public Bodies Empowering Act, i rāhuitia ai ētahi eka 517 mō te iwi Māori i Te Hāroto. I te tau 1911 nā Te Kōti Whenua Māori i wehewehe te rāhui kia rua rawa ngā poraka. Ka whakawhiwhia ētahi eka 480, e kīa nei Te Hāroto 2B, ki ngā kaipupuri whenua 127, ko te nuinga nō Hineuru.

##### *He take ā-hāpori, ā-ōhanga i Te Hāroto*

- 2.100 I te tau 1901 nā Te Karauna i whakatū i tētahi Kura Māori i Te Hāroto i runga i te tono a taua hapori. Toru tekau mā ono ngā tamariki i rēhita i te tau tuatahi o te kura. I taua wā anō he iti noa te ōrau o ngā tamariki nuku haere atu i te kura tuarua ki te whare wānanga, kuratini rānei, ahakoa i tino kaha te pikinga ake i te rau tau rua tekau. Ahakoa rā, he iti iho ngā tūmanako o te pūnaha mātauranga mō ngā tamariki Māori i ngā tūmanako mō ngā tamariki Pākehā, taea noatia ngā tau i waenganui o te rau tau rua tekau.
- 2.101 Taea noatia te tau 1935, i mua i te whakatūranganga o ngā mahi tuatua rākau i taua takiwā, ko te nuinga o te oranga mō te iwi o Te Hāroto he mahi tāmutumutu, pēnei i te kutikuti hipi. He mahi hēpara ētahi i ngā teihana hipi tūtata, he mea pupuri, he mea rīhi rānei e ngā kaiwhakaoma hipi Pākehā. Ētahi kai nunui e ora ai te iwi kāinga ko ngā kai tonu o te ngahere, o te tuawhenua, ko te pikopiko tēnā, ko te whakangau poaka hoki tēnā.
- 2.102 Mai i te ngahuru tau mai i 1920 ka whakataimahangia te hapori e ngā nama mō ngā whakawākanga a te Kōti me ngā rūri, tae atu ki ngā wherawhera anō me ngā wāwāhanga i ngā taitara o Tarawera me Tataraka.
- 2.103 Ka noho rawakore noa te iwi o Te Hāroto. I roto i ngā tau mai i 1930 ka whakamohio tētahi kaiako i te kura o Te Hāroto i te Karauna mō te takoto kino o ngā whare o Te Hāroto, tae atu ki “ngā āhuatanga whakarihariha me te mōrearea mō te hauora” o ētahi o ngā whare. Ki tāna ko tētahi o ngā whare “he whare kanukanu, he iti rawa... kotahi anake te matapihi, ko te whenua tonu hei papa, me te popo katoa o ōna paraki”. I te tau 1938 ka kawea e te Poari Whenua Māori o Ikaroa tana rangahau mō ngā whare i Te

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Hāroto. E ai ki te pūrongo ko ngā āhuatanga o aua whare he "tino kino," me tana whakahau kia tohua ngā whare katoa o te tekau mā whitu, hāunga ētahi whare e toru, e whā rānei, kia whakahoroa wawetia. I tuhi hoki te pūrongo kāore i tino nui rawa ngā pūtea i tae mai ki te hapori.

- 2.104 I whakahoki pūrongo ngā kaiako me ngā Āpiha Hauora ā-Kura kua pāngia ngā tamariki o Te Hāroto e ngā mate pēnei i te pātito, i te hakihaki, i te mīhara, me te "momo mare motu". I te tau 1938 nā te rangahau whare o Te Hāroto i hono ngā āhuatanga kino o te noho whare mō te iwi ki te "hauora kino kei waenganui i te iwi." Ko tētahi raru tino nui ko te pāpā o te mate kohi. I roto i te pūrongo rangahau e ono o ngā pakeke 17 i te hapori i kī, he mate kohi tō rātou, ā, e rima ngā tāngata kua mate i te mate kohi i ngā marama e ono i mua i te rangahau. Ko te akiaki a te pūrongo "me tahuri ki te whakatika i te mate...ki te kore, ka mate katoa ngā mōrehu i reira i te mate kohi."

#### *Ngā huringa i te whakapono*

- 2.105 Mō te iwi o Hineuru, ko tētahi wāhi nui o tō rātou piri ki a Te Kooti me ngā Whakarau ko te whakapono Ringatū i noho ai hei mea nui i Te Hāroto tae noa pea ki te ngahuru tau mai i 1920. Mai i tērā wā, he maha ngā whānau i Te Hāroto i huri ki te whakapono Rātana, ā, i whai i te whakahoutanga nui o te ao Māori i takea mai i reira.

#### *Te kani rākau*



*Parengarenga Mill  
Photo supplied by the Kahukiwa Whanau*

- 2.106 I ngā tau tuatahi o te rau tau rua tekau, tērā tonu ētahi ngahere māori tūturu e toe ana i te takiwā o Mōhaka-Waikare ki te tuawhenua. Ka hangaia e tētahi kamupene tūmataiti te mira kani rākau tuatahi i Te Hāroto i te takiwā o 1920. Ka piki haere te mahi kani rākau i Te Hāroto i muri i 1936, i hangaia ai e tētahi kamupene tūmataiti tētahi mira kani rākau, i whiwhi mahi a i ngā tāngata o Te Hāroto. Nā ngā mira nei i kani te tini o ngā rākau i te rohe huri noa.
- 2.107 I muri i te katinga o ngā mira kani rākau i te wā i muri i te Pakanga nui a te Ao Tuarua, ka wehe atu te tini o Hineuru i Te Hāroto, ā, ka angiangi ko te hapori. He uaua te noho, me ngā āhutanga tauhou mō ngā whānau i nuku atu i te Hāroto ki ngā tāone nunui pēnei i Ahuriri.

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#### NGĀ WAEA WHAKAWHITI NGAOHIKO KAHA O WHIRINAKI

- 2.108 I te wā 1973-1975 ka hangaia e te Karauna ētahi waea 220-ngaohiko-mano atu i Wairākei ki te mira mahi pē, mahi pepa hoki i te raki o Ahuriri. Ka whakawhiti ēnei waea i ngā poraka o Pohokura, o Tatarakina, me Tarawera.
- 2.109 I te hanganga, nā ngā ture hou i whakamana te Karauna kia hanga waea whakawhiti i ngā whenua tūmataiti, engari me hora mai he kāpeneheihana mō te ngaromanga, mō te wharanga, te tuki taonga rānei.
- 2.110 I te 10 Oketopa 1973 ka mēratia atu ētahi “wayleave notice” e te Karauna ki ētahi o ngā kaipupuri o ngā poraka o Tarawera, o Tatarakina me Pohokura. Nā ngā pānui i whakaatu ki ngā kaipupuri ka tīmata te hanga o ngā waea i te 31 Oketopa 1973, i muri rānei, ka tuaina tētahi wāhi o te ngahere, otaota rānei, ā, he kapeneheihana ka utua. I puta te kī “ko ngā kerēme katoa kia kaua e waiho mō muri i te 12 marama i muri i te whakaotinga i ngā mahi, te whakauru,” engari kāore i āta tuhia he rā mō te whakaotinga.
- 2.111 I muri i te tukunga i ngā wayleave notice, kāore te Karauna i hoki mai ki te mātoro atu ki ngā kaipupuri, kia tino mārāma rānei aua kaipupuri he tika tō rātou kia whiwhi kāpeneheihana i raro i ngā ture mahinga tūmatanui. Ka tae ki tēnei wā i te whakahaeretia ētahi o ngā whenua Māori whai pānga ki tēnei mahi e te Karauna.
- 2.112 I te tau 1982 i tono ētahi o ngā kaipupuri mō te kāpeneheihana mō te ngaromanga o ngā mahi whakatipu hua i te "ripa tautiaki" 55.5-mita te whānui, e tika ana kia whakamaheatia kia tawhiti ngā pou me ngā waea i ngā rākau, taea noatia te mutunga o ngā raina waea. Ka whakakāhoretia e te Karauna te tono i runga i te whakaritenga kua pau kē te wā i raro i te ture mō ngā tono kāpeneheihana.



*Transmission lines through Hineuru rohe  
Photo supplied by Ivy Kahukiwa-Smith*

## DEED OF SETTLEMENT

### 2: NGA TĀTAI KŌRERO O NEHE

#### NGĀ TAKE TAI AO

- 2.113 He mea tino nui ki a Hineuru ngā ngahere me ngā wai o tō rātou rohe, i rapua ai te tini o ngā kai, o ngā rawa, ko te manu, ko te rongoā, ko te tipu rākau, me ngā rawa hangahanga. I roto i ngā awa me ngā manga wai te tini o ngā ika me ngā tuna. Kei ngā awa ko ngā kōhatu hāngī, ngā kōhatu tārei taputapu, patu hoki, ngā wahie me ngā poro rākau hei tahu ahi, hei hanga whare anō hoki.
- 2.114 He mea āta whakahaere ēnei rawa e Hineuru i runga anō i ā rātou tikanga tuku iho. I haere tonu ngā mahi tauhokohoko a Hineuru i te poaka, i te kererū me ērā atu rawa mō te pipi, mō te pāua mō te ika maroke hoki mai i ngā kāinga o te takutai i Pētane, i Arapaoanui, i Tangoio me Mōhaka, tae noa mai ki ngā tau o te rau tau rua tekau.
- 2.115 He maha ngā rerekētanga kua pā ki te rohe o Hineuru, ā-taiao, ā-pūnaha rauropi, mai i 1840. Kua waerea te tini o te ngahere i te takiwā, kua tipu mai ngā tipu kino o tāwāhi, kua uru mai hoki ngā kaikonihī, kua kino kē atu hoki te horohoro o te whenua.
- 2.116 Ko te rerekētanga nui ko te whakangaromanga o ngā ngahere māori o te takiwā. Nā te mira kani rākau i kani te tini o ngā rākau i te poraka o Tarawera, ā, nō te paunga o ngā rākau ngāwari ki te tuatua, ka kati te mira. Nā te tīhoretanga o te ngahere kua kore he kāinga mō ngā manu me Te Tini a Tāne, kua kino kē atu te hekenga o te oneone ki te wai, me te huri tītōhea o te oneone i te rohe. Kua ngaro ngā mahinga kai i roto i Tarawera, arā, ngā mea tūtata ki ngā kāinga o Tarawera me Te Hāroto, nā ngā mahi tuatua ngahere.



*Pohokura Mill  
Photo supplied by the Kahukiwa Whanau*

- 2.117 He raruraru anō ngā kaikonihī nō tāwāhi. I ngā tau tuatahi mai i 1980 ka kitea e ētahi kairangahau tētahi taupori kiwi tata ki te 30 i te poraka o te pāmu nohonoho o Waitara, ā, i whakaarotia koia te taupori nui rawa o te kiwi i Heretaunga i taua wā. Ahakoa rā, i roto i ngā arotake o muri mai, ka kitea kei te heke haere te taupori kiwi i reira nā te mahi a ngā kaikonihī pēnei i te toriura.

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that when it purchased the Ahuriri block in 1851:
- 3.1.1 it failed to include Hineuru in the purchase negotiations;
  - 3.1.2 it did not reserve any land from the Ahuriri purchase for Hineuru; and
  - 3.1.3 these acts and omissions breached the Crown's duties to actively protect Hineuru interests and were a breach of the Treaty of Waitangi and its principles.
- 3.2 The Crown acknowledges that:
- 3.2.1 it issued an unreasonable ultimatum demanding the surrender of all those inside Ōmarunui rather than continue negotiations to preserve the peace;
  - 3.2.2 Crown forces endangered the lives of all men, women and children inside Ōmarunui by attacking the pā when the ultimatum expired;
  - 3.2.3 Crown forces killed more than twenty people, including Hineuru people, who were defending themselves at Ōmarunui;
  - 3.2.4 Te Rangihīroa and eleven others were killed when Crown forces intercepted and surrounded, and then subsequently attacked their party near Pētane;
  - 3.2.5 Crown forces pursued Māori who escaped from the attacks at Ōmarunui and Pētane into the Hineuru rohe, and plundered kāinga at Waiparati and the surrounding area; and
  - 3.2.6 the attacks at Ōmarunui and Pētane, as well as the pursuit and plundering of Hineuru kāinga that followed, were injustices and breached the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that:
- 3.3.1 after the attacks at Ōmarunui and Pētane Crown forces took into custody 86 prisoners, including 34 Hineuru, and subsequently transported most of the prisoners to the Chatham Islands; and
  - 3.3.2 the detention of Hineuru individuals without trial in harsh conditions on the Chatham Islands for nearly two years was an injustice and a breach of the Treaty of Waitangi and its principles.
- 3.4 The Crown acknowledges that the summary executions by Crown forces at Ngātapa in January 1869 breached the Treaty of Waitangi and its principles and tarnished the honour of the Crown.

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.5 The Crown acknowledges that:
- 3.5.1 in 1867 it proclaimed a confiscation district which included much of the rohe of Hineuru; and
  - 3.5.2 subsequently, all Hineuru customary interests in the confiscation district were extinguished and the Crown retained land at Tarawera, Waitara, and Te Hāroto, and these actions breached the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that:
- 3.6.1 in 1870 it agreed to grant Tarawera and Tatarakaia to individual Māori without an independent investigation of customary interests in these blocks;
  - 3.6.2 it unjustly excluded a number of Hineuru from the titles for Tarawera and Tatarakaia in 1870, reducing the Hineuru interest in the Tarawera block to that of a minority;
  - 3.6.3 it purchased land in Tarawera on the basis of the 1870 lists of owners while Hineuru were seeking an investigation of the title;
  - 3.6.4 it compounded the unjust exclusion of Hineuru from the ownership of Tarawera and Tatarakaia when in 1952 it authorised the Native Land Court to remove Hineuru individuals admitted to the titles after 1924;
  - 3.6.5 Hineuru bore significant financial burdens due to court and survey costs generated by the Tarawera and Tatarakaia hearings and partitions; and
  - 3.6.6 the unjust exclusion of Hineuru people from the ownership of Tarawera and Tatarakaia was a breach of the Treaty of Waitangi and its principles.
- 3.7 The Crown acknowledges that:
- 3.7.1 it did not consult Hineuru before it introduced the native land laws;
  - 3.7.2 the individualisation of title imposed by the native land laws was inconsistent with Hineuru tikanga;
  - 3.7.3 the native land laws required Hineuru to participate in Native Land Court processes if they wished to secure legal titles to their customary lands, and to be able to use these lands in the modern economy;
  - 3.7.4 soon after the introduction of the Native Land Court, Hineuru were unable to participate in the Pakaututu title investigation because of the dislocation caused by ongoing conflict with the Crown;
  - 3.7.5 the Native Land Court process frequently required Hineuru to attend hearings at venues long distances from their settlements, which on occasion made it difficult for Hineuru to attend, and the costs of attending hearings at venues

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

with insufficient food supplies and inadequate accommodation imposed a considerable burden on Hineuru; and

- 3.7.6 the operation and impact of the native lands laws, in particular the awarding of tribal lands to individual owners, made these lands more susceptible to partition, fragmentation and alienation. This contributed to the erosion of the tribal structures of Hineuru, which were based on collective tribal custodianship of land. The Crown's failure to protect the tribal structures of Hineuru was a breach of the Treaty of Waitangi and its principles.
- 3.8 The Crown acknowledges that it sought to purchase large areas of land from Hineuru in the aftermath of war and raupatu. The Crown acknowledges that while undertaking the purchase of these lands it:
- 3.8.1 made payments to lease or purchase land in which Hineuru had interests before the Native Land Court had determined the ownership of this land;
- 3.8.2 suspended the operation of the native land laws over much of the central North Island between 1873 and 1877, and declined to pay regular rents for lands it had agreed to lease from Hineuru until after the Native Land Court had determined ownership of the leased lands;
- 3.8.3 refused to make regular rent payments while the Crown was negotiating to purchase land it had agreed to lease; and
- 3.8.4 used monopoly powers to prevent the Hineuru owners of Heruiwi from alienating their interests to private parties with the result that they could not accept a private offer to purchase this block which was significantly greater than the amount the Crown was willing to pay.
- The Crown acknowledges that the combined effects of its actions, a number of which were unfair and oppressive, meant the Crown failed to actively protect Hineuru interests, and this was a breach of the Treaty of Waitangi and its principles.
- 3.9 The Crown acknowledges that it breached the Treaty of Waitangi and its principles in 1915 when it broke an 1899 promise to owners of Heruiwi 4A that they would not have to make further payments for survey costs, and took an excessive amount of land from this block to pay the costs of its survey.
- 3.10 The Crown acknowledges that it breached the Treaty of Waitangi and its principles and made a sham of a provision in the native land laws for Māori to make land alienation decisions collectively when it purchased land in Heruiwi 4A2B from individual owners, after the owners had collectively decided at hui not to sell their land for the price the offered by the Crown.
- 3.11 The Crown acknowledges that it constructed high voltage transmission lines over Hineuru lands in Tarawera and Tatarakaia without ensuring all the owners were aware of and understood their right to compensation, and this was a breach of the Treaty of Waitangi and its principles.

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.12 The Crown acknowledges that its failure to protect Hineuru from virtual landlessness had a devastating impact on their economic, social, and cultural well-being and overall development, and this failure was a breach of the Treaty of Waitangi and its principles. The Crown further acknowledges that poverty, poor health, poor housing and low educational achievement have continued to afflict Hineuru.
- 3.13 The Crown acknowledges that extensive deforestation has contributed to significant environmental and ecological changes in the Hineuru rohe. The Crown further acknowledges that deforestation resulted in the loss and degradation of mahinga kai and deprived Hineuru of many traditional resources and food sources.
- 3.14 The Crown acknowledges that Hineuru experienced difficulties using and managing their remaining lands due to a long period of tenurial uncertainty in Tarawera and Tatarakina and high levels of multiple ownership, and that these difficulties compounded their poor economic circumstances.
- 3.15 The Crown acknowledges that despite determined efforts by Hineuru to build a sustainable community at Te Hāroto in the first half of the twentieth century, Crown policies have since contributed to many Hineuru leaving their traditional rohe.

#### APOLOGY

- 3.16 The Crown makes this apology to the iwi of Hineuru, to the tipuna, whānau and descendants.
- 3.17 For too long the Crown has failed to respect the mana and rangatiratanga of Hineuru, and to fulfil its obligations under the Treaty of Waitangi and its principles.
- 3.18 The Crown profoundly regrets its unjust attacks at Ōmarunui and near Pētane that took the lives of your rangatira Te Rangihīroa and others, and the devastation and grief Hineuru suffered through loss of life and exile. You suffered further prejudice when the Crown plundered your kāinga, detained your ancestors without trial, and carried out dishonourable summary executions at Ngātapa. For its actions, and the immense hurt the Crown has caused you and your tipuna, the Crown apologises.
- 3.19 The Crown deeply regrets the enduring prejudice it caused by confiscating so much of your ancestral whenua. For the confiscation, and for the decades of title disruption, dislocation and lost opportunities Hineuru have experienced as a result of the Crown's actions in relation to Tarawera and Tatarakina, the Crown also apologises.
- 3.20 Since the confiscation, the Crown compounded the prejudice to Hineuru by purchasing significant parts of your remaining lands. The Crown unreservedly apologises for its policies, acts and omissions that have left Hineuru virtually landless, and undermined your tribal structures, your capacity for economic and social development, and your physical, emotional and spiritual well-being.
- 3.21 The Crown pays tribute to the resilience and the mana of Hineuru, and your long pursuit of justice over many generations.
- 3.22 Through this settlement the Crown seeks to atone for its past wrongs, and to assist Hineuru in lifting the burden of grievance and restoring the well-being of your people

## DEED OF SETTLEMENT

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

and cultural heritage. The Crown looks forward to building a new relationship with Hineuru based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

## DEED OF SETTLEMENT

### 3: NGĀ WHAKAAETANGA A TE KARAUNA ME TE WHAKAPĀHA

#### NGĀ WHAKAAETANGA A TE KARAUNA ME TE WHAKAPĀHA

- 3.1 E whakaae ana te Karauna, i tāna hokonga i te poraka o Ahuriri i te tau 1851:
- 3.1.1 kāore ia i whakauru i a Hineuru ki roto i ngā whakawhiti kōrero;
  - 3.1.2 kāore rawa ia i rāhui whenua i te hoko o Ahuriri mā Hineuru; ā
  - 3.1.3 ko ēnei mahi, hapanga hoki ka noho hei takahanga i ngā here i runga i te Karauna kia āta tiakina e ia i runga i te mataara ngā tika o Hineuru, ā, he takahanga hoki i Te Tiriti o Waitangi me ōna kaupapa.
- 3.2 E whakaae ana te Karauna:
- 3.2.1 i whakaputaina e ia he whakahau tikanga-kore kia whakahauraro ngā tāngata katoa i roto i Ōmarunui, hei aha te kawea haere tonu i ngā whakawhiti kōrero e houhia ai te rongo;
  - 3.2.2 i mōrearea te ora o ngā tāne, o ngā wāhine me ngā tamariki katoa i roto i Ōmarunui i ngā ope hōia a te Karauna, nā tō rātou whakaekenga o te pā i te paunga o te wā o te kupu whakahau;
  - 3.2.3 Neke atu i te rua tekau ngā tāngata i mate, tae atu ki ētahi o Hineuru, i tā rātou mahi ki te tiaki i tō rātou ora i roto i Ōmarunui;
  - 3.2.4 i mate a Te Rangihīroa me ētahi atu tāngata tekau mā tahi i te aukatinga me te karapotitanga, mutu rawa atu ki te huaki, i tō rātou ope i te takiwā o Pētane;
  - 3.2.5 i whāia ngā Māori tahuti i ngā kōkiri i Ōmarunui me Pētane ki roto i te rohe o Hineuru e ngā ope hōia a te Karauna, ā, i murua ngā kāinga o Waiparatī me ngā rohe i te taha; ā
  - 3.2.6 ko ngā whakaeke i Ōmarunui me Pētane, tae atu ki te whāinga me te murunga o ngā kāinga o Hineuru, he hē, he takahanga hoki i te Tititi o Waitangi me ōna kaupapa.
- 3.3 E whakaae ana te Karauna:
- 3.3.1 i muri i ngā whakaeke i Ōmarunui me Pētane ka whakaraua 86 ngā whakarau e ngā hōia o te Karauna, tae atu ki te 34 o Hineuru, ā, ka kawea haeretia te nuinga o ngā mauhere ki Wharekauri; ā
  - 3.3.2 ko te puritanga o ngā whakarau o Hineuru me ētahi atu whakarau Māori e te Karauna i Wharekauri mō te takiwā o te rua tau, he hē, he takahanga hoki i te Tititi o Waitangi me ōna kaupapa.
- 3.4 Kei te whakaae te Karauna ka noho ko ngā whakamatenga mauhere e ngā ope hōia o te Karauna i Ngātapa i te Hānuere 1869 hei hē, hei takahanga hoki i te Tiriti o Waitangi me ōna kaupapa, hei tūkinotanga hoki i te mana o te Karauna.

## DEED OF SETTLEMENT

### 3: NGĀ WHAKAAETANGA A TE KARAUNA ME TE WHAKAPĀHA

3.5 E whakaae ana te Karauna:

3.5.1 i te tau 1867 ka pānuitia e te Karauna he rohe raupatu kei roto nei te nuinga o te rohe o Hineuru; ā

3.5.2 nō muri mai ka whakawetohia katoatia ngā pānga tuku iho a Hineuru i te rohe raupatu, me te pupuri a te Karauna i ngā whenua mōna anō i Tarawera, i Waitara, i Te Hāroto, ā, nā ēnei mahinga i takahi te Tiriti o Waitangi me ōna kaupapa.

3.6 E whakaae ana te Karauna:

3.6.1 i te tau 1870 i whakaae ia ki te karāti i Tarawera me Tātaraakina ki ētahi tāngata Māori takitahi, ka wareware ki te kawae i tāna wherawhera motuhake e tika ana mō ngā pānga tuku iho i ēnei poraka;

3.6.2 he hē te aukatinga o ētahi o Hineuru i ngā taitara o Tarawera me Tātaraakina i te tau 1870, nā konā i heke ai te pānga a Hineuru ki te poraka o Tarawera kia noho ko rātou te itinga;

3.6.3 i hoko whenua ia i roto i Tarawera i runga i te take o ngā rārangi kaupupuri o 1870, i a Hineuru e tono ana i tētahi wherawheratanga o te taitara;

3.6.4 i hē kē atu te aukatinga o Hineuru i te puritanga o Tarawera me Tātaraakina i te tau 1952 i tā te Karauna whakamananga i te Kōti Whenua Māori kia murua atu ngā tāngata takitahi o Hineuru i tukua atu ki ngā taitara i muri i 1924;

3.6.5 i kawea e Hineuru ētahi nama taumaha nā runga i ngā nama kōti, rūri hoki i ara ake i ngā whakawākanga me ngā wāwāhanga o Tarawera me Tātaraakina; ā

3.6.6 he takahanga i te Tiriti o Waitangi me ōna kaupapa te waihotanga hē i te iwi o Hineuru ki waho i te mana pupuri i Tarawera me Tātaraakina.

3.7 E whakaae ana te Karauna:

3.7.1 kāore ia i mātoro i a Hineuru i mua i tana whakaurunga mai i ngā ture mō ngā whenua Māori;

3.7.2 kāore i hāngai ki runga i ngā tikanga o Hineuru te whakawhiwhi taitara takitahi, nā ngā ture whenua Māori i whakahau;

3.7.3 ka herea te iwi i raro i ngā ture whenua Māori kia uru a Hineuru ki ngā whakahaere o Te Kōti Whenua Māori, me i hiahia rātou ki te pupuri taitara ki ō rātou whenua tuku iho, kia āhei hoki ki te whakamahi i aua whenua i te ōhanga o te ao hou;

3.7.4 i muri tata tonu iho i te whakaurunga o te Kōti Whenua Māori kīhai i taea e Hineuru te whai wāhi ki te wherawhera o te taitara o Pākaututu, nā te taimahatanga o ērā wā, arā, ngā raruraru me ngā tautohe ki te Karauna;

## DEED OF SETTLEMENT

### 3: NGĀ WHAKAAETANGA A TE KARAUNA ME TE WHAKAPĀHA

- 3.7.5 ka tonoa putuputungia a Hineuru kia haere i raro i ngā whakaritenga a te Kōti Whenua Māori ki ngā whakawā i ngā tāone mamao, i uaua ai te mahi pupuri whenua a Hineuru i ētahi wā, ā, ka whakataimahangia te iwi o Hineuru nā te nui o te utu kia tae ki ngā hui, nā te kore kai me te kore whare noho i aua wāhi; ā
- 3.7.6 nā ngā whakaritenga me te pānga o ngā ture whenua Māori, otirā te whakawhiwhinga o ngā whenua o te iwi ki te tangata takitahi, i horo ai te wāwāhi, te wehewehe, me te riro tonu atu o te whenua. Nā konei i waimeha ai ngā pou o te whare o Hineuru, nā te mea ko te pupuri ā-hapū, ā-iwi te āhua o te tikanga tiaki i te whenua. Ka noho te korenga o te Karauna e tiaki i ngā pou matua o te iwi o Hineuru hei takahanga nui i te Tiriti o Waitangi me ōna kaupapa.
- 3.8 Kei te whakaae hoki te Karauna i ngana ia ki te hoko i ētahi wāhanga whenua nunui i a Hineuru i ngā rā o te pōkēao o te pakanga me te raupatu. Kei te whakaae te Karauna i a ia e ngana nei ki te hoko i ēnei whenua:
- 3.8.1 i tuku utunga moni ia hei rīhi, hei hoko rawa rānei i ētahi whenua i whai pānga rā a Hineuru, i mua i te whakataunga a te Kōti Whenua Māori i ngā tino kaipupuri i ēnei whenua;
- 3.8.2 i whakatārewatia e ia te mahinga o ngā ture whenua Māori i te nuinga o te puku o Te Ika a Māui i waenga i 1873 me 1877, me tana whakakāhore kia utu puputu i ngā reti kua whakaae ia i mua mō ngā whenua kua rīhitia e ia i a Hineuru, kia oti rā anō te whakatatū a te Kōti Whenua Māori i ngā kaipupuri o ngā whenua rīhi;
- 3.8.3 i whakakāhore ia ki te utu putuputu i ngā reti, i te Karauna e whakawhiti kōrero ana mō te hoko i ngā whenua kua whakaae ia ki te rīhi; ā
- 3.8.4 i whakamahia e ia tōna mana hoko anake hei ārai i te tuku rawa a ngā kaipupuri o Hineuru i ō rātou pānga ki ētahi tāngata noa atu, nā konā i kore ai e taea te whakaae ki tētahi tāpaetanga tūmataiti mō te hoko i tēnei poraka, he nui noa ake i te nui o te utu i hiahia rā te Karauna ki te hoko.
- Kei te whakaae te Karauna ko te hua i te mutunga o ana mahi tini kāore i tika, i tāmi rānei i te iwi, he korenga e tiakina e te Karauna ngā pānga o Hineuru i runga i te mataara, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna kaupapa.
- 3.9 Kei te whakaae te Karauna i takahia e ia te Tiriti o Waitangi me ōna kaupapa i te tau 1915 i tana rukenga ki tahaki i te kī taurangi o 1899 ki ngā kaipupuri o Heruiwi 4A, e kore rātou e mate ki te utu i ngā nama rūri, ā, he tino nui rawa ngā whenua i tangohia e ia i tēnei poraka hei utu mō tana rūri.
- 3.10 Kei te whakaae te Karauna i takahia e ia Te Tiriti o Waitangi me ōna kaupapa, otirā, he whakataruna noa iho tāna whakatau i ngā kaupapa o ngā ture whenua Māori kia āhei te Māori kia whakatau ā-iwi rātou i ngā tikanga hei whai mō te hoko whenua, i tā te Karauna hokonga i ngā whenua o Heruiwi 4A2B i ngā tāngata takitahi, i muri te whakatau ā-rōpū a ngā kaipupuri i tā rātou hui e kore rātou e hoko i te whenua mō te utu iti i tāpaetia mai ai e te Karauna.

## DEED OF SETTLEMENT

### 3: NGĀ WHAKAAETANGA A TE KARAUNA ME TE WHAKAPĀHA

- 3.11 Kei te whakaae te Karauna i hangaia e ia ngā waea whakawhiti ngaohiko kaha i ngā whenua o Hineuru i Tarawera me Tatarakaakina, me tana kore e whakamārama ki ngā kaupuri whenua katoa i āhei rātou ki te tono kāpeneheihana, ā, he takahanga nui i te Tiriti o Waitangi me ōna kaupapa.
- 3.12 Kei te whakaae te Karauna nā tana kore rawa e tiaki i a Hineuru i te noho whenua-kore, i papahoro ai ngā pou oranga, ngā pou hapori, me ngā pou ahurea o te iwi, me te whanaketanga whānui tonu, ā, he takahanga nui tēnei i te Tiriti o Waitangi me ōna kaupapa. Kei te whakaae te Karauna kei te pā tonu te rawakore, te hauora ngoikore, te kino o te whare me te pāpaku o ngā ekenga taumata mātauranga ki a Hineuru.
- 3.13 Kei te whakaae te Karauna nā ngā mahi waere ngahere nunui i raru ai ngā āhuatanga ā-taiao, ā pūnaha rauropi o te rohe o Hineuru. Kei te whakaae hoki te Karauna nā ngā mahi waere i te ngahere i ngaro ai i pūhore ai ngā mahinga kai a te iwi, i kore ai ētahi o ngā kete kai tuku iho, me ngā rawa tuku iho a te iwi o Hineuru.
- 3.14 Kei te whakaae Te Karauna nā te nui o ngā uauatanga i pā ki a Hineuru mō te whakamahi me te whakahaere i ngā toenga whenua i ō rātou ringa, nā te takaroaroa o ngā mana pupuri whenua i Tarawera me Tatarakaakina, nā te pā kino o te pupuri takitini i te whenua hoki, i kino kē atu ai tō rātou noho, me tō rātou ora.
- 3.15 Kei te tino whakaae te Karauna, ahakoa ngā mahi nui a Hineuru ki te waihanga hapori ora tonu i Te Hāroto i te haurua tuatahi o te rau tau rua tekau, nā ngā kaupapa here a te Karauna i wehe ai te tini o Hineuru i tō rātou rohe.

#### WHAKAPĀHA

- 3.16 Tēnei te Karauna te tuku whakapāha atu nei ki a Hineuru, ki ō koutou tīpuna, ō koutou whānau, mokopuna anō hoki.
- 3.17 Kua roa rawa te wā kīhai te Karauna i aronui atu ki te mana me te rangatiratanga o Hineuru, kīhai hoki i tutuki ana here i raro i te Tiriti o Waitangi me ōna kaupapa matua.
- 3.18 E kore e taea te whakapuaki i te pouri nui o Te Karauna mōna i tuku ope tauā ki runga o Ōmarunui, i te takiwā hoki o Pētane, i hinga ai tō koutou rangatira a Te Rangihīroa me ētahi atu, me te tūkinotanga, te aitua nui hoki i pā ki a Hineuru nā runga i te mate o te tangata me te peinga i te whenua tupu. I raru nui anō koutou i te kōkiritanga a Te Karauna ki tō koutou kāinga, te mauheretanga o ō koutou tīpuna kāore he whakawā, kāore he aha, me te patu i ngā mauhere kia mate, he mahi weriweri ki te titiro mai a te ao, i Ngātapa. Mō ana mahi, me ngā pouritanga nui kua utaina mai e te Karauna ki runga i a koutou ko ō koutou tīpuna, tēnei te Karauna te tuku whakapāha atu nei.
- 3.19 E pouri ana te Karauna mō ngā wharanga nui, wharanga mauroa i ara ake i ana raupatutanga i te wāhi nui o ō koutou whenua tuku iho. Mō tēnei mahi raupatu, mō ngā ngahuru tau o te raruraru me te pōkaikaha, ngā tau i ngaro ngā painga mō te iwi o Hineuru i runga i ngā mahi hē a te Karauna e pā ana ki Tarawera me Tatarakaakina, e whakapāha ana anō hoki te Karauna.
- 3.20 Mai o te wā o te raupatu, i hē kē atu te kino mō Hineuru i ngā mahi hokohoko atu a te Karauna i ngā whenua i toe mai ki a koutou. Tēnei te whakapāha noa atu a te Karauna mō ana kaupapa matua, mō ana mahi, me ana hapanga i noho whenua kore tonu a

## DEED OF SETTLEMENT

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### 3: NGĀ WHAKAAETANGA A TE KARAUNA ME TE WHAKAPĀHA

Hineuru, i ngahoro ai ngā pou o tō koutou noho hei iwi, o ō koutou pūmanawa ki te whai i te oranga, ki te tupu hei iwi, ki te kimi oranga ā-kikokiko, ā-ngākau, ā-wairua anō hoki mō koutou.

- 3.21 E mihi ana te Karauna ki te pakari me te mana o Hineuru, me tō koutou whāinga roa i te tika i roto i ngā whakatipuranga maha.
- 3.22 Rā roto i tēnei whakatau e mahi nui ana te Karauna ki te utu mō ana hara o tau kē, me te tahuri ki te hāpai i a Hineuru kia hīkina ai ngā taumatanga o te whakamauāhara, kia whakawhiwhia anō te iwi ki te toiora, tae atu ki ngā taonga tuku iho o te iwi. E titiro whakamua ana te Karauna ki tōna whanaungatanga hou ki a Hineuru, i runga i te whakapono, tētahi ki tētahi, te mahi tahi, me te whakamana i te Tiriti o Waitangi me ōna kaupapa nui.

## **4 SETTLEMENT**

### **ACKNOWLEDGEMENTS**

- 4.1 Each party acknowledges that -
- 4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
  - 4.1.2 the Crown has set limits on what and how much redress is available to settle historical claims generally; and
  - 4.1.3 it is not possible –
    - (a) to assess the loss and prejudice suffered by Hineuru as a result of the events on which the historical claims are or could be based; and
    - (b) to fully compensate Hineuru for all loss and prejudice suffered; and
  - 4.1.4 Hineuru intend their foregoing of full compensation to contribute to New Zealand's development; and
  - 4.1.5 the settlement is intended to enhance the ongoing relationship between Hineuru and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2 Hineuru acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair and the best that can be achieved in the circumstances.

### **SETTLEMENT**

- 4.3 Therefore, on and from the settlement date, -
- 4.3.1 the historical claims are settled; and
  - 4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
  - 4.3.3 the settlement is final.
- 4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.
- 4.5 Without limiting clause 4.4, nothing in this deed or the settlement legislation will –

## DEED OF SETTLEMENT

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### 4: SETTLEMENT

- 4.5.1 extinguish or limit any aboriginal title, or customary right, that Hineuru may have; or
- 4.5.2 constitute or imply an acknowledgement by the Crown that any aboriginal title, or customary right, exists; or
- 4.5.3 except as provided in this deed or the settlement legislation, affect a right that Hineuru or the Crown may have, including a right arising -
- (a) from the Treaty of Waitangi or its principles; or
  - (b) under legislation; or
  - (c) at common law (including in relation to aboriginal title or customary law); or
  - (d) from a fiduciary duty; or
  - (e) otherwise.
- 4.6 Clauses 4.4 and 4.5 do not limit clause 4.3.

### REDRESS

- 4.7 The redress, to be provided in settlement of the historical claims, –
- 4.7.1 is intended to benefit Hineuru collectively; but
- 4.7.2 may benefit particular members, or particular groups of members, of Hineuru if the trustees so determine in accordance with the procedures of Te Kōpere o te iwi o Hineuru Trust.

### IMPLEMENTATION

- 4.8 The settlement legislation will, on the terms provided by sections 15 to 18 of the draft settlement bill, –
- 4.8.1 settle the historical claims; and
- 4.8.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
- 4.8.3 provide that the legislation referred to in section 17 of the draft settlement bill does not apply -
- (a) to a redress property, the deferred selection property if it is purchased under this deed and settlement of that property has been effected, or any RFR land; or

## DEED OF SETTLEMENT

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### 4: SETTLEMENT

- (b) for the benefit of Hineuru or a representative entity; and
- 4.8.4 require any resumptive memorial to be removed from a computer register for a redress property, the purchased deferred selection property if it is purchased under this deed and settlement of that property has been effected, or any RFR land; and
- 4.8.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not -
  - (a) apply to a settlement document; or
  - (b) prescribe or restrict the period during which -
    - (i) the trustees may hold or deal with property; and
    - (ii) Te Kōpere o te iwi o Hineuru Trust may exist; and
- 4.8.6 require the Secretary for Justice to make copies of this deed publicly available.
- 4.9 Part 1 of the general matters schedule provides for other action in relation to the settlement.

## 5 CULTURAL REDRESS

### CULTURAL REDRESS PAYMENT

- 5.1 The Crown will, within 10 business days after the date of this deed, pay \$2,000,000 to the trustees to enable the trustees to carry out any one or more of the following:
- 5.1.1 the commissioning of cultural research relevant to Hineuru:
  - 5.1.2 the holding of wānanga:
  - 5.1.3 the acquisition of sites that are of cultural significance to Hineuru:
  - 5.1.4 other purposes approved by the trustees that contribute to the cultural revitalisation of Hineuru.

### FUNDING FOR POUWHENUA AND INTERPRETATION PANELS

- 5.2 The Crown will pay \$15,000 to the trustees on the settlement date for the purpose of erecting pouwhenua on sites of historical and cultural importance to Hineuru in the area of interest.
- 5.3 If the trustees identify any proposed site for the erection of pouwhenua that is on land administered by the Department of Conservation within Te Kawenata area (as defined in Te Kawenata, being the document referred to in clause 5.18), the erection of pouwhenua on this site may be agreed in accordance with the terms and conditions of Te Kawenata.

### CULTURAL REDRESS PROPERTIES

- 5.4 The settlement legislation will vest in the trustees on the settlement date –

***In fee simple***

- 5.4.1 the fee simple estate in each of the following sites:
- (a) Former Te Haroto School:
  - (b) Tarawera property:
  - (c) Te Purotu:
  - (d) Woodstock Station property; and

***In fee simple together with an easement and subject to an easement***

- 5.4.2 the fee simple estate in Tarawera Hot Springs site A, together with the Minister of Conservation, by or on the settlement date, providing the trustees

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

with a registrable right of way easement in relation to that site in the form in subpart A of part 9 of the documents schedule and subject to the trustees providing a registrable easement in relation to that site in the form in subpart B of part 9 of the documents schedule; and

***In fee simple together with an easement and subject to a conservation covenant***

- 5.4.3 the fee simple estate in Tarawera Hot Springs site B, together with the Minister of Conservation, by or on the settlement date, providing the trustees with a registrable right of way easement in relation to that site in the form in subpart A of part 9 of the documents schedule and subject to the trustees providing a registrable conservation covenant in relation to that site in the form in part 10 of the documents schedule; and

***As a scenic reserve together with an easement***

- 5.4.4 the fee simple estate in Waipunga Falls property as a scenic reserve, with the trustees as the administering body, together with the Minister of Conservation, by or on the settlement date, providing the trustees with a registrable right of way easement in relation to the site in the form in part 11 of the documents schedule; and

***As a scenic reserve subject to an easement***

- 5.4.5 the fee simple estate in Taraponui-a-Kawhea, as a scenic reserve, with the trustees as the administering body, subject to the trustees providing a registrable easement in relation to that site in the form in part 12 of the documents schedule.

- 5.5 Each cultural redress property is to be –

- 5.5.1 as described in schedule 3 of the draft settlement bill; and

- 5.5.2 vested on the terms provided by –

- (a) sections 69 to 92 of the draft settlement bill; and
- (b) part 2 of the property redress schedule; and

- 5.5.3 subject to any encumbrances, or other documentation, in relation to that property –

- (a) required by clause 5.4 to be provided by the trustees; or
- (b) required by the settlement legislation; and
- (c) in particular, referred to by schedule 3 of the draft settlement bill.

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

#### VESTING AND GIFT BACK OF BALANCE OF WAIPUNGA FALLS SCENIC RESERVE

- 5.6 The settlement legislation will, on the terms provided by sections 91 and 92 of the draft settlement bill, provide that -
- 5.6.1 the trustees will give written notice to the Minister of Conservation of the date the Balance of Waipunga Falls Scenic Reserve is to vest in the trustees under clause 5.6.3 (the **vesting date**); and
- 5.6.2 the vesting date must –
- (a) be no later than 31 March 2020; and
- (b) be not less than 40 business days after the date upon which notice was given under clause 5.6.1; and
- 5.6.3 on the vesting date, the fee simple estate in the Balance of Waipunga Falls Scenic Reserve as shown on deed plan OTS-205-08 vests in the trustees; and
- 5.6.4 on the tenth day after the vesting date, the Balance of Waipunga Falls Scenic Reserve re-vests in the Crown as a gift back to the people of New Zealand by Hineuru; and
- 5.6.5 the Balance of Waipunga Falls Scenic Reserve remains a scenic reserve under the Reserves Act 1977, and that Act continues to apply to it, as if the vesting and re-vesting had not occurred; and
- 5.6.6 despite the vesting and re-vesting, -
- (a) any enactment (other than the settlement legislation), or any instrument, that applied to, or any interest that affected, the Balance of Waipunga Falls Scenic Reserve immediately before the vesting date continues to apply to it, or affect it, as the case may be, as if the vesting and re-vesting had not occurred; and
- (b) to the extent that Te Korowai o Te Hā applied to the Balance of Waipunga Falls Scenic Reserve immediately before the vesting date, it continues to apply to it as if the vesting and re-vesting had not occurred; and
- (c) the Crown retains all liability for the Balance of Waipunga Falls Scenic Reserve as if the vesting and re-vesting had not occurred.

#### TE KOROWAI O TE HĀ

- 5.7 The settlement legislation will, on the terms provided by sections 47 to 61 of the draft settlement bill, –

## **DEED OF SETTLEMENT**

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### **5: CULTURAL REDRESS**

- 5.7.1 declare each of the following sites is subject to Te Korowai o Te Hā:
- (a) Waitere Kiwi Conservation Area (as shown on deed plan OTS–205-09):
  - (b) Balance of Waipunga Falls Scenic Reserve (as shown on deed plan OTS-205-10):
  - (c) Balance of Taraponui-a-Kawhea Conservation Area (as shown on deed plan OTS-205-11); and
- 5.7.2 provide the Crown’s acknowledgement of the statement of Hineuru values in relation to each of the sites; and
- 5.7.3 require the New Zealand Conservation Authority, or a relevant conservation board, -
- (a) when considering a conservation document, in relation to a site, to have particular regard to the statement of Hineuru values, and the protection principles, for the site; and
  - (b) before approving a conservation document, in relation to a site, to -
    - (i) consult with the trustees; and
    - (ii) have particular regard to its views as to the effect of the conservation document on the Hineuru values, and the protection principles, for the site; and
- 5.7.4 provide that if the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to a site, the New Zealand Conservation Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns; and
- 5.7.5 require the Director-General of Conservation to take action in relation to the protection principles; and
- 5.7.6 enable the making of regulations and bylaws in relation to the sites.
- 5.8 The statement of Hineuru values, the protection principles, and the Director-General’s actions are in part 1 of the documents schedule.

### **STATUTORY ACKNOWLEDGEMENT**

- 5.9 The settlement legislation will, on the terms provided by sections 34 to 41 of the draft settlement bill, -
- 5.9.1 provide the Crown’s acknowledgement of the statements by Hineuru of their particular cultural, spiritual, historical, and traditional association with the following areas:

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (a) Heruwi Block Conservation Area (as shown on deed plan OTS-205-18):
  - (b) Part of Kaimanawa Forest Park (as shown on deed plan OTS-205-23):
  - (c) Kokomoka Forest (as shown on deed plan OTS-205-15):
  - (d) Mohaka River and its tributaries within Hineuru area of interest (as shown on deed plan OTS-205-24):
  - (e) Opoto Scenic Reserve (as shown on deed plan OTS-205-12):
  - (f) Rangitaiki Conservation Area (as shown on deed plan OTS-205-13):
  - (g) Rangitaiki River and its tributaries within Hineuru area of interest (as shown on deed plan OTS-205-27):
  - (h) Ripia River and its tributaries (as shown on deed plan OTS-205-25):
  - (i) Stoney Creek Conservation Area (as shown on deed plan OTS-205-21):
  - (j) Tarawera Conservation Area (as shown on deed plan OTS-205-17):
  - (k) Te Hoe River and its tributaries (as shown on deed plan OTS-205-28):
  - (l) Te Kohu Ecological Area (as shown on deed plan OTS-205-22):
  - (m) Turangakumu Scenic Reserve (as shown on deed plan OTS-205-19):
  - (n) Urutomo Conservation Area (as shown on deed plan OTS-205-20):
  - (o) Waipunga Forest (as shown on deed plan OTS-205-14):
  - (p) Waipunga River and its tributaries (as shown on deed plan OTS-205-26):
  - (q) Part of Whirinaki Te Pua-ā-Tāne Conservation Park (Whirinaki Conservation Park) (as shown on deed plan OTS-205-16); and
- 5.9.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 5.9.3 require relevant consent authorities to forward to the trustees -
- (a) summaries of resource consent applications within, adjacent to or directly affecting a statutory area; and

## **DEED OF SETTLEMENT**

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### **5: CULTURAL REDRESS**

- (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
  - 5.9.4 require the relevant consent authorities to record the statutory acknowledgement on any statutory planning document that relates to a statutory area; and
  - 5.9.5 enable the trustees, and any member of Hineuru, to cite the statutory acknowledgement as evidence of the association of Hineuru with an area
  - 5.9.6 enable the trustees to waive any right specified in clauses 5.9.2 to 5.9.4 in relation to all or any part of a statutory area by notice to the relevant consent authority, the Environment Court and/or the Heritage New Zealand Pouhere Taonga; and
  - 5.9.7 require that any notice given under clause 5.9.6 include a description of the extent and duration of the waiver.
- 5.10 The statements of association are in part 2 of the documents schedule.

### **DEEDS OF RECOGNITION**

- 5.11 The Crown must, by or on the settlement date, provide the trustees with a copy of each of the following:
- 5.11.1 a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
    - (a) Kokomoka Forest (as shown on deed plan OTS-205-15):
    - (b) Opoto Scenic Reserve (as shown on deed plan OTS-205-12):
    - (c) Rangitaiki Conservation Area (as shown on deed plan OTS-205-13):
    - (d) Stoney Creek Conservation Area (as shown on deed plan OTS-205-21):
    - (e) Turangakumu Scenic Reserve (as shown on deed plan OTS-205-19):
    - (f) Urutomo Conservation Area (as shown on deed plan OTS-205-20):
    - (g) Waipunga Forest (as shown on deed plan OTS-205-14):
    - (h) Mohaka River and its tributaries within Hineuru area of interest (as shown on deed plan OTS-205-24):
    - (i) Rangitaiki River and its tributaries within Hineuru area of interest (as shown on deed plan OTS-205-27):

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (j) Waipunga River and its tributaries (as shown on deed plan OTS-205-26):
- 5.11.2 a deed of recognition, signed by the Commissioner of Crown Lands, in relation to the following areas:
- (a) Mohaka River and its tributaries within Hineuru area of interest (as shown on deed plan OTS-205-24):
  - (b) Rangitaiki River and its tributaries within Hineuru area of interest (as shown on deed plan OTS-205-27):
  - (c) Waipunga River and its tributaries (as shown on deed plan OTS-205-26).
- 5.12 Each area that a deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.13 A deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation, or the Commissioner of Crown Lands, as the case may be, must, if undertaking certain activities within an area that the deed relates to, –
- 5.13.1 consult the trustees; and
  - 5.13.2 have regard to their views concerning the association of Hineuru with the area as described in a statement of association.

#### PROTOCOLS

- 5.14 Each of the following protocols must, by or on the settlement date, be signed and issued to the trustees by the responsible Minister:
- 5.14.1 the Crown minerals protocol:
  - 5.14.2 the taonga tūturu protocol.
- 5.15 A protocol sets out how the Crown will interact with the trustees with regard to the matters specified in it.

#### FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOLS

- 5.16 Each deed of recognition and protocol will be-
- 5.16.1 in the form in parts 3, 4, or 5, as the case may be, of the documents schedule; and
  - 5.16.2 issued under, and subject to, the terms provided by sections 42 to 45 of the draft settlement bill.

## **DEED OF SETTLEMENT**

### **5: CULTURAL REDRESS**

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

#### **TE KAWENATA**

- 5.18 The Crown and the trustees agree that the Minister of Conservation, the Director-General of Conservation, and the trustees must, by or on the settlement date, sign and enter into a partnership agreement, to be known as Te Kawenata, relating to Te Kawenata Area (as defined in Te Kawenata), in the form set out in part 6 of the documents schedule.

- 5.19 The parties recognise –

5.19.1 section 4 of the Conservation Act 1987 requires the Department when interpreting and administering that Act to give effect to the principles of the Treaty of Waitangi; and

5.19.2 that the purpose of Te Kawenata is to –

(a) build upon that obligation; and

(b) provide a framework for active engagement between the parties to Te Kawenata within Te Kawenata Area.

- 5.20 Te Kawenata will be issued under, and subject to, sections 22 to 26 of the draft settlement bill.

- 5.21 A failure to comply with Te Kawenata is not a breach of this deed.

#### **RELATIONSHIP AGREEMENT WITH MINISTRY FOR THE ENVIRONMENT**

- 5.22 The trustees and the Minister for the Environment must, by or on the settlement date, sign the relationship agreement in the form set out in part 7 of the documents schedule.

- 5.23 The relationship agreement sets out how the Ministry for the Environment will interact with the trustees with regard to the matters specified in it.

- 5.24 A failure to comply with the relationship agreement referred to in clause 5.22 is not a breach of this deed.

#### **MINISTRY FOR PRIMARY INDUSTRIES LETTER OF RECOGNITION**

- 5.25 The Director-General for Primary Industries must, by or on the settlement date, write a letter to the trustees in the form set out in part 8 of the documents schedule outlining how Hineuru will have input into sustainability processes and decisions covering fisheries resources, and how Hineuru will be consulted on policy development led, and work undertaken, by the Ministry, as these directly affect the area of interest.

## **DEED OF SETTLEMENT**

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### **5: CULTURAL REDRESS**

#### **APPOINTMENT AS ADVISORY COMMITTEE**

- 5.26 The Minister for Primary Industries must, by or on the settlement date, on the terms provided by section 67 of the draft settlement bill, appoint the trustees as an advisory committee under section 21 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 for the purpose of advising the Minister on changes to prohibitions relating to the commercial taking of aquatic life from the Mohaka River.

#### **LETTERS OF INTRODUCTION**

- 5.27 The parties acknowledge that –

- 5.27.1 the Minister for Treaty of Waitangi Negotiations will write a letter in the form set out in part 3 of the attachments to each of the following core departments raising the profile of Hineuru with that department:

- (a) the Ministry of Justice:
- (b) the Ministry of Health:
- (c) the Ministry of Business, Innovation and Employment:
- (d) the Ministry of Education:
- (e) the Ministry of Social Development:
- (f) the Department of Internal Affairs (National Library and Archives functions):
- (g) the New Zealand Police; and

- 5.27.2 the Minister for Treaty of Waitangi Negotiations will write a letter in the form set out in part 3 of the attachments to each of the following entities raising the profile of Hineuru with that entity:

- (a) Heritage New Zealand Pouhere Taonga:
- (b) the Hawke's Bay Regional Council:
- (c) the Napier City Council:
- (d) the Hastings District Council:
- (e) the New Zealand Fish and Game Council:
- (f) the New Zealand Transport Agency:
- (g) the Museum Theatre Gallery, Hawke's Bay:

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

- (h) Museum of New Zealand Te Papa Tongarewa:
- (i) Auckland War Memorial Museum:
- (j) Rotorua Museum Te Whare Taonga o Te Arawa:
- (k) Taupo Museum:
- (l) Whakatane District Museum and Gallery:
- (m) Tairāwhiti Museum:
- (n) Central Hawke's Bay Settlers Museum:
- (o) Hawke's Bay Museum and Art Gallery (Napier):
- (p) Wairoa District Museum:
- (q) Aratoi-Wairarapa Museum of Art and History:
- (r) Pataka Museum of Arts and Cultures:
- (s) Puke Ariki:
- (t) Te Manawa (Palmerston North):
- (u) Whanganui Regional Museum.

#### HAWKE'S BAY REGIONAL COUNCIL PLANNING COMMITTEE

5.28 The parties acknowledge that the trustees, the Hawke's Bay Regional Council (the **regional council**), and iwi and hapū of Hawke's Bay have agreed –

5.28.1 to establish a Hawke's Bay Regional Planning Committee as a permanent committee of the regional council in order to improve the engagement between the regional council and tangata whenua in relation to resource management matters within the Hawke's Bay region; and

5.28.2 on 14 December 2011, to adopt interim terms of reference for the committee.

5.29 The Crown has introduced the Hawkes Bay Regional Planning Committee Bill to the House of Representatives that, if enacted, will provide for a Hawkes Bay Regional Planning Committee based on the agreement referred to in clause 5.28.

5.30 The trustees acknowledge that –

5.30.1 the cultural redress under clause 5.29 is to propose a bill for introduction in accordance with that clause; and

## DEED OF SETTLEMENT

### 5: CULTURAL REDRESS

5.30.2 the Crown is not in breach of any obligation if the bill is not enacted or not enacted in the form it is introduced.

#### RANGITAIKI RIVER FORUM

5.31 In this deed, **Rangitaiki River Forum** means the statutory body established by section 104(1) of the Ngāti Manawa Claims Settlement Act 2012 and section 108(1) of the Ngāti Whare Claims Settlement Act 2012.

5.32 The settlement legislation will, on the terms provided for by section 68 of the draft settlement bill, provide for –

5.32.1 the trustees to appoint one member of the Rangitaiki River Forum; and

5.32.2 the Taupo District Council to appoint one additional member of the Rangitaiki River Forum.

5.33 The provisions of the Rangitaiki River Forum legislation will apply to the appointments in clause 5.32 as if they were appointments under that legislation.

#### OFFICIAL GEOGRAPHIC NAMES

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

Existing Name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Stoney Creek and Ohane Stream	Ōhane Stream	BH 38 021739 to BH38 106706	Stream
Hell's Hole (local use name)	Tauira Mateāwhā	BJ38 133509	Historic site
Te Ahimanawa (local use name)	Te Ahimanawa-a-Kohipi	BJ38 170555	Historic site

5.35 The settlement legislation will provide for the official geographic names on the terms provided by sections 62 to 65 of the draft settlement bill.

## **DEED OF SETTLEMENT**

### **5: CULTURAL REDRESS**

#### **CHANGE OF NAMES OF SITES WITHIN CONSERVATION LAND**

5.36 The parties agree that -

5.36.1 the settlement legislation will, on the terms provided by section 66 of the draft settlement bill, change the names of –

(a) Glenfalls Recreation Reserve to Waitara / Glenfalls Recreation Reserve; and

(b) Glenfalls Scenic Reserve to Waitara / Glenfalls Scenic Reserve; and

5.36.2 the Crown will take the steps necessary to change on the settlement date the names of -

(a) Cashes Bush Conservation Area to Taraponui-a-Kawhea Conservation Area; and

(b) Waipunga Conservation Area to Urutomo Conservation Area.

#### **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 the exclusive redress provided for in clauses 5.4 or 5.6.

5.39 Clause 5.37 is not an acknowledgement by Hineuru or the Crown that any other iwi or group has interests in relation to land or an area to which cultural redress relates.

## **6 FINANCIAL AND COMMERCIAL REDRESS**

### **FINANCIAL REDRESS**

- 6.1 The Crown must pay the trustees the financial and commercial redress amount of \$25,000,000 by paying to the trustees, –
- 6.1.1 within ten business days after the date of this deed, \$5,000,000; and
  - 6.1.2 on the settlement date, \$20,000,000 less the total transfer values of the commercial redress properties.

### **COMMERCIAL REDRESS PROPERTIES**

- 6.2 The commercial redress properties are –
- 6.2.1 Part Esk Forest (transfer value: \$3,550,000); and
  - 6.2.2 Woodstock Station farm block (transfer value: \$4,180,000), if the trustees give the Crown notice by 31 July 2015 that it is to be a commercial redress property; and
  - 6.2.3 Woodstock Station forestry block (transfer value: \$3,050,000), if the trustees give the Crown notice by 31 July 2015 that it is to be a commercial redress property; and
  - 6.2.4 Waitara Road, Waimahanga (transfer value: \$3,000), if the trustees give the Crown notice by 31 October 2015 that it is to be a commercial redress property.
- 6.3 Each commercial redress property is to be -
- 6.3.1 transferred by the Crown to the trustees on the settlement date -
    - (a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the trustees or any other person; and
    - (b) on the terms of transfer in part 6 of the property redress schedule; and
  - 6.3.2 as described, and is to have the transfer value provided, in part 3 of the property redress schedule.
- 6.4 The transfer of each commercial redress property will be subject to, and where applicable with the benefit of, the encumbrances provided in the property redress schedule in relation to that property
- 6.5 If the trustees do not give the Crown notice in accordance with clause 6.2.2 that Woodstock Station farm block is to be a commercial redress property, the Crown must,

## DEED OF SETTLEMENT

### 6: FINANCIAL AND COMMERCIAL REDRESS

as soon as reasonably practicable after 1 August 2015, register against the computer freehold register for Woodstock Station farm block a conservation covenant, on the same terms and conditions as contained in COV 572628.3 currently registered against that computer freehold register (with all necessary changes), in relation to a 100 metres strip identified on deed plan OTS-205-29.

#### LICENSED LAND

- 6.6 The settlement legislation will, on the terms provided by sections 101 and 103 of the draft settlement bill, provide for the following in relation to the commercial redress property that is licensed land (Part Esk Forest):
- 6.6.1 its transfer by the Crown to the trustees:
- 6.6.2 it to cease to be Crown forest land upon registration of the transfer:
- 6.6.3 the trustees to be, from the settlement date, in relation to the licensed land, –
- (a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
  - (b) entitled to the rental proceeds since the commencement of the Crown forestry licence:
- 6.6.4 the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if –
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
  - (b) the Waitangi Tribunal's recommendation became final on settlement date:
- 6.6.5 the trustees to be the licensor under the Crown forestry licence, as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying:
- 6.6.6 for rights of access to areas that are wāhi tapu.

#### OPTIONAL COMMERCIAL REDRESS PROPERTIES

- 6.7 The trustees may not withdraw or vary a notice given under any of clauses 6.2.2 to 6.2.4 in relation to an optional commercial redress property.
- 6.8 Subject to clause 6.11.2, the Crown's obligations under this deed immediately cease, in relation to an optional commercial redress property, if notice in relation to that property

## **DEED OF SETTLEMENT**

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### **6: FINANCIAL AND COMMERCIAL REDRESS**

is not given to the Crown in accordance with whichever of clauses 6.2.2 to 6.2.4 is applicable.

#### **DEFERRED SELECTION PROPERTY**

- 6.9 The trustees have, for one year after the settlement date, a right to elect to purchase, on the terms and conditions in part 5 of the property redress schedule, the deferred selection property described in part 4 of the property redress schedule.

#### **SETTLEMENT LEGISLATION**

- 6.10 The settlement legislation will, on the terms provided by sections 94 to 100 of the draft settlement bill, enable the transfer of the commercial redress properties and the deferred selection property.

#### **RFR FROM THE CROWN**

- 6.11 The trustees are to have a right of first refusal in relation to a disposal by the Crown or a Crown body of RFR land, being -

6.11.1 land listed in part 4 of the attachments as RFR land that, on the settlement date, -

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

6.11.2 Waitara Road, Waimahanga, if the trustees do not give notice in accordance with clause 6.2.4 that it is to be a commercial redress property.

- 6.12 The right of first refusal is –

6.12.1 to be on the terms provided by sections 107 to 135 of the draft settlement bill; and

6.12.2 in particular, to apply -

- (a) for a term of 174 years from the settlement date; but
- (b) only if the RFR land is not being disposed of in the circumstances provided by sections 118 to 124 of the draft settlement bill.

## **7 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION**

### **SETTLEMENT LEGISLATION**

- 7.1 As soon as reasonably practicable after the date of this deed, the Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 7.2 The draft settlement bill proposed for introduction may include changes -
- 7.2.1 of a minor or technical nature; or
  - 7.2.2 where clause 7.2.1 does not apply, if those changes have been agreed in writing by the trustees and the Crown.
- 7.3 Hineuru and the trustees must support the passage through Parliament of the settlement legislation.

### **SETTLEMENT CONDITIONAL**

- 7.4 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 7.5 However, the following provisions of this deed are binding on its signing:
- 7.5.1 clauses 5.1, 6.1.1, 6.2.2 to 6.2.4, 6.7, 6.8, and 7.3 to 7.9:
  - 7.5.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

### **EFFECT OF THIS DEED**

- 7.6 Subject to clause 7.5, this deed –
- 7.6.1 is “without prejudice” until it becomes unconditional; and
  - 7.6.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.
- 7.7 Clause 7.6 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

### **TERMINATION**

- 7.8 The Crown or the trustees may terminate this deed, by notice to the other, if –
- 7.8.1 the settlement legislation has not come into force within 30 months after the date of this deed; and

## DEED OF SETTLEMENT

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### 7: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

- 7.8.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.
- 7.9 If this deed is terminated in accordance with its provisions -
  - 7.9.1 this deed (and the settlement) are at an end; and
  - 7.9.2 subject to this clause, this deed does not give rise to any rights or obligations; and
  - 7.9.3 this deed remains "without prejudice" but
  - 7.9.4 the parties intend that the cultural redress payment and the on-account payment are 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 Hineuru, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that -
    - (a) is, or is founded on, a right arising -
      - (i) from the Treaty of Waitangi or its principles; or
      - (ii) under legislation; or
      - (iii) at common law, including aboriginal title or customary law; or
      - (iv) from fiduciary duty; or
      - (v) otherwise; and
    - (b) arises from, or relates to, acts or omissions before 21 September 1992 -
      - (i) by, or on behalf of, the Crown; or
      - (ii) by or under legislation; and
  - 8.2.2 includes every claim to the Waitangi Tribunal to which clause 8.2.1 applies that relates exclusively to Hineuru or a representative entity, including Wai 1034 – Urewera and Central North Island Inquiries claim; and

## DEED OF SETTLEMENT

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### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

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

- (a) Wai 191 – Tarawera confiscations claim:
- (b) Wai 216 – Te Matai and Pakaututu blocks claim:
- (c) Wai 299 – Mōhaka-Waikare Raupatu/Confiscation claim:
- (d) Wai 318 – Tarawera 1J and 10C4A1 and Tatarakaia 12 claim:
- (e) Wai 382 – Kaweka Forest Park and Ngaruroro River claim:
- (f) Wai 400 – Ahuriri Purchase claim:
- (g) Wai 445 – Tauhara Middle block claim:
- (h) Wai 575 – Ngāti Tūwharetoa lands and resources claim:
- (i) Wai 598 – Tatarakaia No.7 block claim:
- (j) Wai 599 – Tarawera No.7 block claim:
- (k) Wai 600 – Tarawera No.1F block claim:
- (l) Wai 602 – Tatarakaia No.6 block claim:
- (m) Wai 608 – Tatarakaia No.9 block claim:
- (n) Wai 627 – Tatarakaia lands claim:
- (o) Wai 638 – Tatarakaia C block claim:
- (p) Wai 781 - Ngāti Tutemohuta claim:
- (q) Wai 786 – Tauhara Hapu lands and resources claim:
- (r) Wai 832 – Tauhara Middle block claim.

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

8.3.1 a claim that a member of Hineuru, or a whānau or group referred to in clause 8.5.2, may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in clause 8.5.1:

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

## DEED OF SETTLEMENT

### 8: GENERAL, DEFINITIONS, AND INTERPRETATION

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

#### HINEURU

8.5 In this deed, **Hineuru** means -

8.5.1 the collective group composed of individuals who descend from a Hineuru ancestor; and

8.5.2 every whānau or group to the extent that it is composed of individuals referred to in clause 8.5.1; and

8.5.3 every individual referred to in clause 8.5.1.

8.6 For the purposes of clause 8.5.1 –

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

(a) birth; or

(b) legal adoption; and

8.6.2 **Hineuru ancestor** means an individual who –

(a) exercised customary rights by virtue of being descended from -

(i) Hineuru (through her first marriage to Kiripakeke); or

(ii) a recognised ancestor of any of the groups referred to in clause 8.5.2; and

(b) exercised the customary rights referred to in clause 8.6.2(a) predominantly in relation to the area of interest after 6 February 1840; and

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

(a) rights to occupy land; and

(b) rights in relation to the use of land or other natural or physical resources.

#### ADDITIONAL DEFINITIONS

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

## **DEED OF SETTLEMENT**

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### **8: GENERAL, DEFINITIONS, AND INTERPRETATION**

#### **INTERPRETATION**

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

## DEED OF SETTLEMENT

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**SIGNED** as a deed on 2 April 2015

**SIGNED** for and on behalf  
of **HINEURU** by  
**THE TRUSTEES**  
of **TE KŌPERE O TE IWĪ**  
**HINEURU TRUST**  
in the presence of –

\_\_\_\_\_  
Tirohia Bridger

\_\_\_\_\_  
Karauna Brown

\_\_\_\_\_  
Renata Bush

\_\_\_\_\_  
Tuhiao Kahukiwa

\_\_\_\_\_  
Ivy Kahukiwa-Smith

\_\_\_\_\_  
Te Reo Spooner

\_\_\_\_\_  
Toi Tawhai

### WITNESS

\_\_\_\_\_  
Name:

Occupation:

Address:

**DEED OF SETTLEMENT**

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**SIGNED** by **THE TRUSTEES**  
of **TE KŌPERE O TE IWI**  
**HINEURU TRUST**  
in the presence of -

\_\_\_\_\_  
Tirohia Bridger

\_\_\_\_\_  
Karauna Brown

\_\_\_\_\_  
Renata Bush

\_\_\_\_\_  
Tuhiao Kahukiwa

\_\_\_\_\_  
Ivy Kahukiwa-Smith

\_\_\_\_\_  
Toi Tawhai

\_\_\_\_\_  
Te Reo Spooner

**WITNESS**

\_\_\_\_\_  
Name:

Occupation:

Address:

## DEED OF SETTLEMENT

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

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

\_\_\_\_\_  
Hon Christopher Finlayson QC

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

\_\_\_\_\_  
Hon Simon William English

### WITNESS

\_\_\_\_\_  
Name:

Occupation:

Address:

**DEED OF SETTLEMENT**

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**Other witnesses/members of Hineuru who support the settlement**

**DEED OF SETTLEMENT**

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**Other witnesses/members of Hineuru who support the settlement**

**DEED OF SETTLEMENT**

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**DEED OF SETTLEMENT**

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**Other witnesses/members of Hineuru who support the settlement**

**DEED OF SETTLEMENT**

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**Other witnesses/members of Hineuru who support the settlement**

## DEED OF SETTLEMENT

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**Other witnesses/members of Hineuru who support the settlement**