NGĀTI RANGITIHI

and

TE MANA O NGĀTI RANGITIHI TRUST

and

THE CROWN

DEED OF SETTLEMENT OF

HISTORICAL CLAIMS

---

5 December 2020

PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Ngāti Rangitihi and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles; and

- provides acknowledgements by the Crown of the Treaty breaches and an apology; and

- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to the governance entity that has been approved by Ngāti Rangitihi to receive the redress; and

- includes definitions of –

    - the historical claims; and

    - Ngāti Rangitihi; and

- provides for other relevant matters; and

- is conditional upon settlement legislation coming into force.

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DEED OF SETTLEMENT

THIS DEED is made between

NGĀTI RANGITIHI

and

TE MANA O NGĀTI RANGITIHI TRUST

and

THE CROWN

1 NGĀ TĀTAI KŌRERO | BACKGROUND

NGĀTI RANGITIHI

1.1 Ngāti Rangitihi trace their origins to the *Te Arawa* waka. Rangitihi (upoko whakahirahira) is the eponymous ancestor of the confederation of iwi that became known as Te Arawa. He is a direct descendant of Tamatekapua, the captain of *Te Arawa* waka. The eight children of Rangitihi are known as Ngā Pumanawa e Waru, or 'the Eight Beating Hearts' of Rangitihi. All of the children became founders of significant iwi in their own right, including Ngāti Rangitihi and other iwi of the Te Arawa confederation.

1.2 Ngāti Rangitihi descend principally from Rangiaohia, one of the children of Rangitihi, and from Rangiaohia's two sons, Mahi and Tauahoehoewaka. In Ngāti Rangitihi tradition Rangiaohia is the tohunga son of Rangitihi to whom he passed his mana. Rangiaohia is depicted on the pou haki (flagpole) at Rangitihi Marae at Matatā carrying the three baskets of knowledge, denoting his rank as tohunga. The mana of Ngāti Rangitihi was further enhanced through whakapapa from Apumoana and Rakeiao, younger brothers to Rangitihi. After the death of Rangiaohia, his son Mahi inherited his father's mana as the tohunga line of Rangitihi. The six sons of Mahi later became the founders of the numerous hapū that came to comprise Ngāti Rangitihi.

NGĀTI RANGITIHI HAPŪ

1.3 Over time many hapū emerged that were closely associated with Ngāti Rangitihi. Some of them shared connections to other iwi of the Te Arawa confederation. Many of these hapū have long ceased to exist as functioning groups and by the early nineteenth century Ngāti Rangitihi identified 18 hapū within the iwi:

1.3.1 Ngāti Hape:

1.3.2 Ngāti Hinehua:

1.3.3 Ngāti Hinerangi:

1.3.4 Ngāti Hinewai:

1.3.5 Ngāti Hirangi:

1.3.6 Ngāti Hiwinui:

1.3.7 Ngāti Ihu:

1.3.8 Ngāti Koira:

1.3.9 Ngāti Mahi:

1.3.10 Ngāti Matuku:

1.3.11 Ngāti Puta:

1.3.12 Ngāti Rongomai:

1.3.13 Ngāti Tauahoehoewaka:

1.3.14 Ngāti Te Apiti:

1.3.15 Ngāti Te Whareiti:

1.3.16 Ngāti Tionga:

1.3.17 Ngāti Tiranga:

1.3.18 Ngāti Tutangata.

1.4 Today, the principal hapū of Ngāti Rangitihi are –

1.4.1 Ngāti Hinehua;

1.4.2 Ngāti Hinerangi;

1.4.3 Ngāti Ihu;

1.4.4 Ngāti Mahi;

1.4.5 Ngāti Te Whareiti;

1.4.6 Ngāti Tionga; and

1.4.7 Ngāti Tutangata.

NGĀTI RANGITIHI ROHE

1.5 As the children of Rangitihi (upoko whakahirahira) grew into adulthood they began to spread inland from Maketū, where *Te Arawa* waka had first landed, to the inland lakes of the Rotorua district. Seeing the potential for conflict between his children, Rangitihi divided the area up amongst them. This resulted in Rangiaohia and his children initially moving to settle on the south-eastern shore of Lake Rotoiti, where Rangiaohia built the pā Ngauhu with his eldest son Tauahoehoewaka. Sometime later Rangiaohia, his wife Rakauheketara, Mahi (Rangiaohia's second son) and his wife Rangitihikahira moved further south to Lake Tarawera, which remains at the heart of the Ngāti Rangitihi rohe. From that time to the present, Ngāti Rangitihi has maintained their presence and customary interests in not only the entire lake, adjacent ridge lines, lands, and lakes, but also in relation to three peaks of Wahanga, Ruawahia, and Tarawera. The Ngāti Rangitihi maunga tapu, Ruawahia, which towers above Lake Tarawera, gives rise to the tribal pepeha:

1.5.1 Ko Ruawahia te maunga, ko Tarawera te awa, ko Ngāti Rangitihi te iwi, ko Mokonuiarangi te tangata.

1.6 The most tapu peak, Wahanga, contains burial caves in which Ngāti Rangitihi dead were placed for many generations, from the time of Rangitihi himself up until the devastation wrought to the maunga by the Tarawera Eruption in 1886.

1.7 Mahi divided up the land around Lake Tarawera amongst his sons, and all their children occupied various places around the lake. Arama Karaka Mokonuiarangi stated of the land on the western shore of the lake that: "Our occupation of this land commenced from Rongomai, Ihu [o Mahi], and Pikiao [o Mahi] and continued to my time."

1.8 From Tarawera Ngāti Rangitihi maintained their connection north towards Lake Rotoiti, while extending south across the Kaingaroa Plains, eastwards to Putauaki and down the Tarawera River to the coast. Arama Karaka Mokonuiarangi, a Ngāti Rangitihi rangatira, referred to the 'rohe potae' of Ngāti Rangitihi, which translates as the outer boundaries of the lands in which they claimed interest. These lands eventually extended from Te Awa o Te Atua (at Mihimarino) in the Bay of Plenty along the coast to the Waihi Estuary at Maketū, inland to the west of Lake Tarawera and south to the Waikato River, then across the Kaingaroa Plains to Ngā Rangi Awatea (a landmark beside the Rangitaiki River near its meeting with the Mangātiti Stream) and down the Rangitaiki River to the sea.

1.9 This rohe – with its forests and plains, its lakes, rivers and wetlands, its geothermal resources, and its coastline – contained an extremely rich diversity of customary foods as well as medicines and resources, all of which were utilised by Ngāti Rangitihi.

1.10 The relationship between Ngāti Rangitihi and the Tarawera River is intrinsic within their rohe. Ngāti Rangitihi liken the river to an ancestor; its head at Lake Tarawera, its body the river itself, its limbs the river's tributaries, and the outlet, Te Awa o Te Atua (Matatā), its anchor. The Tarawera River conveys the mana of the senior lines of Ngāti Rangitihi. Ngāti Rangitihi connections with, and occupation of, Te Awa o Te Atua began with Ngatoroirangi. Ngatoroirangi was the tohunga of the *Te Arawa* waka who landed the waka at Te Awa o Te Atua. This connection has been maintained through a series of interwoven whakapapa representing continuous occupation down to the present day.

1.11 The 150 wāhi tapu along the river, its many pā tuna, the names of the places beside the river, the lake, and maunga of Tarawera, and the naming of its fauna and flora illustrate the long and close association between Ngāti Rangitihi, the land, and the river that sustained them. Prior to colonisation Tarawera was famed for the large size and variety of its tuna (eels), especially in the rich and extensive wetlands that extended between the Tarawera and Rangitaiki Rivers inland from Te Awa o Te Atua towards the foot of Putauaki.

1.12 Ngāti Rangitihi have held, and continue to hold, ahi-kā-roa (long occupation) since the time their founding ancestors first settled the land. The importance of various taonga, significant sites, and places is detailed in the Ngāti Rangitihi statements of association.

THE LONG PATH TO SETTLEMENT

1.13 For generations the people of Ngāti Rangitihi have sought redress for breaches of te Tiriti o Waitangi/the Treaty of Waitangi by the Crown that have impacted upon them. From the 1860s they have made petitions, submissions, and claims to seek redress for Treaty breaches.

1.14 In the modern era they have filed more than 20 te Tiriti o Waitangi/the Treaty of Waitangi claims with the Waitangi Tribunal over various Treaty breaches, beginning with the Wai 7 Te Ariki claim lodged 37 years ago which is only now being resolved through this Deed of Settlement.

1.15 The rohe of Ngāti Rangitihi is so large, they have been involved in, or impacted by, three separate Waitangi Tribunal district inquiries between 1994 and 2005. Ngāti Rangitihi were not heard during the Eastern Bay of Plenty inquiry. No research specific to Ngāti Rangitihi was commissioned for the Central North Island and Te Urewera inquiries. Ngāti Rangitihi did not participate in these inquiries, and while many other claimants received funding to participate, Ngāti Rangitihi did not.

1.16 The report of the Waitangi Tribunal Inquiry into the Central North Island, *He Maunga Rongo*, published in 2008 noted the need for research into the confiscation claims and customary interests of Ngāti Rangitihi in the Eastern Bay of Plenty, finding that it was not able to evaluate those claims without such research. However, some of the Inquiry's findings on Treaty breaches arising from generic issues affecting the Central North Island inquiry district were applicable to Ngāti Rangitihi and to Ngāti Rangitihi lands.

1.17 In its pre-publication report of the Te Urewera inquiry, the Waitangi Tribunal found that Ngāti Rangitihi were among the iwi harmed by a number of te Tiriti o Waitangi/the Treaty of Waitangi breaches.

1.18 Ngāti Rangitihi have also participated in a number of urgent Tribunal inquiries from 2002 to 2007 relating to Ngāti Rangitihi interests in a variety of lands. These interests have included:

1.18.1 Te Ariki, which is the land on the isthmus between Lake Tarawera and Lake Rotomahana. Te Ariki was taken from Ngāti Rangitihi owners, who held two thirds of the land, and from another iwi who held the remaining third in 1908 under the Public Works Act. Since 1982, when the Wai 7 claim was lodged, Ngāti Rangitihi have been seeking the return of the land taken from them at Te Ariki;

1.18.2 Matahina, which Ngāti Rangitihi consider to be a site of importance;

1.18.3 Matatā, where the Tribunal found, in the context of the Crown's settlement negotiations with a neighbouring group, that the Crown's consultation with Ngāti Rangitihi in 2001 had been too little, too late. The Tribunal found that Ngāti Rangitihi claimants had been adversely affected by the Crown's actions and that the door should be left open for Ngāti Rangitihi to be recognised as tangata whenua in and around Matatā alongside neighbouring iwi; and

1.18.4 The Te Arawa mandate. There is a significant overlap between Ngāti Rangitihi and other Te Arawa groups. Treaty settlement negotiations between the Crown and other Te Arawa groups from 2003 to 2008 prompted Ngāti Rangitihi to challenge matters of mandate and redress in these negotiations that impacted on them. Ngāti Rangitihi consider that their challenges and three Tribunal reports released from 2004 to 2007 on these matters have ensured that their interests have been recognised and protected.

1.19 Ngāti Rangitihi consider that through these urgent Tribunal inquiries they have strived to assert and defend their customary interests throughout their rohe, to uphold their tino rangatiratanga and right to act independently, and to protect potential settlement assets in order to provide for the future of their people. Ngāti Rangitihi consider the fruits of this long struggle are now being realised through this Deed of Settlement.

1.20 Ngāti Rangitihi is also a member of the Central North Island Forests Iwi Collective (the Collective), which represents eight iwi in the central North Island who in 2008 signed the Central North Island Forests Iwi Collective Deed of Settlement (CNI). Under the CNI Deed the Crown and the Collective acknowledged their intention to co-operate to expedite and accord high priority to the settlement of comprehensive settlements of the Treaty claims of the iwi of the Collective. Six of the eight iwi of the Collective subsequently concluded Deeds of Settlement for their te Tiriti o Waitangi/the Treaty of Waitangi claims before Ngāti Rangitihi. The delay in the commencement of negotiations between the Crown and Ngāti Rangitihi has resulted in Ngāti Rangitihi being unable to obtain cultural redress from the CNI Forests, unlike other iwi of the Collective who obtained significant cultural redress from the Crown's retained 10 per cent portion of the CNI Forests. Ngāti Rangitihi consider they have worked hard with the Collective to have their customary interests recognised under the tikanga-based mana whenua allocation process set out in the 2008 CNI Deed.

1.21 Ngāti Rangitihi consider that their total living population who can identify whakapapa connection to Ngāti Rangitihi is estimated to be approximately 9,500 people (in the range of 9,345 to 13,692). Ngāti Rangitihi consider that their population of 2,298 recorded in the 2013 census has made it difficult for them to assert their presence in their rohe.

1.22 Te Mana o Ngāti Rangitihi Trust has worked hard to register and engage their claimant community. As at the date that this deed was signed, Te Mana o Ngāti Rangitihi had 5,657 registered adult members. Ngāti Rangitihi continue to expect this number to grow.

NGĀTI RANGITIHI NEGOTIATIONS

1.23 From 1994 to 2005 Ngāti Rangitihi participated in the Tribunal's inquiries into lands within their rohe, but did so without external funding to assist this process. From 2011 Ngāti Rangitihi began to draw on their on-account share of the 2008 CNI settlement to commission research into their historical Treaty claims. In April 2014 Te Mana o Ngāti Rangitihi Trust obtained a mandate from Ngāti Rangitihi to negotiate a comprehensive deed of settlement of all of the iwi's historical claims. The Crown recognised this mandate in June 2015.

1.24 The Crown and Ngāti Rangitihi agreed terms of negotiation on 31 October 2015. A team of Ngāti Rangitihi negotiators were confirmed by a hui-ā-iwi after which specialist advisors were appointed to assist the negotiators.

1.25 By August 2016 the negotiators had developed a comprehensive settlement redress package setting out their aspirations for the settlement and for the future of Ngāti Rangitihi. The research and negotiation process has provided valuable opportunities for Ngāti Rangitihi iwi members to gain a greater understanding of their history, ancestral lands, whakapapa, and significant events, as well as set out their aspirations for the future.

1.26 Over the two and a half years following the presentation of the comprehensive settlement redress package, the negotiators and the Crown worked towards the agreement in principle which was signed at Rangitihi Marae on 22 December 2018, and which set out the basis for a deed of settlement. Since the agreement in principle the negotiators and the Crown have –

1.26.1 had extensive negotiations conducted in good faith; and

1.26.2 negotiated and initialled a deed of settlement.

ASPIRATIONS

1.27 Through this settlement, Ngāti Rangitihi claim their right to their customs, to their heritage, to their ancestors, and to their land. As a means of implementing Ngāti Rangitihi's settlement aspirations, they require the fulfilment of six pou that embody the aspirations their tīpuna held for their mokopuna. These pou provide the direction for Ngāti Rangitihi in settling their te Tiriti o Waitangi/the Treaty of Waitangi claims and guide the iwi in moving forward into a stronger future. The pou are:

1.27.1 *Restoration and protection of Ngāti Rangitihi's cultural heritage and history for future generations.*
The loss of land and displacement of Ngāti Rangitihi people has severely damaged their culture and traditions. Their troubled history has stripped Ngāti Rangitihi of their sense of self, of their people and of their community. Through this settlement Ngāti Rangitihi seek to have the heritage of their culture restored and safeguarded for current and future generations, especially through strengthening their position at Matatā, replenishing their presence at Lake Tarawera, and enhancing their guardianship of the Tarawera River.

1.27.2 *Restoration of the health and wellbeing of Ngāti Rangitihi people.*
The well-being and living conditions of Ngāti Rangitihi were severely eroded following the wars and confiscation of the 1860s, subsequent Native Land Court activity, decades of Crown land purchasing, and also by the devastating Tarawera eruption of 1886. As a consequence, Ngāti Rangitihi suffered the effects of landlessness and poor health as living, housing, and socio-economic conditions plummeted. Many Ngāti Rangitihi people today live in an impoverished state. Looking forward, Ngāti Rangitihi hope to improve the physical and subsequently the cultural health of their people using the settlement

as a foundation for improved social services and support as well as economic growth within their rohe.

1.27.3 *Restoration of the mana of Ngāti Rangitihi.*
Ngāti Rangitihi consider that the Crown has continually undermined the mana of Ngāti Rangitihi, and that the Crown's failure to acknowledge the customary interests and standing of Ngāti Rangitihi throughout their rohe continued through to modern times. Through this settlement, Ngāti Rangitihi seek to begin to reinstate their mana and to lay a foundation for a positive relationship in true partnership with the Crown.

1.27.4 *Reassertion of a Ngāti Rangitihi presence throughout their rohe*.
With the strategic location of their rohe, they enjoyed being one of the key iwi in the region. Following confiscation and the following decades of Native Land Court activity and Crown land purchasing, the prime position of Ngāti Rangitihi was taken away. This settlement provides recognition by the Crown of Ngāti Rangitihi mana through physical means such as the return of lands, as well as recognition-based Treaty settlement redress throughout their rohe, from Matatā on the coast, up the length of the Tarawera River, around Lake Tarawera, and inland from Rotomahana to Kaingaroa.

1.27.5 *Rebuilding an economic base for Ngāti Rangitihi*.
The troubled history of Ngāti Rangitihi since the wars and confiscation of the 1860s was exacerbated by the loss of large areas of land rendering the iwi effectively landless by 1900. This lack of an economic base was exacerbated by the lack of assistance received in subsequent years and has meant that Ngāti Rangitihi was deprived of the opportunity to be in a position to consider economic opportunities. Through this settlement Ngāti Rangitihi wish to rebuild an economic base throughout their rohe but especially at Matatā.

1.27.6 *Revitalisation and restoration of Ngāti Rangitihi's role as kaitiaki of their resources and natural environment.*
Their natural environment, as the source of their sustenance and nourishment, forms another of Ngāti Rangitihi key cornerstones. Ngāti Rangitihi's maunga Ruawahia as well as their lakes, rivers, waterways, forests, and geothermal resources hold great cultural significance and were vital to their sustenance. Today many Ngāti Rangitihi resources are depleted and degraded and they are unable to access these resources or to assist with their management. Through this settlement, Ngāti Rangitihi will have greater involvement in the management of resources within the rohe.

RATIFICATION AND APPROVALS

1.28 In July 2019 Ngāti Rangitihi approved the governance entity receiving the redress by a majority of 92%.

1.29 Ngāti Rangitihi have, since the initialling of the Deed of Settlement, by a majority of 92% –

1.29.1 ratified this deed; and

1.29.2 approved its signing on their behalf by the governance entity.

1.30 Each majority referred to in clause 1.28 is of valid votes cast in a ballot by eligible members of Ngāti Rangitihi.

1.31 The governance entity approved entering into, and complying with, this deed by resolution of trustees passed on 23 November 2020.

1.32 The Crown is satisfied –

1.32.1 with the ratification and approvals of Ngāti Rangitihi referred to in clauses 1.28 and 1.29; and

1.32.2 with the governance entity's approval referred to in clause 1.31; and

1.32.3 the governance entity is appropriate to receive the redress.

AGREEMENT

1.33 Therefore, the parties –

1.33.1 in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and

1.33.2 agree and acknowledge as provided in this deed.

OFFICIAL OR RECORDED GEOGRAPHIC NAMES

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

2 NGĀ KŌRERO HĪTORI | HISTORICAL ACCOUNT

2.1 I takea mai ngā whakaaetanga a te Karauna, me te whakapāha ki a Ngāti Rangitihi i roto i te wāhanga 3, i tēnei whakarāpopototanga o ngā kōrero hītori.

TŪTAKITANGA TŌMUA

2.2 Ka heke mai a Ngāti Rangitihi i a Rangiaohia, te tamaiti a Rangitihi rāua ko Kahukare. He uri a Rangitihi o Tamatekapua, te tangata o Te Arawa waka. Tokowhitu rawa ngā hāmua, ngā hāmuri o Rangiaohia; ko Ratorua rātou ko Tauruao, ko Rangiwhakaekeau, ko Kawatapuarangi, ko Rākeiao, ko Apumoana, ko Tūhourangi. Hui katoa, ka kīia ko ngā pūmanawa e waru o Te Arawa. He kaha ngā hononga whakapapa o Ngāti Rangitihi ki aua tūpuna tokowaru katoa. Ko te tupuna nui o ngā koromatua o Ngāti Rangitihi i tēnei rā ko Mahi, te tamaiti a Rangiaohia rāua ko Rākauheketara.

2.3 E hia rautau i mua i te taenga mai a te Pākehā, ka tau te noho a Rangiaohia ki te rohe o Rotorua. E ai ki a Ngāti Rangitihi, i toro atu tō rātou rohe moana i te pito rāwhiti mā tonga o te Rotoiti, ka haere ki te moana o Tarawera, ka whakawhiti i te Kainga ki te awa o Rangitaiki, ā, ko te pae o te uru ko te awaiti o Waiotapu. He kaha hoki ngā o Ngāti Rangitihi ki te rohe o Te Awa o Te Atua/Matatā, te taha ki te tauhokohoko, te noho tūturu, me te whakapapa. Whakamahi ai a Ngāti Rangitihi i te awa o Tarawera hei huarahi haere, hei tauhokonga, hei mahinga kai hoki. He whakahirahira hoki ōna pānga tuku iho ki te awa o Rangitaiki, me te repo e toro atu ana i ngā mānia o te Rangitaiki mai i te awa o Tarawera ki te awa o Whakatāne. He pātaka nui te repo mō te harakeke, te raupō, te manu moana, me te ika, inā hoki ko te tuna.

2.4 He ruarua ngā tūtakinga o Ngāti Rangitihi ki te Pākehā, me he tūtakinga rānei, i mua i ngā tau 1820. I taua wā anō, nā te kaha o te tauhokohoko i te taha o te Pākehā i whiwhi ai ngā iwi o Te Tai Tokerau ki te pū. I te tau 1823, ka whawhai a Ngāti Rangitihi i te taha o wō rātou whanaunga, o Te Arawa, e punanga atu nei ki Mokoia i ngā whakaariki o te raki. Nā te rangatira nei, nā Mokonuiārangi rātou i arataki, ka taui atu a Ngāti Rangitihi ki Moura, ā, ka haukurukuru i ngā whakaariki.

2.5 I te ūpoko o ngā tau 1830, ka moe a Hineitūrama i te kaihoko Pākehā nāna nei i whakatū te whare tauhoko tūmau ki Matatā i te tau 1836. He wahine whai mana a Hineitūrama e tūhono ana ki a Ngāti Rangitihi nā runga i tana hekenga mai i tōna tupuna, i a Te Whareiti. I ngā tau 1840, ka moe a Ngātira Tangihia, te tuahine o te rangatira nei o Ngāti Rangitihi, o Huta Tangihia, i te kaihanga kaipuke Pākehā, i a Benjamin Boscawen Savage, nāna nei i mahi tahi me te iwi hei whakatū i tētahi pakihi hanga kaipuke ki Matatā. I te ūpoko o ngā tau 1850, ka moe a Ruhia Ngākarauna, te tamāhine a te rangitira nei o Ngāti Rangitihi, a Paerau Mokonuiārangi, i tētahi kaihoko Pākehā. Nā Mokonuiārangi i whakatū te whare tauhoko mō Ngākarauna rāua ko tōna hoa tāne a Abraham Warbrick, ki Rotomahana.

2.6 I te tau 1838 ka whakatūria te whare mīhana Mihingare ki Matatā, ā, i muri mai ko te whare mīhana Katorika i te tau 1843. I tahuri te nuinga o Ngāti Rangitihi ki te hāhi Katorika. I waenga i te Pēpuere me te Hepetema 1840, i waitohua ētahi kape o te Tiriti o Waitangi ki ētahi wāhi puta noa i Aotearoa. Ka haria tētahi kape o te Tiriti ki te rohe o Rotorua, ki

tētahi huinga o ngā iwi o Te Arawa, tae atu ki a Ngāti Rangitihi, ka whakahēngia te mana o te Karauna. Kāore i tāpirihia ētahi waitohu o Ngāti Rangitihi, o Te Arawa rānei ki te Tiriti.

TE PAKANGA ME TE MURU

2.7 I te tau 1842, ka whakatūria e te Karauna tētahi āpiha ki Maketū. Ko taua āpiha te kaiwhakawhiti kōrero matua i waenga i a Ngāti Rangitihi me te Karauna, tae atu ki te whakatūranga o te Kaiwhakawā Tūturu ki Rotorua i te tau 1852. Ko te wāhi ki te Kaiwhakawā Tūturu ko te whakatau raruraru i waenga i ngā tāngata Māori, me te āwhina hoki a ngā Āteha Māori. I ngā tau 1840, ngā tau 1850, ka angitu te uru a Ngāti Rangitihi ki te ōhanga Pākehā i puta ake rā. Ka kawea atu ngā rawa, pēnei me te harakeke, te poaka me te rīwai, mai i ō rātou whenua i Tarawera, ka heke i te awa o Tarawera ki Matatā. Ka tukuna ngā rawa ki ngā kaihanga kaipuke me ngā kaihokohoko i Matatā, ā, ka tukuna ki te mākete o Tāmaki Makaurau ngā rawa mō hoko ki tāwāhi.

2.8 I te ūpoko o te rautau tekau mā iwa, ka uru atu a Ngāti Rangitihi ki te raruraru me ētahi atu iwi e pā ana ki ngā rauemi i te rohe o Te Ariki, arā e rua e rua aua iwi ka kerēme i ngā pānga tuku iho. I ngā tau 1850, ka noho mai ngā tūruhi e toro atu ana ki ngā ngāwhā whakamīharo i Rotomahana hei puna o te whanaketanga ōhanga mō Ngāti Rangitihi, inā hoki mā te arataki tūruhi. Me te aha ka tutū te puehu ki tētahi atu iwi mō te whenua i Rotomahana. Ka whawhai i ngā tau 1853-1854, ka hingahinga ngā tāngata o tētahi taha me tētahi taha. Kāore te Kaiwhakawā Tūturu rānei, ngā mihingare o te rohe rānei i āhei ki te aukati i te riri, ki te hohou i te rongo rānei. I te kōhurutanga o te rangatira o Ngāti Rangitihi, o Paerau Mokonuiārangi, ka tahuri a Ngāti Rangitihi ki te hohou i te rongo. Ka katia te tatau pounamu i te tau 1854 nā runga i ngā mahi a Pareraututu me tētahi atu wahine whai mana o te rohe. Ko Pareraututu te tuahine o Paerau, me te tamāhine mātāmua a te rangatira nui o Ngāti Rangitihi, a Mokonuiārangi.

2.9 I te tau 1860, e hua ake ana tētahi raruraru i waenga i a Ngāti Rangitihi me tētahi atu iwi i te taha o te awa o Tarawera. Ka tahuri a Ngāti Rangitihi ki te Karauna māna hei āwhina ki te whakatau i te raruraru, he hinga nō ētahi uri ōna i ngā pakanga ō mua mō Rotomahana. Ka tuku a Pareraututu i te kōrero ki te āpiha Karauna, ka huaina tana kupu, "E kore mātou e whawhai, e hanga pā rānei. Ko mātou te iwi o te Kuini, nō reira ka karanga mātou ki te Kāwana, māna hei uru mai kia tika ai mātou", ā, "Māna [mā te āpiha Karauna] e kī ki te Kāwana e hiahia ana mātou kia whakahau ia i ngā tāngata e tika ana ki te whakatau i tēnei raruraru kia kaua e tutū te puehu – e hiahia ana a [Ngāti] Rangitihi ki te noho i runga i te rongomau". Ko te āhua nei, kāore te Karaune i tuku i te kaitakawaenga. Heoi anō ko te āhua nei kāore te raruraru e pā ana ki te awa o Tarawera i huri hei pakanga.

2.10 I te tau 1861, ka tīmata te Karauna ki te whakatairanga tētahi pūnaha Māori mō te kāwanatanga ā-rohe, mō te ture hoki. He pūnaha e takea mai ana i ngā rūnanga ā-kāinga, ā-rohe hoki e mahi tahi mai ai te Kaiwhakawā Tūturu. I kīia rā ko ngā "kaupapa hou", ko "te pūnaha rūnanga", ko te "tikanga hou" rānei. Ko te takune o te hinonga nei ko te whakaū anō i te whakapono a te Māori ki te Karauna, me te whakawhāiti i te whakahē me te mana o te Kīngitanga i roto i ētahi atu rohe. I te Hānuere 1862, ka hui te Kaiwhakawā Tūturu o Maketū i te taha o Ngāti Rangitihi hei whakatairanga i ngā kaupapa hou, ā, ka whakaaetia. Ka tautapa a Ngāti Rangitihi i ētahi mema mō te rūnanga pāhekoheko nei o te rohe, he rūnanga mō rātou me tētahi atu iwi i whawhai ai rātou i ngā tau 1853-1854. Ko kōwhirihia a Arama Karaka Mokonuiārangi, tētahi rangatira nui o Ngāti Rangitihi, hei tumuaki mō te

Rūnanga o Tarawera. I te whakamutunga iho, kāore i eke ngā rūnanga hou ki te taumata o te motu, ka whakakorehia i te tau 1865.

2.11 I te tau 1863 i muri mai i te whakaeketanga o Waikato e ngā ope o te Karauna, ka tono ngā rangatira o te Kīngitanga ki ngā iwi o Te Tai Rāwhiti, mā rātou hei tautoko. I te ūpoko o te tau 1864, e 800 hōia ka kauhoatia mai i ngā hapū huhua o Te Tai Rāwhiti me te Waiariki hei ope taua mō Te Tai Rāwhiti. Ka taupāngia te whakawhiti a te taua e Ngāti Rangitihi, me ētahi atu o Te Arawa, i ō rātou whenua. Ka tukuna he kariri e ngā āpiha o te Karauna ki te ope o Te Arawa hei āwhina i a rātou ki te taupā i te taua.

2.12 I te ūpoko o te tau 1864, ka hoki anō te taua o Te Tai Rāwhiti ki te haere mā te rohe o ngā moana i Rotorua kia pai ai te piri ki ngā ope o te Kīngitanga. Ko Ngāti Rangitihi tētahi wāhanga o te ope nui o Te Arawa nāna nei i whawhai ki te taua o Te Tai Rāwhiti i te tahatika rāwhiti o te Rotoiti, e taui ai rātou ka hoki ki te tahamoana, ki Ōtamarākau.

2.13 I te Maehe o te tau 1864, ka whakatūria e te Karauna he pā maioro ki Pukemaire i runga o Maketū, ā, e hia rau hōia i whakatauria ki reira hei taupā i te haere a te taua o Te Tai Rāwhiti. I roto a Ngāti Rangitihi i te taua o Te Arawa e tautoko ana i ngā hōia a te Karauna, nāna nei i whawhai ki te taua o Te Tai Rāwhiti i Maketū, i te one i te Kaokaoroa hoki. Ka turakina, ka whakamararatia te taua o Te Tai Rāwhiti e te taua o Te Arawa, e te taua iti o te Karauna hoki, ā, e tautokona ana e ngā pū nui o ngā manuao e rua. E ai ki ngā kōrero a Ngāti Rangitihi, i mutu te whawhai i te ngutuawa o te awa, he wāhi e kīia nei e rātou ko Te Pūwaha, ko Mihimarino rānei.

2.14 I te hiku o te tau 1864, ka tae atu ētahi māngai o te hāhi Pai Mārire ki te taha rāwhiti o te Waiariki. I te Maehe o te tau 1865, ka kōhuru ngā tāpiri o te Pai Mārire i a Carl Volkner, he mihingare whakaihuwaka i Ōpōtiki. Ko te urupare a te Karauna i te tau Aperira ko te pānui i tana whakaaro ki te "ātete, ki te pēhi, ki te rau o te patu me ka hiahiatia" i ngā kaupapa pēnei me te "Pai Mārire, te Hau Hau rānei", te kīia nei e rātou ko te "tira manawawera". I te Mei o te tau 1865, ka tono tētahi iwi o Kaingaroa, e tūhono a whakapapa ana ki a Ngāti Rangitihi, ki a Te Arawa māna hei āwhina ki te taupā i te ope Pai Mārire e whakaaro ana ki te haere atu i Te Urewera ki Waikato. E ea ai te tono, ka arataki te rangatira nui o Ngāti Rangitihi, a Arama Karaka Mokonuiārangi, i te taua o Ngāti Rangitihi ki te āwhina atu.

2.15 I ngā pā nei o Te Tāpiri me Ōkupu a Ngāti Rangitihi me ōna hoa, e pakipakitai ana e ngā toa o te Pai Mārire. E hia mai nei ngā rā e whawhai ana i te ūpoko o te Hune tau 1865, ka pau ngā kariri, te wai me te kai, ka wāwāhi a Ngāti Rangitihi me ōna hoa i te rangaranga taua, ka pūrere atu ki ngā mānia o Kaingaroa. Ka whāia rātou e ngā toa o te Pai Mārire, engari ka panaia atu e te ranga tautoko a te Karauna. Ka taotū ētahi o ngā toa o Ngāti Rangitihi i roto i te pakanga, ā, tokorua, nuku atu rānei, ka hinga.

2.16 I te Hune tau 1865, ka kahakina e ngā kaitautoko o te Pai Mārire te kaipuke tauhoko nei, a Kate, i Whakatāne, ka kōhuru i ētahi tāngata ō runga, tae atu ki tētahi āpiha Karauna. Ka kauhoatia e te Karauna tētahi taua hei mauhere i te hunga nāna nei aua kōhurutanga, hei tā rātou. I te hiku o te tau 1865, i waenga a Ngāti Rangitihi i te taua o Te Arawa i whawhai rā i te taha o te Karauna i roto i tana pakanga ki ngā kaitautoko o te Pai Mārire, ki ētahi atu rōpū hoki e tau ana i ngā tahataha o Matatā (Te Awa o Te Atua) me te repo o Rangitaiki. I roto a Ngāti Rangitihi i te taua nāna nei i whakahoro ngā pā i te repo, ko

Ōheu, ko Ōtamauru me Ōmeheu. Waihoki e toru rā e pakipaki ana i te pā i Te Teko, ka horo.

2.17 I te Maehe tau 1866 ka toro atu a Kāwana George Grey ki ngā moana o Rotorua. Ka tono te Kāwana kia tautoko anō ngā iwi o Te Arawa i te Karauna, ki te whawhai ki ngā tāpiri o te Pai Mārire. I te moana o Tarawera, ka tūtaki te Kāwana ki a Ngāti Rangitihi, ki tētahi iwi e noho tata mai ana hoki. Ahakoa te ngaromanga o Arama Karaka Mokonuiārangi me tētahi rangatira nui o te iwi noho tata, ka whakapatipati a Kerei i ngā iwi e rua nei ki te tukuna ki te Karauna ngā whenua ngāwhā i ngā tahataha o Rotomahana. Kāore e wātea aua iwi ki te whakaae ki taua tono ki te kore ō rāua rangatira e whakaae. I muri mai ka tūtaki aua rangatira e rua ki te Kāwana engari kīhai i whakaae ki tana tono ki te tuku i te whenua o Rotomahana.

2.18 I te hiku o ngā tau 1860, ka tautoko ā-taua anō a Ngāti Rangitihi i te Karauna. I te Hānuere me te Maehe tau 1868, ka whakaeketia a Ōhiwa me Waiotahe e ngā iwi e whawhai ana ki ngā ope o te Karauna. Ka whai wāhi a Ngāti Rangitihi ki tētahi kauhanga riri ki ngā rōpū nāna nei aua whananga. Mai i te Maehe tau 1869 tae atu ki te ūpoko o te tau 1872, ka whawhai a Ngāti Rangitihi i te taha o te Karauna i roto i ētahi mahi ki ngā ope taua e hono ana ki a Te Kooti.

2.19 I roto i ngā pānuitanga i te 17 Hānuere tau 1866, i te 11 Hepetema tau 1866 hoki, e 448,000 eka ka murua e te Karauna i te rāwhiti o te Waiariki i raro i te New Zealand Settlements Act 1863. Ko te takune o te muru ko te whakawhiu mō te hunga i whakaarohia rā e te Karauna he tangata hara.

2.20 Ka whakakoretia te muru tikanga kore a te Karauna i ngā pānga tuku iho o ngā iwi katoa i roto i te whaitua o te muru. Ka kapi i taua whaitua ko ngā whenua o ngā iwi ngākau tapatahi, o ngā iwi kūpapa hoki, tae atu ki ngā Māori i whakaarohia ai e te Karauna he tāngata hara. Ka whakatauria tatatia e te Komiti Whiriwhiri Take a te Pāremata, i te Akuhata tau 1866, ka kīia he “rarata”, he “kūpapa” rānei ki te Karauna ko tōna hāwhe o ngā kaipupuri whenua i te whaitua o te muru. Ka kapi i te muru a te Karauna ko ētahi whenua i whai hononga ai a Ngāti Rangitihi i roto Matatā, i ōna tahataha hoki, i te repo o Rangitaiki, i ngā parenga o te awa o Tarawera hoki.

2.21 Ka whakamana te New Zealand Settlements Act 1863 i te Karauna ki te whakatū i ngā Kōti Paremata e mana ana ki te hoatu paremata ki ngā Māori e whai kerēme ana ki ngā whenua i murua. E wātea ana ngā iwi kāore i whawhai ki te Karauna ki te tono paremata, ina ka kapi i ngā āpure murunga ko ngā whenua i whai kerēme ai rātou. E wātea ana hoki ko ngā “kūpapa” i takapou rā i a rātou i runga i te tono a te Karauna, ka tono paremata mō ngā whenua muru i whai pānga ai rātou.

2.22 I te tau 1866, ka hui tahi tētahi kaikōmihana motuhake, te whakatūria rā e te Karauna, me ngā iwi o te rāwhiti o te Waiariki, kōrerorero ai mō te whakahokinga o ngā whenua muru. Eke noa te Hānuere tau 1867, e 87,000 eka i tohaina ki ētahi iwi o Te Arawa i waenga te āpure murunga e 448,000 eka te nui. He mea tuku tēnei hei utu mō te tū i te taha o te Karauna i roto i ngā pakanga ō mua. Kātahi ka noho te Kōti Paremata mai i te Maehe ki te Oketopa tau 1867 i Ōpōtiki, i Whakatāne me Maketū. I tua atu i te tuku ā-taua ki a Te Arawa, e 118,300 eka i tukuna e te Kōti Paremata ki ngā “Māori piripono”, ā, e 112,300 eka ki ngā “Māori kūpapa” i takapou i a rātou. He huhua ngā tukunga e pā ana ki ngā

whakaritenga rāwaho i te kōti i oti rā i te kaikōmihana motuhake. Kāore i kitea he tuhinga o ngā hui i waenga i te kaikōmihana motuhake me Ngāti Rangitihi, nō reira kāore i te mārama te pūtake o ētahi o āna tukunga ki ngā iwi. I tukuna ngā taitara ō roto o aua whenua ki ētahi tāngata takitahi i whakaingoatia rā, ki ngā poutiaki mō ngā tāngata takitahi i whakaingoatia rānei, kaua ki ngā hapū.

2.23 I te hiku o ngā tau 1860, i marohi te Kaikōmihana Karauna kia tukuna ki a Arama Karaka Mokonuiārangi he whenua e 100 eka te nui, he whenua "pōharuharu rawa", he whenua kāore anō i rūritia i Ōmeheu, i roto i te repo o Rangitaiki. Kīhai i ea taua tukunga.

2.24 I te tau 1872 ka whākina rā e te Kaikōmihana i "kokoraho nui ki ētahi wāhi huhua" a "Arama Karaka, rangatira o Ngātirangitihi" i roto i te āpure murunga. Ka whāki te Kaikōmihana ehara nō ngā kaikerēme te hē, ka mahue aua kerēme ki waho i te huinga kerēme i tukuna ki te Kaiwhakawā Kōti Paremata, ā, kāore e taea tonutia te whakawā atu. Ka mōhio te Kaikōmihana he mānahanaha aua kerēme, ka whakarite ia kia whakatauria aua kerēme mā te tuku whenua (Rota 73, Pārihi o Matatā) ki a Arama Karaka Mokonuiārangi i Ōmeheu, e 300 eka te nui. Ka takoto taua whenua i roto i te whenua rahi tonu atu i kokorahotia rā e Arama Karaka Mokonuiārangi.

2.25 Kotahi noa iho te kerēme i tae ā-tinana atu ai a Arama Karaka Mokonuiārangi, ki te Kōti Paremata mō te whenua mai i Te Awa o Te Atua i te rāwhiti, ka rere whakatetonga ki te awa o Rangitaiki e tata ana ki Waiparapara, ā, ka kapi ko tētahi māra nui me ētahi mahinga tuna. I whakawāngia te kerēme i te 12 Hepetema tau 1867, ā, i te 19 Tihema tau 1867 e rua ngā pā tuna ka tukuna e te Kōti ki a Arama Karaka Mokonuiārangi, ko "Awa Pakiaka" (Awa Pa-Kīaka) me Papuhou (Awa Pa-Pūhou), me tētahi tiwhikete, e £15 nui, te kia wātea ai te kaipupuri ōna ki te hoko whenua Karauna.

2.26 Ko tētahi putanga o te whakaritenga rāwaho i te kōti i waenga i te kaikōmihana rāua ko Arama Karaka Mokonuiārangi i te 29 Hune tau 1869, ko te tukunga atu a te Kōti Paremata o te mea i kīia rā e te Kōti "he hea tika" ō roto i ngā whenua o Te Awa o Te Atua i tukuna kētia ki tētahi iwi i whai pānga ai ia. Ko te take ko te whakakore i āna kerēme ki te whenua i Te Awa o Te Atua, me ngā kerēme a "ētahi atu tāngata katoa e kerēme ana māna, mā roto i a ia, i runga i tōna mana rānei". Kāore i tukuna tētahi taitara ki a Arama Karama Mokonuiārangi me tōna iwi i runga i tēnei tukunga i te tau 1869.

2.27 I tukuna hoki e te Kōti Paremata te Rota 3 i te Pārihi o Matatā me ōna eka e 84, me Pukeroa, Rota 30 i te Pārihi o Matatā me ōna eka e 3834, ki ētahi tāngata tokorima o Ngāti Rangitihi, mā rātou e pupuri hei kaitiaki mō ētahi atu uri o te iwi e 75, he uri i whakaingoatia i runga i ngā taitara. He wāhanga taua whenua muru o te whenua e 87,000 eka te nui i tukuna ki ētahi iwi hei utu mō te tautoko i te hokowhitu o te Karauna. Kāore i tukuna hei whakamana i ngā pānga tuku iho o ētahi iwi tonu.

2.28 He huhua ngā tukunga ki ētahi rangatira nui tokorua o Ngāti Rangitihi i runga i taua take anō rā. I tukuna ki a Niheta Mokonuiārangi ngā Rota 3, 6, 29-31, 46-48, ā, katoa ēnei he poraka tāone kotahi rūri (he koata eka) te nui i roto i te tāone o Richmond, koirā hoki te ingoa o Matatā i taua wā. I tukuna ki a Arama Karaka Mokonuiārangi tētahi poraka tāone i Richmond, ko te Rota 4, e 30 pāti (iti paku iho i te koata eka) te nui.

TE WHAKATŪRANGA O TE KŌTI WHENUA MĀORI

2.29 I te ūpoko o ngā tau 1860 ka whakatau te Karauna kāore e whaitake tana pūnaha ō mua mō te hoko whenua Māori, ka whakatū ai i tētahi pūnaha hou mō te tātari i te whenua Māori. Ka whakatū te Karauna i te Kōti Whenua Māori, i raro i ngā Ture Whenua Māori o te tau 1862 me te tau 1865. Ko te pūtake ko te whakatau ko wai ngā kaipupuri whenua Māori "e ai ki ngā tikanga Māori", ā, ko te tahuri i te papatupu hei taitara e ahu mai ana i te Karauna. Ka whakakore aua ture i te mana hoko tuatahi a te Karauna, ka wātea mai ngā tāngata Māori takitahi ki te rīhi, ki te hoko rānei i te whenua ki ngā hunga tūmataiti, ki te Karauna rānei. Ka takune te Karauna kia whakahoro ngā Ture Whenua Māori i te whakawāteatanga mai o ngā papatupu Māori hei nōhanga mā te Pākehā. Kāore te Karauna i akoako i te taha o Ngāti Rangitihi e pā ana ki ngā Ture Whenua Māori. Kāore a Ngāi Māori i whakakanohitia i roto i te Pāremata i te whakamanatanga o ngā Ture.

2.30 Ka whakauru ngā ture whenua Māori i tētahi panonitanga nui ki ngā tikanga whenua a Ngāti Rangitihi, e pupuri ai te iwi i te mana whenua, ā, ka āhei ngā pānga maha, ngā pānga inaki o ētahi iwi huhua, o ētahi hapū huhua ki te whenua kotahi. Ka hurihia e ngā ture whenua Māori te tikanga papatupu hei taitara tangata takitahi i te takanga o te wā. Ko te tūmanako o te Karauna kia whakarērea e Ngāi Māori te tikanga ā-iwi, ā-hapori o te pupuritanga mana whenua, i runga i te whakatakitahitanga o te pānga whenua.

2.31 Ka āhei te whakahuatakinga o te whakawānga a te Kōti Whenua Māori i te tono a te tangata Māori takitahi, kāore hoki e mate ki te kimi i te whakaaetanga a te iwi whānui e whai pānga ana ki te whenua. Ka whakaaetia rānōtia te tono e te Kōti Whenua Māori, me uru atu ki te whakawānga te hunga e whai pānga ana ki te whenua e tonoa nei, kei ngaro tana pānga.

2.32 Ka he huringa kē mō Ngāti Rangitihi, me whakamahi te Kōti Whenua Māori kia riro ai te taitara whaimana ki ō rātou whenua, ā, hei tiaki hoki i taua taitara i ngā kerēme o ētahi atu. Me whai rawa tētahi taitara herekore mai i te Karauna kia pai ā-ture ai te hoko rānei, te rīwhi rānei i te whenua, te whakamahi i te whenua hei punga mō te kimi pūtea whakawhanake rānei. Heoi anō, nā te āhua o ngā taitara i tukuna i kore ai aua mea rā i whakaaetia hei punga.

2.33 I whakawāngia ngā taitara a te Kōti Whenua Māori ki a Ngāti Rangitihi i raro i te Native Land Act 1873 me ōna menemana. I raro i te Native Land Act 1873, i whakahautia te Kōti Whenua Māori ki te tautapa i ngā tāngata katoa e whai pānga tuku iho ana ki ngā whenua e whakawāngia ana. He torutoru noa iho ngā tāngata takitahi i runga i ngā tiwhikete taitara nā runga i ētahi o ngā whakaritenga rāwaho i te kōti, ā, ka peia atu ētahi atu kaiwhaipānga.

2.34 Kāore te 1873 Native Land Act i hoatu hanganga kia pai ai te whakahaeretia tahitia o ngā whenua e ngā kaipupuriwhenua takitahi o Ngāti Rangitihi, ā, nā konei i uaua ai kia ahuahu pūtea ngā kaipupuriwhenua, kia whakapaipai hoki i ō rātou whenua. Kāore hoki ngā ture whenua Māori i whakarite i tētahi hanga whaitake mō te whakahaere tahi i te whenua Māori, taea noatia te Native Land Court Act 1894, nāna nei i whakarite kia wātea ai ngā kaipupuriwhenua ki te whakakaporeihana i a rātou.

2.35 I waenga i ngā tau 1870 me ngā tau 1890, ka whakawāngia e te Kōti Whenua Māori ngā taitara o ngā whenua i kerēmetia ai e Ngāti Rangitihi. Kāore ngā ture whenua i whakarite i te wāhi mō ngā Kōti pīra i aua tau. Ka taea e Ngāti Rangitihi ngā whakatau a te Kōti te whakahē mā te tono anake ki te Karauna kia whakawāngia anō ai i roto i ngā marama e

ono mai i te whakawānga a te Kōti. Whakahokia atu ai aua tono ki te Kaiwhakawā nāna nei te whakawānga tuatahi, māna hei tūtohu me ka whakawāngia anō rānei, me kaua rānei. Eke noa te tau 1894 ka whakatūria te Kōti Pīra Māori, ā, i reira kua oti kē ngā whenua katoa o Ngāti Rangitihi te whakawā.

2.36 I whakawāngia anō te nuinga o ngā taitara whenua i tukuna ai he pānga ki a Ngāti Rangitihi, he putanga o te maninohea i roto o Ngāti Rangitihi me ētahi atu iwi i ngā whakatau a te Kōti.

2.37 I whakawāngia anō a Paeroa East me Kaingaroa 1, ā, ka whakawāngia anō a Kaingaroa 1 i raro i te Native Land Act 1873. Tērā tētahi porotēhi a Ngāti Rangitihi i te pananga ōna ki waho i te taitara o Kaingaroa 2 i te whakawānga o taua poraka i te tau 1879. Ka parea ki rahaki taua porotēhi e te Kaiwhakawā nāna te whakatau e werohia ana, ā, kāore i whakahaeretia he pakirehua atu i muri mai.

2.38 I whakawāngia te taitara ki ngā poraka o Pokohu, Matahina me Rotomahana-Parekārangi nā runga i tētahi ture motuhake.

2.39 I te tau 1881, ka tuhi reta a Ngāti Rangitihi ki te Minita Māori, ka whakahē ai i te wāwāhitanga o ōna pānga ki te poraka o Pokohu. Ka inoi a Ngāti Rangitihi kia waiho ia i ngā whakatau e pā ana ki te whenua mā ngā Māori e kerēme pānga ana ki te poraka. Ka inoi hoki a Ngāti Rangitihi kia "āta tirotiro" te Minita Māori i ō rātou pā, urupā, kāinga, whare, māra, mahinga kai, ngahere, me ētahi atu rauemi hoki pēnei me te kōkōwai i Pokohu, tae atu ki "ngā tūmanako, ngā whakaaro, me ngā wawata o ō mātou tūpuna". Kāore taua porotēhi i whakaarohia e te Minita Māori hei tono kia whakawāngia anō, nō reira kāore i whākina atu ki te Kōti. He nui te tukunga ki a Ngāti Rangitihi, he putanga o tētahi whakawānga tuarua i te tau 1884.

2.40 I te tau 1881, kāore i eke ngā porotēhi a Ngāti Rangitihi i te korenga ōna e whai wāhi ki ngā taitara o te poraka o Matahina i tukuna, i whakaarohia ai e rātou he wāhanga o te poraka o Pokohu kē. Nā te ture motuhake, i whakamanatia rā i te tau 1883, i pai ai te whakahaerenga o tētahi whakawānga hou i te tau 1884, whai muri iho i ngā petihana me ngā porotēhi mai i ngā iwi me ētahi atu e kerēme pānga ana ki te poraka e tohea nei. I muri mai i te whakawānga, e 1,000 eka o te poraka o Matahina i tukuna e te Kōti ki a Ngāti Rangitihi.

2.41 Ka porotēhi a Ngāti Rangitihi i tā te Kōti tukunga mō Kuhawaea, engari i te tau 1882 ka whakahoki te Kaiwhakawā Matua o te Kōti Whenua Māori i te kēhi ki te kaiwhakawā nāna nei te whakawānga tuatahi, kātahi ka whakakore ia i te tono mō tētahi whakawānga hou. I te tau 1898 ka kīia e tētahi atu Kaiwhakawā Matua he "wāwāhi ture" te whakakorenga o te tono a tētahi atu iwi kia whakawāngia anō a Kuhawaea, he kore nō te Kaiwhakawā Matua o te tau 1882 i uiui atu i roto i te kōti tūwhera. He rite tēnei ki te tono a Ngāti Rangitihi. I taua wā kua hokona kētia te nuinga o te whenua e tētahi atu iwi i whakawhiwhia ki te taitara i te tau 1882, nō reira kua kore e taea te kēhi te whakawā anō.

2.42 I te tau 1882 ka tukuna e te Kōti te taitara ki te poraka o Rotomaha-Parekārangi e 211,000 eka te nui ki ētahi iwi huhua tae atu ki a Ngāti Rangitihi. Koia hoki tētahi o te hunga i tono i tētahi whakawānga hou i muri mai. Kāore i eke aua tono i reira, engari i te tau 1887 ka

whakawāngia anō te taitara, ā, e 8,287 eka i tukuna ki a Ngāti Rangitihi i te whakawānga hou i raro i te 1884 Special Powers and Contracts Act.

2.43 He huhua ngā tūmomo utu mā ngā kaikerēme Māori e pā ana ki te pūnaha tuku taitara whenua a te Kōti Whenua Māori. Me mātua rūri te whenua e ngā kaikerēme i mua i te whakawānga. Kātahi ka whakautu ngā kaikerēme i ngā utu rūri mō ngā whenua i tukuna e te Kōti ki a rātou. Panoni ai ngā uru rūri, engari tērā he utu taumaha i runga i a Ngāti Rangitihi, ā, he nui whakaharahara i ētahi wā. I ētahi wā, ka whakatutuki ngā kaipupuri i tētahi riana rūri mā te whakawhiti ki te Karauna i tētahi whenua e rite tahi nei te uara.

2.44 I roto i ngā whakawānga taitara i te tau 1881 mō te poraka o Rerewhakaitu e 35,200 eka te nui, ka inoi ngā āpiha o te Karauna ki te Kōti Whenua Māori kia whakawhitia ki te Karauna kia 9,000 eka mō ngā utu rūri e £433, me ngā utu tōmua i whakautua. Kāore te Karauna i whakaae ki te ohaoha o Ngāti Rangitihi, arā ki te whakautu i aua nama ki te moni, ā, ka whakahau te Kōti kia whakawhitia e 9,000 eka ki te Karauna, ko Rerewhakaitu 2. E pā ana tōna 5,700 eka ki ngā utu rūri.

2.45 I te tau 1882, ka tuku te Kōti Whenua Māori i te taitara o te poraka o Kaingaroa 1A e 9,025 eka te nui. Ka tukuna te hāwhe o ngā hea i te Kaingaroa 1A ki ētahi mema o Ngāti Hape, hapū o Ngāti Rangitihi. Tokomaha ngā kaipupuri o Kaingaroa 1A i hiahia ki te hoko atu i ō rātou pānga kia ea ai ngā utu rūri me ētahi atu nama, e pā ana ki ētahi atu whenua i wehi ai rātou kei ngaro ki ngā kaituku moni. E ea ai aua nama, i te tau 1885 ka whakawhitia e ētahi kaipupuri e 162 i ō rātou pānga ki te rangatira nei o Ngāti Rangitihi, ki a Niheta Kaipara kia pai ai te hokonga o ngā whenua ki ētahi kaihoko tūmataiti. Ka wāwāhia mai te whenua, ka tapaina ko Kaingaroa 1A North, e 8,451 eka. Ka puritia e ngā tāngata 14 kāore i hoko i ō rātou pānga, ko Kaingaroa 1A South, e 574 eka.

2.46 I te tau 1883, ka tono ētahi kaipurpui ki te Kōti Whenua Māori i Maketū kia wāwāhia a Paeroa East. Ka uruhina ngā kaipupuri o Ngāti Rangitihi o Paeroa East 1 (e 11,436 eka) me Paeroa East 2 (e 5,992 eka) ki te hoko atu i tētahi wāhi o wō rātou whenua, kia ea ai te nama nui rawa mō te rūritanga me ētahi atu utu e pā ana ki te taitara. Ka tukuna ki ētahi kaipupuri tokoiti a Paeroa East 1B (e 304 eka) me Paeroa East 2B (e 3,976 eka) kia pai ai te hokonga tūmataiti o ngā poraka e rua nei i te tau 1883, kia ea ai aua utu rūri. E £60 i whakautua e te kaihoko mō Paeroa East 1B (e whā herengi mō te eka kotahi), ā, e £300 mō Paeroa East 2B (1 herengi e 5 kapa mō te eka kotahi).

2.47 Kāore ētahi atu uri o Ngāti Rangitihi i wātea ki te haere ki te Kōti, ā, kāore i eke te kimihanga kia hīkina te kēhi. Ka kārangirangi rātou i te wāwāhitanga whenua, ka tono kia whakawāngia anō.

2.48 I te Hānuere 1884, ka whakahere te Kaiwhakawā Matua i tētahi pakirehua i Whakatāne e pā ana ki ngā tono a Ngāti Rangitihi, hei whakatewhatewha i te whakaaetanga o tētahi whakawānga hou rānei. Ka kī a Hēnare Te Rangi “nā te uruhinga i mate ai rātou [Ngāti Rangitihi] ki te hoko i te poraka Paeroa East hei whakautu i te rūritanga“. I roto i te pakirehua, ka kī te kaihoko ka whakarērea e ia te hokonga ina ka whakahokia e Ngāti Rangitihi te utu e £300. Kāore tērā i taea e rātou, ā, i te Aperira 1884 ka whakakore te Kōti i ngā tono kia whakawāngia anō.

2.49 I te tau 1907, ka whakawhiti a Ngāti Rangitihi i ngā eka e 920 o te poraka o Matahina D e 1,000 eka te nui, ki te Karauna kia ea ai te riana rūri o te poraka.

2.50 He rite tonu te taumaha o te utu o ngā whakawānga Kōti Whenua Māori mō ngā kaikerēme. Ka mate ngā kaikerēme ki te haere tawhiti atu i ō rātou rohe, roa atu ai te noho i reira i ngā wā whakahōhā noa iho, ka raruraru te whakatōnga me te hauhakenga o ngā kai. Me te aha me whakautu mō te haerenga, te kai me te whare noho. I te Akuhata 1878 i te whakawānga roroa o Kaingaroa 1 i Matatā, ka kī tētahi kaikōrero kua pau ngā kai a Ngāti Rangitihi i Matatā. Ka hoatu e tētahi kaihoko whenua a te Karauna i te moni ki ngā kaipupuri hei hoko kai, tae atu ki a Ngāti Rangitihi, ka noho nama mai ki runga i ō rātou pānga ki Kaingaroa 1. I te Oketopa 1880 i te whakawānga tuarua o Kaingaroa 1 i Matatā, kāore i eke te tono a ētahi kaikerēme kia hīkina te kēhi, he pau haere nō ngā kai.

2.51 I te Oketopa 1881, i tū ngā whakawānga o Matahina, Pokohu, Paeroa East me Pūtauaki i Whakatāne, i reira he onge te kai me te whare noho, ā, he taumaha hoki te utu. Kāore i eke te inoi a te rangatira nei o Ngāti Rangihi, a Niheta Kaipara kia whakanukuhia ngā whakawānga ki Matatā, e māmā ake ai ngā utu mō Ngāti Rangitihi.

2.52 Ka haere te whakawānga taitara o te poraka o Rotomahana-Parekārangi e 211,000 eka i Rotorua mai i te Aperira ki te Hune o te tau 1882, ā, e 1,500 ngā tāngata Māori i tae atu. Tokomaha i noho mō te roanga ake o te hui, ka noho puni i roto "tēneti harehare" e kore ai e maru i ngā karawhiu a te huarere. I te tau 1887 he roa ake te whakawānga tuarua, e rima marama te roa, ā, ka whakahaeretia i te wā e pēhia tonutia ana, e te piere nuku o te hū o Tarawera i te tau 1886, a Ngāti Rangitihi me tētahi atu iwi e kerēme ana i ngā pānga nunui i te poraka nei. Ka porotēhi a Ngāti Rangitihi, he tawhiti rawa nō te wāhi i Rotorua hei kawenga utauta mā rātou i Matatā rā anō, kei reira hoki te iwi katoa e punanga ana i muri mai i te hū.

2.53 Mai i te puku o ngā tau 1860 ki te ūpoko o ngā tau 1890, ka whakawhiwhia ki a Ngāti Rangitihi he Karāti Karauna, he tukunga Kōti Whenua Māori hoki e whai pānga ai rātou ki ngā poraka whenua e kapi ai tōna 220,600 eka. Kei te tonga, kei te tonga-mā-rāwhiti o ngā moana o Rotorua te nuinga o aua whenua, tae atu ki te whenua huri noa i te moana o Tarawera me ngā mānia o Kaingaroa (tirohia te mahere whenua). Nuku atu i te 4,000 eka te nui o te whenua i te rohe o Matatā kei roto i aua tuku.

NGĀ HOKONGA A TE KARAUNA

2.54 I ngā tau 1870 ka tīmata te Karauna i tētahi hōtaka whānui mō te hoko whenua Māori, e whai ana ki te hoatu whenua mō ngā manene Pākehā. Whakahautia ai ngā āpiha hoko whenua a te Karauna ki te hoko "i ngā whenua rarahi katoa e taea ana e ngā Māori te tuku e kore ai rātou e whara". I whakahautia hoki ngā āpiha kia hokona te whenua mō te utu māmā rawa e taea ana. I te roanga ake o te rautau tekau mā iwa, kore rawa te Karauna i aromatawai i te rawaka o te whenua e mahue tonu ana ki a Ngāti Rangitihi i runga i ngā hokonga o wō rātou whenua. Eke noa te tau 1905, kātahi anō te Karauna i tohua ki te whakautu i te wāriu Kāwanatanga, nuku atu rānei, mō ngā poraka i hokona.

Ngā Rīhi me ngā Utu Tōmua

2.55 I te ūpoko o ngā tau 1870, he whānui te ātete a te Māori i ngā hokonga whenua i te rohe o ngā moana o Rotorua. Ko te urupare a ngā āpiha hoko whenua a te Karauna ko te whakarite whakaaetanga rīhi i te taha o te Māori, kāore e ngana ki hoko i te whenua. Ka whiriwhiria aua whakaaetanga rīhi "i runga i te tūmanako ka huri hei hokonga kē". Kapi ai i aua whakaaetanga ko ngā rārangi kore whakawātea, e aukatia ai tā te Māori rīhi rānei, hoko rānei i te whenua ki te hunga tūmataiti. Nā reira i whakapūmau ai te mana o te Karauna ki te hoko i te whenua.

2.56 Ka oti i ngā āpiha hoko whenua o te Karauna ētahi utunga tōmua ki te hunga i whakaponotia ai ko rātou ngā kaipupuri whenua, i mua i tā te Kōti Whenua Māori tuku i te taitara mō te whenua. Ka ea ētahi o aua utunga tōmua hei wāhi o ngā whakaritenga rīhi.

2.57 I te tīmatanga o ngā tau 1870, ka tīmata te Karauna ki te whiriwhiri kia rīhitia te whenua i ngā wāhi e kerēme pānga ana a Ngāti Rangitihi. Kāore anō te Kōti Whenua Māori i tuku taitara ki te whenua, he whenua i tautapangia ko ngā poraka o Pokohu, ko Matahina, ko *Paeraoa East*, ko Kaingaroa 1 me Rerewhakaitu i muri mai. I muri mai i te whakawānga o ngā taitara o aua wāhi, ka tīmata te Karauna ki te whakatau i ngā utunga tōmua katoa o aua rīhi hei hokonga tōmua. Ki ōna whakaaro, me whakautu ko te toenga anake o te utunga hoko i whakaaetia. E 380,000 eka te whakatau tata a te Karauna te nui o te whenua e kapi ana i ngā whakaaetanga rīhi.

2.58 I te tau 1873, ka tautapa tētahi āpiha hoko whenua a te Karauna i ētahi uri o Ngāti Rangitihi, ko rātou pea ngā kaipupuri whenua i roto i te takiwā i tapaina ko te poraka o Rerewhakaitu. Ka whakautu te Karauna i a rātou ki te rīhi i ngā pānga ki te whenua i whakaarohia iho ai nō rātou.

2.59 I te tau 1873 ka tīmata te Karauna i ngā whiriwhiringa i te taha o ētahi atu iwi mō te rīhi i te whenua o Pokohu/Matahina. I te Hānuere 1874 ka tīmata te Karauna ki te whiriwhiri i te taha o ngā rangatira e whai pānga ana ki a Ngāti Rangitihi, heoi eke noa te Tihema 1875 kātahi anō a Ngāti Rangitihi i whakaae kia rīhi te Karauna i ōna pānga ki Pokohu.

2.60 Mai i te tau 1873 ki te tau 1875, ka whakautu tōmua te Karauna mō te rīhi o Kaingaroa 1, ki ngā iwi i tautapangia rā e ia ko rātou ngā kaipupuri. I roto i te £365 i whakautua ko te £115 ki a Ngāti Rangitihi. Tērā ētahi uri o Ngāti Rangitihi i uru ki ngā whiriwhiringa o te tau 1875 i te taha o te Karauna mō te rīhi i ngā whenua o Kaingaroa 1.

2.61 I te tau 1873, i te whakahuatakinga a te Karauna i ngā whiriwhiringa mō te rīhi i ngā whenua o *Paeroa East*, kāore i kōrerorero i te taha o Ngāti Rangitihi. Ka tuhi reta porotēhi ki te Karauna tētahi atu rōpū e kerēme ana i *Paeroa East*, ka tuhi te kaituhi o te reta ko ngā rangatira nei o Ngāti Rangitihi, ko Arama Karaka Mokonuiārangi rātou ko Poia, ko Huta ko Niheta ētahi o ngā kaipupuri whenua.

2.62 Ka kapi i ngā whakaaetanga rīhi tētahi rārangi e kore ai te rēneti o ngā poraka whenua e whakautua taea noatia te whakawānga o ngā taitara. Heoi anō ka kite ngā āpiha hoko whenua a te Karauna i whakapono ngā Māori tokomaha, nāna nei i waitohu ngā whakaaetanga rīhi, me whakautu rēneti ka tika mai i te wā o te waitohutanga.

2.63 I muri mai i ngā utunga tuatahi, kāore te Karauna e whakautu rēneti mō te whenua kia oti rā anō i te Kōti Whenua Māori ngā taitara whenua te whakawā. Ka hīkina e te Karauna te

Kōti Whenua Māori i te rohe o te Waiariki mai i te tau 1873 ki te tau 1877, me te aha ka kore e taea ngā taitara whenua te whakawā, ā, ka takamuri te whakautunga auau o te rēneti.

2.64 Ko whakaaro o te whakatārewatanga a te Karauna i te Kōti Whenua Māori ko te whakatau i ngā raruraru e puta ake ana i te ātete a te Māori ki ngā hinonga a te Kōti i te takiwā o Maketū. Ka whai hoki kia taupāngia ngā kaihoko whenua tūmataiti kei tātāwhāinga ki te Karauna. Ka pā atu te tārewatanga nei ki ngā wāhi katoa e pupuri whenua ai, e kerēme whenua ai a Ngāti Rangitihi. Nā te tārewatanga o te Kōti Whenua Māori i takamuri ai te whakaotinga o ngā rīhi, ā, i kore ai e taea e Ngāti Rangitihi te whiwhi moni i ō rātou whenua i rīhitia.

2.65 I te Hune 1876, ka tangohia ngā āpiha Hoko Whenua a te karauna i te puku o Te Ika Tapu a Māui, he āwangawanga nō te Karauna kei whakapātaritari te noho tonu i te riri tara-ā-whare i waenga i ngā Māori ō reira. Kāore tonu i oti i ngā āpiha ētahi hokonga katoa i whakahuatakina e rātou.

2.66 I te Pēpuere 1877, ka whakamutu te Karauna i te tārewatanga o te Kōti Whenua Māori, ā, mai i taua wā ka taea ngā taitara poraka te whakawā. I muri tata mai ka tīmata anō ngā hinonga hoko whenua a te Karauna.

Te Government Native Land Purchases Act 1877

2.67 Ka whakamana te Karauna i te *Government Native Land Purchases Act 1877*, ko te whāinga ko te aukati i te tātāwhāinga tūmataiti, me te tiaki i tana tūranga whiriwhiri i te hokonga o ngā whenua Māori. I raro i te Ture nei, e wātea ana te Karauna ki te tā i tētahi pānui e mea ana, kei te whiriwhiria te hokonga a te Karauna i ngā whenua Māori i oti ai i te Karauna ētahi utunga. Nā konei i noho ai hei wāwāhitanga ture kia "hokona, kia whiwhi rānei mai i ngā kaipupuri Māori ko tētahi tikanga, taitara, whenua, pānga rānei ki tētahi whenua pērā" e tētahi hunga i tua atu i te Karauna.

2.68 I ngā tau 1870 ka whakahau te Karauna i ngā āpiha hoko kia mārama rawa ngā whiriwhiringa, me te akoako hoki i te taha o ngā rangatira o ngā iwi, ā, me whakaae hoki ngā tāngata whai pānga katoa ki te hoko. Kāore i whāia rawatia aua tohutohu i ngā wā katoa, ā, he huhua ngā porotēhi a ngā kaipupuri whenua Māori e pā ana ki ngā utunga ki ngā tāngata takitahi. I te tau 1877 me te tau 1878 ka whakamanatia he ture kia ngāwari ake ai mā te Karauna me ngā rōpū tūmataiti te hoko pānga ki te whenua Māori. Ka whakamahia hoki ngā utunga tāpiri ki ngā rangatira, ki ngā kaipupuri whaimana rānei hei whakaruhi i ngā ātetetanga ā-rōpū a ngā kaipupuri rānei, a ngā iwi rānei ki ngā hokonga whenua.

2.69 I te tau 1878, ka tāngia e te Karauna he pānui kotahi i raro i te *Government Native Land Purchases Act 1877*, e pā ana ki ngā whenua i runga i ngā poraka o Kaingaroa 1, Rerewhakaitu, Pokohu, Matahina me *Paeroa East*. Katoa ēnei he wāhi i tukuna ai he pānga ki a Ngāti Rangitihi. I te tau 1879 ka tāngia e te Karauna he pānui e pā ana ki te Rota 30, te Pārihi o Matatā, arā ko te poraka o Pukeroa nō Ngāti Rangitihi.

Te Whakaoti i ngā Whiriwhiringa Hokonga

2.70 I te tōmuritanga o ngā tau 1870 ka kaha haere te Karauna ki te tahuri i āna whiriwhiringa rīhi hei whiriwhiringa hokonga. Kāore anō kia puta he kōrero e mea ana i takune a Ngāti Rangitihi rānei, ngā iwi noho tata rānei ki te hoko i te whenua nō rātou i rīhi atu i taua whenua ki te Karauna. I te tau 1878 me te tau 1879 e £7 te tapeke o ngā utunga tōmua i whakawhiwhia e te Karauna ki ētahi tāngata tokorua o Ngāti Rangitihi, te tautapatia rā hei kaipupuri whenua i roto i te rīhi o Pokohu/Matahina. I muri mai ka whakaarohia aua utunga rīhi tōmua hei utunga tōmua mō tana hoko i ngā poraka o Pokohu me Matahina. I te tau 1884 e ea ai aua utunga tōmua me te riana rūri e £68, e 750 eka (*Pokohu B1*) ka tukuna e te Kōti Whenua Māori ki te Karauna, i roto i ngā eka e 19,060 o Pokohu i tukuna ki a Ngāti Rangitihi.

2.71 I te tau 1879 ka mutu ā te Karauna utunga tōmua mō ngā whenua Māori kāore anō i tātaritia e te Kōti Whenua Māori. Ka ngana tonu te Karauna ki te whakaoti i te nuinga o ngā whiriwhiringa hokonga i ahu mai i ngā utunga tōmua ō mua.

2.72 I te Hepetema 1881 ka whakawāngia e te Kōti Whenua Māori te taitara o Rerewhakaitu e 35,200 eka. Eke noa taua wā kua oti i te Karauna ngā utunga tōmua e £252 ki a Ngāti Rangitihi mō tana rīhi i te poraka, ā, i reira ka whakaarohia hei utunga hokonga. Ka kī te Karauna ki a Ngāti Rangitihi e £433 tana nama mō ngā utu rūri, ā, ka eke te tatau o ngā utunga tōmua ki te £686.

2.73 I te otinga o te whakawānga taitara, ka mea a Ngāti Rangitihi ka whakawhitia kia 5,000 eka o ngā whenua i Rerewhakaitu ki te Karauna, ka whakahokia te tapeketanga moni katoa rānei. Ka whakapeka te Karauna i aua whakaaro, ka whakahau kia whakawhiti a Ngāti Rangitihi kia 9,000 eka o ngā whenua i Rerewhakaitu kia ea ai te nama. Ka taukī a Ngāti Rangitihi i roto i te Kōti kua tāpaetia kia rima herengi mō ia eka e tētahi kaihoko tūmataiti mō Rerewhakaitu. E pai ana a Ngāti Rangitihi ki te whakawhiti i te wāhanga e 9,000 eka nei ki te Karauna mō te rua herengi mō ia eka, he whakaaro nō rātou he iti kē atu te wāriu o te wāhanga i te tonga-mā-rāwhiti o te poraka. Ka pupuri te Karauna ki tāna, arā kotahi herengi e ono hēpene noa iho te wāriu mō te eka o taua whenua, ahakoa te kaikōrero a te Karauna e taukī ana ka taea tētahi utu nui noa atu. Ka whakaae te Kōti Whenua Māori ki te whakataunga wāriu a te Karauna mō Rerewhakaitu, ā, ka whakatauria iho te pānga o te Karauna ko te poraka o Rerewhakaitu 2, e 9,000 eka te nui.

2.74 I te tau 1878 ka tukuna a Kaingaroa 1 (e 103,393 eka) e te Kōti Whenua Māori ki ngā uri o Tangiharuru rāua ko Apa, arā ko ngā tūpuna o tētahi atu iwi, o Ngāti Hape hoki, tētahi hapū o Ngāti Rangitihi. I whai wāhi hoki ki te tukunga taitara ngā rangatira nei o Ngāti Rangitihi, ko Arama Karaka Mokonuiārangi rātou ko Niheta Kaipara, ko Huta Tangihia, ko Poia Ririapu. I roto i te whakawānga, ka unuhia e Ngāti Hape tana kerēme motuhake, whai muri i te whakaaetanga a tērā atu iwi e heke mai ana i a Tangiharuru rāua ko Apa kia whai wāhi a Ngāti Hape ki te taitara. Oti noa te whakawānga, ka meatia e ngā kaipupuri whenua o tērā atu iwi ki te hoko i te poraka. Eke noa taua wā kua oti i te Karauna te £465 te tuku mō tana rīhi. Ka whakaarohia aua utunga hei utunga tōmua mō te hoko i te whenua, i taua wā.

2.75 Ka whakahē ngā uri o te hapū o Ngāti Rangitihi, o Ngāti Hinewai, me te aha ka whakawāngia anō te taitara o Kaingaroa 1 i te tau 1880, ā, ka whakatūturu te Kōti i tana whakatau o te tau 1878, ka tukuna te taitara ā-ture ki ētahi tāngata takitahi e 28. Kei waenga i aua kaipupuri ko ētahi mema tokorima o Ngāti Hape, me ētahi atu tokorua nō

Ngāti Rangitihi hoki rā. Ka raruraru ngā kaiātete o Ngāti Hinewai i te ngaromanga, i runga i te wharanga, o tō rātou kaumātua matua, māna tā rātou kaupapa e takitaki. I muri mai ka taukī te kaumātua he mahere whenua whakahirahira tāna e whakaatu ana i ngā kerēme a ngā iwi huhua i roto o Kaingaroa 1. I whakaritea te mahere i te taha o ētahi atu iwi, me te āwhina hoki a ngā āpiha Karauna. Nā te ngaromanga o te kaumātua te Kōti i kore ai e whakaaro he taunakitanga tēnei, ā, ka whakatau kia parea atu a Ngāti Hinewai ki waho o te taitara.

2.76 I muri tata tonu i te whakawānga, ka tuhi reta a Ngāti Hinewai ki te Minita Māori kia whakahaeretia he pakirehua e pā ana ki ā rātou kerēme. Ka taunaki rātou i taua inoi ki ngā petihana i whakaurua i te tau 1881 me te tau 1882, engari kāore he āheinga kia whakawāngia anō te poraka i te mea i hokona i te Tihema 1880. Ka pakirehua atu e te Komiti Whiriwhiri Take Māori te petihana o te tau 1881, ka kōrero pono te Kaiwhakawā Matua o te Kōti Whenua Māori e manawarau ana ia i te whakatau a te Kōti. Ka tūtohu te Komiti pakirehua te Kāwanatanga i ngā petihana e rua nei, engari kāore i tū he pakirehua. Ka taukī te Minita Māori ko te huarahi anake e wātea ai te Karauna ki te arotake i te whakatau a te Kōti Whenua Māori ko te ture motuhake, ā, kāore ia i te rata ki tērā mahi mō Kaingaroa 1.

2.77 Ka hiahia te rangatira o Ngāti Rangitihi, a Niheta Kaipara ki te whakauru i ētahi atu ingoa e 103 ki te rārangi o ngā kaipupuri o Kaingaroa 1. I pīrangi ētahi atu o ngā kaipupuri e 28 ō runga i te rārangi kia nui atu ngā ingoa i runga i te taitara, pērā i tā te *Native Land Act 1873* i whakarite ai. I te tau 1878 ka akiaki tētahi āpiha Karauna i ngā kaipupuri kia whakawhāititia ngā ingoa kia 28 rā, kia ngāwari ake ai mō te Karauna ki te hoko i te Kaingaroa 1. Ka kapi i aua kaipupuri e 28 ko ngā mea katoa i te taitara o te tau 1878 i whakawhiwhia ki ngā utunga tōmua a te Karauna mō Kaingaroa 1.

2.78 Ka oti i te Karauna te hokonga o Kaingaroa 1 i tētahi hui i te 8 o Tihema 1880. I reira, nuku atu i te £5,650 ka hoaturia e tētahi āpiha hoko whenua hei mātohatoha ki ngā kaipupuri taitara e 28 ō runga i te rārangi. E £2,104 i whakautua kētia e te Karauna hei utunga tōmua. Ka whakahē a Arama Karaka Mokonuiārangi o Ngāti Rangitihi i te āhuatanga i whakaarohia e ia he rawekehanga nā te āpiha Karauna i te tohatohanga o te toenga o te utunga. Koia hoki tētahi o ngā kaipupuri e 28 ō runga i te rārangi o Kaingaroa 1. Ka ātete a Mokonuiārangi i te iti o te utu, e £400, i whakautua ki ngā māngai o te hapū o Ngāti Rangitihi, o Ngāti Hape i te hui i te Tihema. Hei tāna me rite te nui o te tohanga ki tēnā me tēnā o ngā kaipupuri e 28 ō runga i te rārangi. Ka huri tuarā te Karauna ki āna porotēhi.

2.79 I te tau 1878 ka uru te Karauna ki ngā whiriwhiringa mō te hoko i te poraka o Pukeroa (Rota 30 i te Pārihi o Matatā). Ka whiriwhiri te Karauna i te taha o ngā morehu tokorua o ngā kaitiaki taketake tokorima nō Ngāti Rangitihi, ā, e £1,000 te utu i tonoa e ngā kaitiaki. I tukuna e te Karauna he utu tōmua ki a rātou, hui katoa e £250. Ka noho ngā āpiha o te *Land Purchase Department* tautohetohe ai ina me kōrero ki ngā kaipupuri katoa, kātahi ka whakatau me kōrero ki ngā kaitiaki anake. Ka porotēhi te rangatira nei o Ngāti Rangitihi, a Huta Tangihia ki te Karauna, ka tono kia haua e tukuna anō he moni ki a Ngāti Rangitihi kia oti rā anō i a Ngāti Rangitihi te whakatau mā wai e whiwhi. Ko te āhua nei kāore i oti i te Karauna he hinonga e pā ana ki taua porotēhi.

2.80 I te tau 1879 ka whakanoho te Karauna i a Pukeroa (Rota 30 i te Pārihi o Matatā) i raro i tētahi pānuitanga a te *Government Land Purchases Act 1877*, ka whakakorea ngā whiriwhiringa tūmataiti mō te hokonga ōna. I te tau 1880, ka marohi tētahi āpiha Karauna kia whakawhāititia te utu hoko i whakaaetia rā, kia £900. I te hikinga o ngā whiriwhiringa o te kēhi i kīia rā he "tino uaua", ka inoi ngā kaipupuri o Pukeroa kia hīkina te pānuitanga, kia wātea ai rātou ki te whiriwhiri i te taha o ētahi kaihoko tūmataiti. Ka whakatika te Karauna ki te whakarere i te hokonga hārakiraki, te hokonga i tohea nei, engari kāore i whakaae ki te hiki i te pānuitanga kia oti rā anō i ngā kaipupuri ngā utunga tōmua a te Karauna te whakahoki. Kāore ngā kaipupuri i wātea ki te whiriwhiri i tētahi hokonga tūmataiti i raro i ēnei ritenga, ā, ka noho ko te Karauna anake hei kaihoko. I te tau 1883 ka hoko te Karauna i a Pukeroa mō te £800, arā e £500 me ngā utunga tōmua kua oti kē te whakautu mō te poraka.

Te Thermal-Springs Districts Act 1881

2.81 I ngā tau 1870, ka whakaarotautia e te Karauna te hokonga o ngā whenua me ngā rauemi ngāwhā, hei whakatūturu i te korenga ōna e tuku ki te kaipupuri tūmataiti. I te tau 1881 ka whakamanatia e te Pāremata te *Thermal-Springs Districts Act* "kia pai ai te Nōhanga o te Rohe Ngāwhā o te Koroni". Ko te āwangawanga nui o te Karauna ko te pupuri ki a ia anō i tana tūranga pai i te ōhanga tāpoi e whanake ake nei. Ka pānui ana te Karauna i tētahi rohe i raro i te Ture, ka whakatapua ai taua rohe mā te Karauna anake e whakawātea.

2.82 Ka whakamahi te Karauna i te Ture hei whakarite i te mana takitahi i runga i te rohe whānui. I te tau 1881, e 646,790 eka o te puku o Te Ika Tapu a Māui i pānuitia i raro i te Ture. Ka kapi i roto i taua wāhi ko ngā poraka o Rotomahana-Parekārangi me Ruawāhia, me ētahi wāhanga o ngā poraka o *Paeroa East*, Rerewhakaitu me Pokohu. Ka mana tonu te Ture taea noatia te tau 1908.

2.83 E hia rau kaipupuri nō Ngāti Rangitihi i whakawhiwhia ki ngā pānga i te taha raki o *Paeroa East*, i te taha o tētahi atu iwi, he putanga o tētahi whakawānga taitara i te tau 1881, me tētahi whakawānga tuarua i te tau 1882. Whai muri mai i te wāwāhitanga o *Paeroa East* i te tau 1883, ka whakawhiwhia a Ngāti Rangitihi me tētahi atu iwi ki te *Paeroa East 1A* (e 11,124 eka). Waihoki ka tukuna a *Paeroa East 2A* (e 1,700 eka) ki a Ngāti Rangitihi. E rua e rua aua poraka i pāngia e tētahi pānuitanga o te *Thermal-Springs District Act*.

2.84 I muri i te tukunga o ngā taitara i te tau 1883, ka tautuhia e tētahi āpiha Karauna tētahi raruraru nui e pā ana. E 301 ngā kaipupuri i whakawhiwhia ki a *Paeroa East 1A*, engari i te whakatakotoranga o ngā taitara, e 173 ngā kaipupuri nō Ngāti Rangitihi i parea ki waho i te rārangi kaipupuri. Ka hē te whakaurunga ō ratou ki te taitara o te poraka iti rawa kē, ko *Paeroa East 2A*. Kāore te Kōti , te Karauna rānei i whakatau i te take nei i mua i te whakahuatakinga a te Karauna i āna hokonga o aua taitara e rua i te tau 1886.

2.85 I te ūpoko o te tau 1886, ka tīmata te Karauna ki te hoko i ngā pānga takitahi o *Paeroa East 1A* kāore nei i wāwāhia, he tohutohu nō ngā āpiha Karauna kei reira "ētahi ngāwhā, ētahi moana whakamīharo", ētahi puna penihīni, me ētahi "whenua tino pai". Nā reira i "pai ai te wāriu o te rima herengi mō te eka".

2.86 Whai muri i te hū o Tarawera i te tau 1886, ka hē haere te noho a Ngāti Rangitihi. Ka pūrongo tētahi āpiha hoko whenua e pā ana ki a *Paeroa East 1A* "e tino kaikā ana ngā

kaipupuri ki te hoko, he kaha nō te hiakai". Ka whakapono ngā āpiha ka taea ngā "ritenga tino pai" mō te hokonga, ina ngaki te Karauna i tēnei āhuatanga. I te tau 1886 me te tau 1887, ka hoko te Karauna i ngā hea o *Paeroa East 1A* mai i a Ngāti Rangitihi, me ētahi kaipupuri nō iwi kē, mō tōna 3 herengi mō te eka, ā, ka hokona ngā hea o *Paeroa East 2A* mō tōna 4 herengi mō te eka.

2.87 I te tōmuatanga o te tau 1887, ka whakamōhio te Karauna i a Ngāti Rangitihi ki ngā hapa o ngā rārangi kaipupuri o *Paeroa East 1A*, *2A* hoki, me te aha ka "tino āwangawanga" ngā kaipupuri. Kāore i eke tā rātou tono kia mutu ngā hokonga a te Karauna, i a rātou e tono ana kia whakawāngia anō, engari kāore he rauemi hei wero i ngā taitara takarepa nei. I te tīmatanga o te tau 1887, ka whakaae tahi ngā kaipupuri me te āpiha hoko whenua ki te whakatapu i tētahi wāhi o ngā moni, ka waiho ki rahaki mā ngā kaipupuri tokomaha nō Ngāti Rangitihi i parea hētia ki waho o te taitara o *Paeroa East 1A*.

2.88 Kāore te Karauna i rata ki te whakautunga o ngā utu hoko whenua ki tētahi tangata kāore i runga i te taitara. Ka whakahoki te āpiha hoko whenua ki te kore ia e whakatapu i te moni mā ngā kaipupuri i parea ki waho i te taitara, ka "whai wāhi ia ki te mahi tinihanga i ngā tikanga tūturu a ētahi kaipupuri Māori tokomaha, he tikanga i taupāngia ki a rātou, ehara hoki i a rātou te hē". Ka pūrongo te Kōti Whenua Māori ki te Karauna he "tino uaua te whai" i ngā pitopito kōrero. Ka whakatau iho ka taea te kaupapa te whakamārama e te Kaiwhakawā anake i whai wāhi ki ngā whakahaere. Kāore i mahia ētahi atu mahi hei whakatika i ngā hapa i mua i te whakaotinga a te Karauna i āna hokonga.

2.89 I te Hepetema 1887, ka tono te Karauna ki te Kōti Whenua Māori kia wāwāhia te whenua kia rite ki ngā pānga nāna nei i hoko i roto o *Paeroa East 1A, 2A* hoki. Ka tukuna e te Kōti te wāhanga wāriu nui o te whenua ki te Karauna. Ka kapi i reira ko te papakāinga o Maungakōkōmuka, ko Maungakakaramea, ko ētahi whakamīharotanga ngāwhā, me ētahi atu wāhi whakahirahira ki a Ngāti Rangitihi, ā-tikanga, ā-ōhanga hoki. Ka mahue mai ki a rātou ko te mea i kīia ai e rātou ko "tētahi wāhanga tino kino o te whenua, e kore nei e pai hei kāinga", ā, e "noho ana i raro i te taumahatanga".

2.90 I te Oketopa 1888, ka porotēhi ngā rangatira nui o Ngāti Rangitihi i "whakapatipati" tētahi āpiha Karauna i ētahi kaipupuri takitahi ki te hoko i ō rātou hea i te tau 1886 me te tau 1887. He tukitukinga tērā ki ngā hiahia o ngā kaipupuri matua i kāore nei i Matatā i te wā o ngā hokonga.

2.91 I te tau 1888 ka porotēhi ngā rangatira o Ngāti Rangitihi i whakahautia e te Kōti te wāwāhitanga o te whenua i muri tata tonu i te wehenga o Ngāti Rangitihi i te Kōti, ka hoki ki te kāinga. Ka porotēhi hoki ngā rangatira he tokomaha ngā kaipupuri nō Ngāti Rangitihi i parea atu i te taitara o *Paeroa East 1A*, ā, ka whakahē i te āhua i tā te Karauna mātohatoha i ngā utunga hokonga.

2.92 I te tau 1888 ka tono a Ngāti Rangitihi ki te Pāremata e pā ana ki ō rātou nawe mō te taitara, mō te hokonga hoki o *Paeroa East 1A*. I te tau 1888 me te tau 1889, ka kawe a Ngāti Rangitihi i āna porotēhi ki te Minita Māori, ā, kāore i pahawa he aha.

2.93 I te mutunga o ngā tau 1880, tata tonu nei ka "whenua kore" a Ngāti Rangitihi i Matatā, ā, e noho ana i roto i te pōharatanga, e ai ki ngā pūrongo ko tōna 300 tāngata e noho ana i runga i tētahi pito whenua e whitu tekau eka te nui. Eke noa te tau 1890, nā runga i tēnei

āhuatanga ka tāpae ētahi o ngā kaipupuri whenua nō Ngāti Rangitihi i ō rātou pānga ki *Paeroa* East e toe ana, hei hoko. I raro tonu te whenua i te *Thermal-Springs Districts Act*, ā, kāore i āhei te hokonga ki tētahi atu hunga hāunga rā ki te Karauna. Eke noa te tau 1895 ka riro i te Karauna te nuinga o ngā pānga o Ngāti Rangitihi ki a *Paeroa East* e toe ana, ā, ka tono ki te Kōti Whenua Māori kia wāwāhia atu ōna pānga.

2.94 I te tau 1893 ka tāpae a Ngāti Rangitihi i te poraka o Rerewhakaitu 1 e 26,200 eka hei hoko mā te Karauna, mō te rima herengi mō te eka. E ūhia tonutia ana a Rerewhakaitu ki te pungarehu o te hū o Tarawera. I hiahia ngā kaipupuri ki te hoko atu i poraka hei kohikohi moni mō te hoko whenua ki Matatā. Ko te whakaaro o ngā āpiha o te Karauna ko te take o te hoko ko te "whakamutu i te taitara Māori". Ka whakaae rawa iho a Ngāti Rangitihi ki te tāpaetanga a te Karauna, arā kotahi herengi e ono kapa mō te eka kotahi. E 21,275 eka ka hokona e te Karauna i te poraka nei.

Te Hokonga a te Karauna i te poraka o Lake Tarawera - Ruawāhia

2.95 I te 12 o Pēpuere 1891, ka tuku te Kōti Whenua Māori i te poraka o Ruawāhia ki a Ngāti Rangitihi. E 20,600 eka i whakaahuatia e te taitara o Ruawāhia, me tōna 6,000 eka o te moana o Tarawera. Ka marohi tētahi āpiha Hoko Whenua o te Karauna ki te hoko i Ruawāhia mō te utu "iti rawa" arā e 3 herengi mō te eka, engari kia kaua e whakautu mō te wāhi o te moana. Ko te whakaaro o te Karauna he "uara kore" te nuinga o te poraka, engari ka rapu ki te hoko i te whenua e pātata tonu ana ki te moana o Tarawera me te awa o Tarawera.

2.96 Te rironga mai o te kupu tohutohu ā-ture, ka whakaae te *Native Land Purchase Department* me kapi te wāhanga o te moana me te whenua hoki i te utu hoko o Ruawāhia. Ka whakaaetia e te Tari te hokonga o te poraka katoa mō te £2,190, e rite ana ki te toru herengi mō te eka, mō tōna 14,600 eka o te whenua maroke, engari he iti iho i te rua herengi e rua kapa mō ngā eka e 20,600 katoa. Ka tohutohu te Tari i te āpiha Hoko Whenua o te Karauna: "Kāore he wā pai mō te whakaara [tūturu?] i te take o te pupuritanga o te Roto" i waenga i ngā whiriwhiringa i te taha o Ngāti Rangitihi, ā, me "Whakaae kia tukuna e te whakaaetanga ki roto i te hokonga".

2.97 Kāore i kitea he taunakitanga mō te kōrero e pā ana ki te pupuritanga o te moana i waenga i ngā whiriwhiringa hoko i waenga i te tau 1897 me te tau 1901. I taua wā i pūrongotia whānuitia e te Karauna e whakautu ana ia i te toru herengi mō te eka mō Ruawāhia. Koirā te utu o te poraka o Ruawāhia mehemea kāore e uru te takere o te moana. Ko te utu tūturu, tae atu ki te takere o te moana, ko te rua herengi e toru kapa mō te eka. Heoi anō ko tōna kotahi herengi tekau mā tahi kapa mō te eka te utu tūturu, nā te mea e £1,752 te utu i whakautua e te Karauna mō ngā eka e 18,341 o Ruawāhia, tae atu ki te takere o te moana.

2.98 Ka tukuna e ngā kaipupuri whenua nō Ngāti Rangitihi ētahi reta, ētahi petihana hoki ki te Karauna, ka whakahē i te hokonga o te poraka o Ruawāhia. Kei roto i te poraka ko te maunga o te iwi, ko Ruawāhia, me ōna urupā whakahirahira, ōna urupā tawhito i mua i te hū o Tarawera. I te tau 1897, ka whakahē tō rātou rangatira, a Raureti Mokonuiārangi i taua hokonga mā rātou, ka mea koirā anake "te whenua e mahue mai ana ki a mātou mai anō i te wā i ō mātou tūpuna". Ka whakahē hoki ngā rangatira o Ngāti Rangitihi i ngā whiriwhiringa a te Karauna i te taha o ngā kaipupuri takitahi, kaua i te taha o te iwi kē.

2.99 Ka pātai te Kāwanatanga ki te Kairūri Matua me he "take rā ia" kia haere tonu te hokonga. Ko tana whakautu "e kore e pā kino ki te iwi whānui mehemea ka noho tonu [a Ruawāhia] hei whenua Māori mō ētahi atu tau ā muri nei". Ka hoko tonu te Karauna i ngā hea o Ruawāhia. Eke noa te tau 1901, i hokona e te Karauna he whenua, ka tatauria i muri mai e 18,341 eka te nui, ā, ka kapi aua whenua i roto o Ruawāhia 1, te tukuna rā ki te Karauna i taua tau anō rā. E 5,300 eka te nui o te moana o Tarawera ka kapi i roto o Ruawāhia 1, nuku paku atu i te hāwhe o te moana katoa.

Ngā Whenua o Ngāti Rangitihi i Riro i ngā Hokonga a te Karauna

2.100 Eke noa te tau 1900, ko tōna 169,000 eka te nui o te whenua i hokona e te Karauna, he whenua i tukuna ai he pānga ki a Ngāti Rangitihi. Ka kapi i reira ko ētahi whenua i Kaingaroa 1, i Pukeroa, i Rerewhakaitu, i Ruawāhia, i Pokohu, i Matahina me *Paeroa East*. Nā aua hokonga, me tōna 13,000 eka i hokona tūmataititia, arā i wātea ai te katoa ki te hoko, i Kaingaroa 1A me *Paeroa East*, i kīia ai a Ngāti Rangitihi e tētahi āpiha ā-rohe o te Karauna he "iwi manene, he iwi whenua kore".

TE HŪ O TARAWERA

2.101 Ka mate tōna 110 tāngata i te hū o Tarawera maunga i te 10 o Hune tau 1886, ā, nuku atu i te hāwhe o rātou nō Ngāti Rangitihi. Ka horo ngā kāinga o Ngāti Rangitihi i Tapahoro, Moura me Te Ariki (Waingongongo), ā, ka matemate ngā tāngata katoa ō reira. I waenganui i ngā mate ko te rangatira nui nei, ko Niheta Kaipara. Ka puta te ihu o tētahi atu rangatira, o Huta Tangihia mā te tuarongo o tōna whare i Ōpākau (i waenga o Tarawera me Rotoiti), ka ngahoro ai i te taumaha o ngā parapara o te puia. Ka ūhia ngā whenua o Ngāti Rangitihi i waenga i te awa o Tarawera me te Rangitaiki ki te pungarehu puia, ka tanumia ngā māra, ka kore he take mō te whenua. Ka mate ngā morehu o te hū ki te wehe i ō rātou kāinga, ka haere ai ki wāhi kē. Ka nuku te nuinga ki te Rota 3 (e 84 eka), he wāhi iti o ngā whenua o Ngāti Rangitihi e toe ana i te taha moana i Matatā. I te 16 o Hune tau 1886, ka tuhi reta a Arama Karaka Mokonuiārangi, me ētahi atu rangatira 11 o Ngāti Rangitihi, atu i Matatā hei whakamōhio i te kāwanatanga ki te nui o te "taumahatanga nui" nei, ā, ki te whakamōhio hoki i poua e rātou he rāhui mō te haere ki ētahi whenua rahi huri noa i te maunga o Tarawera, he nui nō ngā mate ō reira.

2.102 I te Hune tau 1886 ka tuhi tētahi āpiha Karauna i tētahi reta wātea e tono āwhina ana mō ngā pārurenga o te hū. Ka nui te tautoko a te iwi Māori puta noa i te motu i te tono nei, ā, he nui te kai i tukuna, me ētahi atu rawa hoki. Ka tukuna e te Karauna tōna £1,200 hei tautoko i ngā rerenga Māori, ā, ka āwhina hoki ki te kawekawe i ngā ō tautoko mō ngā Māori. Heoi ke mutu taua āwhina i te Hepetema tau 1886. I tua atu i taua āwhina rā, ka whakaaro te Karauna ko te āwhina anake e taea ana e ia ko te "whakarite tūranga mahi ki ngā hinonga tūmatanui, me te hoko i ō rātou whenua tuhene". Ka tohaina tōna £1,650 ki ngā Pākehā tokoiti i pāngia e te hū. Kāore te Karauna i tuku paremata mō te ngaromanga rawa i te hū.

2.103 Mai i te waenga o te Hune tau 1886, ka tīmata te Karauna ki te kōrerorero mō te hokonga o ngā whenua Māori kāore nei e pai hei nōhanga tangata, engari kei reira ngā ngāwhā e whai uara ā-ōhanga ana. I te Akuhata 1886, ka tuhi tētahi āpiha mō te whakaaro o te Karauna ki te "ngaki i te āheinga ō naianei ki te hoko mā te Karauna i ngā Poraka Whenua rarahi kei reira ngā ngāwhā, ā, kāore i te pai hei nōhanga mō te Māori inaia tonu nei". Ko

te tuatahi ko te ngana ki te whakarite (i te taha o tētahi atu rōpū) i te hokonga o te poraka o Rotomahana-Parekārangi, he pānga hoki ō Ngāti Rangitihi ki reira. Te hinganga ōna, ka pēhia te Kōti Whenua Māori e te Karauna kia kakama tonu te whakawānga hou o te poraka kua roa nei e tārewa ana. Mā reira ia e wātea ai ki te hoko i te whenua mai i ngā kaipupuri e whakamanatia ā-turetia ana: ka whakamōhiotia te kaiwhakawā matua "ka whakaaro [te Minita Māori] a Ballance me whakarite he huinga Kōti i runga i te whakaaro ka kore he akutōtanga i te whakawānga o te kaupapa". Nā whai anō, ka whakatūria motuhaketia tētahi Kaiwhakawā Tūturu o te rohe hei Kaiwhakawā mō te Kōti Whenua Māori hei whakawā i te taitara nei. E hia marama nei te whakawānga e haere ana i te tau 1887. I taua wā, he iti tonu ngā kai a Ngāti Rangitihi, ā, kāore i māmā ake te āhuatanga i ngā utu taumaha o te huihuinga kōti.

2.104 I te hiku o te tau 1886 ka tīmata anō ngā whiriwhiringa hoko whenua a te Karauna i te taha o Ngāti Rangithi mō te poraka o *Paeroa East*, i muri mai i te pūrongotanga a tētahi āpiha Karauna e "tino hiakai ana" ngā kaipupuri nō Ngāti Rangitihi, ā, e hiahia ana rātou ki te hoko "kia pai ai [rātou] i te wā tūpuhi nei". Kua noho nama rātou i te hokonga kai, he pau nō ngā kai i te hū, ā, ka whakapaetia ā-turetia rātou e ngā kaituku moni ki a rātou. Me te aha ka "tino mauāhara" rātou. Ka tūtohu te āpiha ki te kore te Karauna e hoko whenua mai i a Ngāti Rangitihi, me kimi huarahi kē atu hei tautoko i a rātou, arā "ka hiahia kia whāngaihia rātou kia tae rawa mai ngā kai hou". I te Tihema tau 1886 ka whakaaetia e te Karauna ngā moni mō te hokonga rā, ā, ka tīmata i muri tonu mai.

2.105 Kāore i rite te pai o te aro atu, o te tautoko rānei i ngā rerenga o Ngāti Rangitihi i Matatā, tēnā i ētahi atu Māori i pāngia rā i muri mai i te hū. He tokomaha hoki rātou i karapinepine ki Ōhinemutu. He tawhiti ake a Matatā i te wāhi o te ngāwhā me te puia tēnā i Ōhinemutu, ā, he tokoiti iho ōna kainoho Pākehā. Me te aha ka tata tonu te wareware o ngā taumahatanga i runga i ngā pārurenga o te hū nō Ngāti Rangitihi, ahakoa ngā tini tuhinga e whakamārama ana i tō rātou "auhitanga nunui", me ngā tono āwhina i tukuna rā e rātou ki te Kāwanatanga mai i te Hune ki te Akuhata 1886. Ka kapi i roto i aua tono ko tētahi tono mō te whenua hei nōhanga mō rātou, hei māra kai hoki. Ko ētahi o ngā mea i ngaro i a rātou ko ētahi tāna huhua o te kai i te pātaka, ngā māra kai, ngā hoiho, ngā ūwhā kau, e hia rau kau mīti, ngā kākahu, ngā maitai, ētahi whare huhua, ētahi waka huhua, me ētahi atu taonga i "tanumia i raro i te whenua". I roto i tētahi tono āwhina, ka whakamahara a Ngāti Rangitihi i te Karauna ki te tautoko ā-taua i hoatu ai rātou i mua: "nā te mea, e hoa, i ngā rā ō mua i tū [tāua] pakihiwi ki te pakihiwi, arā i ngā rā i pakanga ai tāua ki ngā Hauhau, ka pai te whakautu a te iwi nei ki te karanga a ō mātou mātua i te Kāwanatanga, ā, ka piripono tonu i raro i te mana o te Kuini". I te Hepetema 1886, i mua tonu i te mutunga ōkawa o te āwhina a te kāwanatanga, ka tuhi reta ngā māngai o Ngāti Rangitihi ki tētahi āpiha o te Karauna, ka whakamōhio atu kāore anō rātou i whiwhi ki te āwhinatanga o te kāwanatanga, ā, e mōrearea ana rātou.

2.106 I te tōmuatanga o te tau 1887 ka tuhi reta taua āpiha ki te Minita Māori, ka whakapuaki i tana āwangawanga mō te noho a Ngāti Rangitihi, ā, ka akiaki i te Karauna ki te tuku whenua ki a rātou. Ka whakamārama ia e noho "whenua kore" ana, tata tonu nei, nā runga i te hū: e kōpiripiri ana tōna 300 tāngata i runga i tētahi poraka ihi iho i te 100 eka i Matatā. Ka whakaahua te āpiha i a Ngāti Rangitihi hei iwi "pukumahi rawa, he mauri tau, ā, [e tika ana] kia arohaina nuitia". Waihoki ka whakatūpato atu ka kore e taea te whakamara ō rātou whenua e toe tonu ana, ā pau noa e 20 tau.

2.107 I te tau 1887, ka tūtohu te āpiha kia hokona mā Ngāti Rangitihi e te Karauna ētahi whenua tuku ki te hōia, e tata ana ki ngā whenua e nōhia ana e Ngāti Rangitihi i taua wā. Ka rata kē te Karauna ki te "waiho kia tau ngā āhuatanga, ā, inā hoki ka waiho kia whakaoti te Kōti [Whenua Māori] i Rotorua i āna mahi" i mua i te uru ki ngā mahi. I muri mai i taua tau anō, ka whakamahara te āpiha ki te Kāwanatanga i whakamanatia ia, i muri mai i te hū, ki te whāki ki a Ngāti Rangitihi "ka whakarite te Kāwanatanga i ētahi ritenga mō rātou, heoi i tua atu i tētahi koha o te £30, te hoatu i ētahi purapura taewa, he aha rā, kāore rawa i tautokona te hunga nei e tika ana kia āwhinatia". Ka akiaki anō ia kia tukuna he whenua ki a rātou kei "tukuna rātou kia noho hei manene kau e tāmutumutu nei te mahi māra i runga i te aroha o ētahi atu". Ka hūnuku atu ētahi o ngā mea kāore i āhei ki te manaaki i a rātou anō, me ō rātou whānau, ki ngā ketunga pia-kauri o Hauraki me ōna āhuatanga taumaha, ōna āhuatanga haumate, ki reira kimi oranga ai. Ka whakaarangia hoki te take o te whenua mō Ngāti Rangitihi i roto i te Whare Pāremata e te Mema mō Te Tai Rāwhiti, e Hēmi Kara. Hei tāna tērā ētahi poraka nui i roto i te rohe, kāore i te nōhia, kāore i te whakamahia e te Karauna, e pai ana pea kia tukuna ki ngā pārurenga o te piere nuku.

2.108 I te tau 1888, ka tukuna te reta a Ngāti Rangitihi e te āpiha nāna nei i tuhi reta ki te Minita Māori i mua atu, e tono ana kia tukuna e te Minita he whenua hei nōhanga mō rātou. Ka kite hoki te āpiha e ngaro ana te mauri o te whenua e mahia ana i Matatā, me te aha i tāmatemate ō rātou māra kai i taua tau rā. Ka whakatōngia e rātou he kai ki tētahi wāhi whāiti o te whenua wātea i ngā parenga o te awa o Rangitaiki. Heoi ka taupāngia, ka whakaitia hoki e ētahi atu iwi e whai pānga ana ki reira: "I runga i te whakaaro nuku atu i te 100,000 eka o ngā whenua Karauna e takoto kau ana inaianei", ka tuhi ia, "ka aroha kē hoki kāore he wāhanga whāiti nei ō aua Māori pōhara rā, kia ora ai rātou, kia kaua rātou e whakapōreareatia, pēnei i ngā tau e rua kua hori i whakapōreareatia ai rātou". Ko te āhua nei, kaore i pahawa te aha i te Karauna, ā, kāore i piki te ora o Ngāti Rangitihi mō ētahi tau huhua nei.

TE PORAKA O HAUANI

2.109 I te tau 1883 ka tuhi reta a Ngāti Rangitihi ki te Karauna, ka whakamōhio atu he iti rawa te whenua i Matatā i noho ai rātou mō ngā uri e 200 i reira, ā, ka marohitia te whakawhitinga o ētahi whenua i Kaingaroa mō ētahi atu whenua i Matatā. I te Hurae tau 1886, kotahi marama i muri mai i te hū o Tarawera, ka tuhi reta atu a Petera Mokonuiārangi me "ngā toenga katoa" o Ngāti Rangitihi i ngā ketunga pia-kauri o Hauraki, e tono ana ki te Minita Māori kia tukuna he whenua i Tairua hei nōhanga mō rātou. Kāore i ea te tono.

2.110 I te Hanuere 1887, i waenga ngā uri o Ngāti Rangitihi i ngā tāngata Māori i huihui i te taha o Minita Māori Ballance i Rotorua, kōrero ai mō ētahi ritenga whakamāmā. I taua wā hoki ka tautuhia he whenua Karauna "pai" i te uru o Matatā hei nōhanga mō Ngāti Rangitihi, e tētahi āpiha Karauna arero whero te whakamanatia rā e Ballance hei hoatu i aua ritenga whakamāmā. E 2,000 eka te nui o te whenua, i kīia rā e rātou ko Hauani. I taua wā anō rā ka kōrerorero te Karauna i te taha o ētahi atu iwi e pā ana ki ētahi take e rite ana. Ko aua hinonga te tīmatanga o te kōrerohanga whakamahinga whenua, e hia ngahuru tau kē e haere ana.

2.111 I te tau 1908 ka mea a Ngāti Rangitihi ki te *Stout Ngata Commission* kua "tohua kia mārama noa ki a rātou ka riro mai te mana katoa o te whenua". Ka hoatu kupu taunaki te āpiha tuatahi, nāna nei i tautuhi te whenua i Hauani, ki te Kōmihana, arā "i taua wā ko te

whakaaro o te Minita Māori ko te tuku noa atu i taua whenua rāhui" ki a Ngāti Rangitihi. Heoi anō, kāore te Karauna i whakaae ka kī taurangi a Ballance kia tuku ia i Hauani, he kore nō ētahi atu āpiha i āhei ki te kimi i ētahi tuhinga kōrero o taua kī taurangi.

2.112 I muri mai i te hui i te taha o te Karauna i te tau 1887, ka tonotono tonu a Ngāti Rangitihi i te Karauna kia āwhina atu, he koretake te whenua iti e ngakia ana e rātou i Matatā, ā, ka pūrongotia e rātou i te tau 1888 "kāore e tupu he paku aha".

2.113 I te hiku o te tau 1888, ka whakawātea te Karauna i te Tiepataua, te poraka whenua e 100 eka nei i Matatā, hei māra taupua mō Ngāti Rangitihi. "E hia tau nei" a Ngāti Rangitihi e noho ana i runga i taua whenua tāpiri, ahakoa te pūrongo a tētahi āpiha Karauna e kapi ana tōna hāwhe o te poraka ki te repo e kore nei e taea te whakamimiti.

2.114 I te Mei 1892, ka whakamōhio anō a Ngāti Rangitihi i te Karauna kāore taua whenua "e rawaka [kia] ora ai a mātou", ā, ka tono "me homai e koe kia 2000 [eka] i to aroha, i te utu tau ranei" i Hauani. Ka whakarite mahere te Karauna hei whakatapu i aua eka e 2,000 "hei whakamahinga mā ngā tāngata Māori". Kātahi te Karauna ka whakatika ki te rīhi i Hauani ki a rātou. Heoi anō, kāore i whakaritea ngā ritenga e tika ana, ahakoa te auau o ngā tono a Ngāti Rangitihi kia mahia e te Karauna.

2.115 I te roanga o te tau 1893 me te tīmatanga o te tau 1894, ka whiriwhiri te Karauna rāua ko Ngāti Rangitihi i ētahi wāwāhitanga i marohitia mō Hauani. I te tau 1893, ka tuhi reta tētahi mihingare Katorika ki te Karauna, he kaitautoko i a Ngāti Rangitihi, ka marohi i te whakawhitinga o ētahi whenua o Ngāti Rangitihi e tata ana ki te wāhi o te hū, me Hauani. Engari kāore te Karauna i whakaae ki taua whakaaro. I te Hurae 1894, ka tuhi reta a Ngāti Rangitihi ki te Karauna e pā ana ki Hauani. I te Noema o taua tau, ka kī te iwi ki te Minita Māori kua oti i a rātou te whakaemi he moni hei hoko i Hauani. I te tau 1896, ka tuhi anō a Ngāti Rangitihi, ka whakamahara i te Karauna ki te kaupapa. I te tau 1899 ka kīia e Pirīmia Seddon ko Hauani he "whenua mō ngā Māori whenua kore". Ā, i te tau 1901 ka marohi te Karauna kia "tātaritia taua whenua e te *Landless Natives Commission*", engari kāore i pahawa he aha. I te mutunga iho, e iwa tau nei te Karauna e noho kau ana, ka hui tahi tētahi rangatira o te iwi me te Minita o ngā Whenua i te Oketopa 1901, akiaki ai i tētahi whakataunga. I te marama ō muri iho, ka tono a Raureti Mokonuiārangi kia tukuna ki a rātou te whenua e te Minita. I taua wā e pēhia rawatia ana a Ngāti Rangitihi e te ahotea. I te tau 1894 ka tuhi te mihingare nei e "hemokai" ana rātou, ā, ka whakaōhiti i te Karauna i ia wiki, i ia wiki pāngia kinotia ai te āheinga o Ngāti Rangitihi ki te whakarite i ā rātou māra kai.

2.116 Eke noa te Hurae 1902, kua kōkiri rawa iho te Karauna i te kaupapa, ka whakawehea a Hauani kia rima rawa ngā wāhanga. Ka hoatu a Ngāti Rangitihi i tēnā wāhanga, i tēnā wāhanga ki tētahi o ngā hapū e rima, ētahi whenua rāhui papakāinga e rua, he wāhi kura e tekau eka te nui, me tētahi whenua rāhui urupā, nuku paku atu i te kotahi eka te nui. Ka "āta tīpako" a Ngāti Rangitihi i ngā ingoa o ētahi uri e 292, māna e noho hei māngai mō ngā hāpu i runga i tēnā wāhanga, i tēnā wāhanga. Ka akiaki te āpiha, nāna nei aua āhuatanga i whakarite, kia "whakamahia paitia" te whenua, ka kī "kāore i tukuna hei 'whenua aruaru'… engari kē ia hei mahinga kai, hei whakapaitanga hoki" kia kaua a Ngāti Rangitihi e kīia ake he iwi whenua kore.

2.117 Ko te whakaaro ia kia whakamahia te whenua e Ngāti Rangitihi hei māra kai, kaua hei tītongitanga kararehe anake. I te tau 1903 ka whakaae rawa iho ngā āpiha Karauna ki ngā raihana tītongi, mō te utu koha nei, kotahi hērengi. Ka tīmata i te 1 o Maehe tau 1904, engari kāore i whakaritea ngā rīhi taea noatia te Noema tau 1904. E toru tau noa iho te roa o ngā rīhi, ā, me whakaatu a Ngāti Rangitihi ko rātou hoki ngā "kainoho tūturu" e whakahoutia ai ngā rīhi. Kāore hoki ngā rīhi i hoatu paremata mō ngā whakapaitanga, e kore ai ā Ngāti Rangitihi punga mō te rīhi. I te tau 1905 ka tukuna e tētahi atu tari kāwanatanga tētahi tono rēti e £40 te utu. Ka whakahē a Ngāti Rangitihi, ka āwangawanga i te nui o te utu rēti, me te whakaaro hoki ka "rite ki te whenua i rīhitia ki te Pākehā".

2.118 Kātahi ka mārama ki ngā āpiha Karauna kua tukuna hētia atu e rātou te tono rēti, ā, kāore te Karauna i hiahia kia tonoa noatia he rēti. Ka tuhi tētahi āpiha, "ko te āhua nei kāore i kitea" ēnei āhuatanga katoa e te tari e haepapa ana mō te tuku i te tono rēti nei. Heoi anō ko te āhua nei kāore rawa te Karauna i tuku kōrero ki a Ngāti Rangitihi e kore e whakamanatia ngā tono rēti me ngā ritenga raihana, ahakoa te mōhiotanga ōna ki tana hapa. I te tau 1908, ka mea a Ngāti Rangitihi ki te *Stout-Ngata Commission* he "haumaruru te whakamahinga o te whenua rāhui [o Hauani]" he "kore nō rātau e āhei ki te whakaea i taua tono [rēti]", ahakoa he "koretake noa iho kia hora mai he kai" i ētahi atu whenua whāiti rawa e wātea ana ki a rātou.

2.119 I te tau 1907, ka marohi a Ngāti Rangitihi kia whakawhitia he whenua, pērā i te whakaaro o te mihingare e hia tau nei i mua rā. E takeo ana rātou i te kārangirangi o te rēti me ōna ritenga, ā, i ngā whiriwhiringa i kumea roatia mō te whenua i Hauani "kua whakaritea mō te hapū o Ngāti Rangitihi". Ka rapu rātou kia whakawhāititia te whakapōreareatanga o ngā uri e noho ana i reira, ā, ka tono kia hoatu noa a Hauani ki a rātou e te Karauna, ka whakawhitia mō ētahi atu whenua ō rātou e tata atu ana ki te wāhi o te hū i te tau 1886.

2.120 I tau 1908, ka whakatakotoria he whakaaro hou e te tāpaetanga a Ngāti Rangitihi ki te *Stout-Ngata Native Land Commission*: ka whakawhitia tētahi wāhanga o te *Pokohu A Block* e 6,870 eka, e tata ana ki te wāhi o te hū, me te taitara herekore o Hauani me Tiepataua; ka hokona te mahuetanga o te Pokohu A ki te Karauna kia whai moni ai mō ngā whakapaitanga o Hauani. Ka tūtohu te Kōmihana i te "whakaaro ohaoha" nei ki te Karauna. Heoi anō kāore te Karauna i whakaae he rawaka te uara o te poraka Pokohu A kia whakaaetia ai te whakawhitinga nei. Kāore te Karauna i whiwhi ki te whakauaratanga Kāwanatanga o Pokohu, o Hauani rānei i mua i te whakakore i te whakaaro nei. He ngākaukore hoki tā te iwi marohi atu kia hokona pēneitia te taitara herekore o Hauani, he "koretake" nō tō rātou puritanga rēti.

2.121 Pērā i ngā kōrero i runga nei, i roto i tā rātou tāpaetanga ka mea a Ngāti Rangitihi ki te Kōmihana kua tohua ki a rātou ko Hauani "tō mātou whenua katoa", ā, e mārama ana ki a rātou "he koha herekore te whenua rāhui ki a rātou". Ka tuku kōrero taunaki hoki ki te Kōmihana tētahi āpiha i whai wāhi ki te kaupapa i te tau 1887, arā ko te whakaaro o te Minita Māori ō mua ko te "tuku noa atu i taua whenua rāhui" ki a rātou. I muri tata mai, i te Maehe tau 1909, ka hui a Ngāti Rangitihi i te taha o te *Waiariki Māori Land Board*, ka mahara ake nā runga i te hui i te taha o te Minita Māori i te tau 1887 i kīia taurangitia "kia tukuna ki a rātou hei koha noa" a Hauani. Ka whakaaro ngā āpiha Karauna kei tēnei āhuatanga te kiko o te kaupapa, engari kāore he tuhinga i kitea e pā ana ki taua kī taurangi

i roto i ā rātou tuhinga kōrero. Heoi anō, ka tohutohu te *Land Board* me "manaaki" ka tika pērā me ētahi atu Māori whenua kore, he whenua kore hoki nō Ngāti Rangitihi.

2.122 Eke noa te tau 1910, ka oti tētahi whakaaetanga: ka whakawhitia te katoa o ngā eka e 6,870 o Pokohu A me te taitara herekore o Hauani me Tiepataua. I taua wā ka whakaaro te Karauna he whaitake te whakawhitinga nei, he whakatapu kē nō Hauani mō Ngāi Māori, ā, he piki rawa nō te uara o te poraka o Pokohu i ūhia rā ki te pungarehu, ā te wā. Ka tāpaetia te whakawhitinga nei ki te Minita o ngā Whenua kia whakaaetia ai e ia i te Hepetema 1910, ā, ka whakaputaina rawatia iho te tiwhikete taitara i te 7 o Aperira 1916, i runga i ngā ingoa o ngā kaipupuri o Pokohu A e hiahia ana ki te hoko.

2.123 Ahakoa rā, ka māharahara a Ngāti Rangitihi i ngā hapa i roto i te taitara o Hauani. I te tau 1924, ka kitea e 96 eka i parea ki waho i te taitara o Hauani, ā, i pā atu te tiwhikete taitara i whakaputaina mō Hauani i te tau 1916 ki ngā wāhanga matua e rima o te poraka anake. I parea atu te wāhi kura, te urupā me ngā whenua rāhui papakāinga 1 me te 2 ki waho o te taitara. E hia tau nei e rīhitia ana te wāhi kura me whenua rāhui papakāinga 1, i te kokonga uru-mā-raki o Hauani. I whakatapua tūmautia hei whare kaihangarori tētahi wāhanga o te whenua rāhui papakāinga 2 i te ngutuawa o te awa o Pikowai, ā, ka tukuna ki te *Whakatāne County Council*. I riro hoki ētahi "wāhanga iti" i te taha mua o te poraka hei ara tereina ki te Tai Rāwhiti.

2.124 I te tau 1925 ka kōkiri te Karauna i ētahi ture e tāpiri ai i ētahi eka e 49 o ngā eka e 96 i parea ki waho i te taitara o Hauani. Ka eke te tatau ki tua paku atu i te 1,953 eka. Heoi anō kāore i hiahia ki te tuku ki a Ngāti Rangitihi ētahi atu eka e 47 katoa e toe ana, tērā te rīhitia nei, te tukuna nei, te murua nei rānei. I te tau 1928 ka hua ake tētahi atu tohetohenga e pā ana ki te whakatū taiapa ki te pae i waenga i Hauani me te whenua Karauna. Ka tuhi a Ngāti Rangitihi i oati tētahi āpiha Karauna ka hoatu rawa hanga taiapa i waenga i ngā whiriwhiringa o Hauani, engari kāore pea i oati te Karauna. Ka tono a Raureti Mokonuiārangi "katoa ngā koha e hoatu ana i tō rātou taha, ā, mā te Karauna e takoha inaianei".

2.125 He whenua Māori tonu te nuinga o ngā wehewehenga poraka whakamutunga o Hauani i tēnei rā.

NGĀ HINONGA TŪMATANUI

2.126 I te rautau tekau mā iwa, e kaikā ana a Ngāti Rangitihi ki te whiwhi painga i ngā mahi tāpoi i tō rātau rohe tuawhenua, engari kāore te Karauna i whakaae ki ā rātau tono ki te hanga, ki te whakapai rānei i ngā hanganga rori. I te tau 1862, ka kimi āwhina mai i te Kāwana ki te para i tētahi rori huri noa i te moana o Tarawera, mai i Tapahoro ki Te Wairoa. Kāore te rori i hangaia. I muri mai, i te tau 1885 ka tūtaki a Ngāti Rangitihi ki te Minita Māori, ka inoi kia whakapaitia e ia te huarahi o Haehaenga i parahia kētia i waenga o Tarawera me Matatā. Ko tō rātau whakaaro ko te whakawhanake i tētahi tāone, i tētahi ōhanga tāpoi hoki i waenga o Tapahoro (i te putanga o te moana o Tarawera) me ngā whakarekarekatanga ngāwhā i runga i ō rātau whenua i Rotomahana. Kāore te rori i whakapaitia i mua i te horonga o Tapahoro me ētahi atu whakarekarekatanga ngāwhā i te hū o Tarawera i te tau 1886.

2.127 I muri i te hū, ka kite te Karauna i te āheinga ki te kapo i ngā whakarekarekatanga ngāwhā e toe ana, ka pao ā-tōrea ki te kapo i te whenua mō ngā rori. I te Noema 1886, e 47 eka i kapohia e te Karauna i ngā whenua o Ngāti Rangitihi i te poraka o *Paeroa East 1A* hei para i te huarahi mai i ngā whakarekarekatanga ngāwhā i te takiwā o Maungakakaramea. Ko te whakaaro o te Karauna mō reira ko te whakaurunga ōna ki roto i tētahi tukunga o ngā pānga kāore i āta whakatauria, e kapohia ana e rātau i te poraka i *Paeroa East*. He tauhou hoki i te rohe o Ngāti Rangitihi te whakamahinga o te wārati a te Kāwana hei kapo whenua i mua i te hanganga o te huarahi, engari i pērātia i konei i muri mai i taupānga a ngā kaipupuriwhenua Māori i ngā mahi a te Karauna ki te para i te huarahi i mua i te kapohanga o te whenua, i te wā o te hokonga o te whenua i ātetetia rā.

2.128 Mai anō i ngā tau 1880 e 950 eka, nuku atu, te nui o ngā whenua o Ngāti Rangitihi kua kapohia ā-turetia e te Karauna mō ētahi take tūmatanui huhua. I kapohia te nuinga o aua whenua e te Karauna i muri mai i te tau 1900, ā, i reira kua tata kore noa kē ō te iwi whenua. I mua i te waenga o te rautau rua tekau, kāore te Karauna i kaha ki te akoako ki a Ngāti Rangitihi e pā ana ki ngā kapohanga whenua i raro i ngā ture Hinonga Tūmatanui.

2.129 Ko tētahi kapohanga nui ko tō te kūiti o Te Ariki. Nā runga i te "haerenga huri noa" i Waimangu, he mea whakatū nā te Karauna i te tau 1902, ka mate ngā tūruhi ki te whakawhiti i te kūiti e takoto ana i waenga i ngā roto nei a Rotomahana me Tarawera. Nō Ngāti Rangitihi tōna rua-hautoru o taua whenua, i te whakawehenga ōna i te poraka o Rotomahana-Parekārangi i te tau 1887. Nō tētahi iwi kē atu te nuinga atu o te whenua. He mahi tauhoko angitu te hinonga tāpoi rā mō te *Department of Tourism and Health Resorts*. Kāore he kōrero taunaki e whakaatu ana i te wāhi ki te Māori i roto i ngā kōrero i mua i te whakaritenga o te haerenga.

2.130 Mai anō i te tau 1904, i mua rānei, ka ngana te Karauna ki te hao i te mahi tāpoi o Waimangu, ā, ka whakapuaki ngā āpiha i te āwangawanga kei whakatūria ētahi atu mahi tāpoi pērā ki roto i te rohe. Ka tuhi reta te Tumuaki o te *Department of Tourist and Health Resorts* ki tōna Minita, ka whakaara i te take nei, kāore i taea e te Kaikōmihana o ngā Whenua o te Karauna ngā kaimahi tūmataiti te whakapae, nā runga i te mea nō Ngāi Māori ngā whenua o taua rohe. Ka tūtohu ia ko te huarahi pai hei hiki i te taumahatanga ko te kāheti i te whenua i raro i te Ture Whenua, ka noho hei whenua rāhui mō te "whakawhitinga kōrero rāroto".

2.131 I te Hepetema 1904 ka kī te Kairuri Matua me kapo te whenua o Te Ariki ka tika, i raro i te *Public Works Act*, he kore nō te Ture Whenua e pā ki ngā tauranga. I te Mei 1906 ka whakatau te Minita Whakakī, e "oti ai ngā whakaritenga e pā ana ki te Haerenga Huri Noa", me kapo he wāhi o te whenua i raro i te *Public Works Act*, kotahi mekameka nei te whānui. Heoi ka ea taua kapohanga i te 5 eka noa iho o te whenua.

2.132 I te tau 1908 i muri mai i ētahi whakaroanga i ngā mahi rūri, ka pānui te Karauna ka riro i a ia e 100 eka o te poraka o Rotomahana-Parekārangi i raro i te *Public Works Act*, tae atu ki te nuinga o te kūiti o Te Ariki, ā, e 73 eka i kapohia i ngā whenua o Ngāti Rangitihi. Ka whakamāramatia te pūtake o tā te Karauna kapohanga, arā he "whakawhitinga kōrero rāroto". Kāore he kōrero taunaki i kitea e whakaatu ana i te ngana a te Karauna ki te whiriwhiri kōrero i te taha o ngā Māori nō rātau te whenua, i mua i te kapohanga o te whenua. E £35 3 herengi noa iho te utu paremata i whakawhiwhia ki a Ngāti Rangitihi mō ōna pānga ki te kūiti.

2.133 I te tu 1911 ka kapohia hoki e te Karauna ngā mahuetanga katoa o ngā whenua o Ngāti Rangitihi i te Poraka o *Paeroa East* i raro i te *Public Works Act*, e 727 eka te rahi o te whenua i ngā poraka o *Paeroa East 1A East 2* me *2A2B*. I kapohia te whenua hei whakatupuranga rākau, ko te āhua nei he hinonga tauhoko. E £270 te utu paremata katoa i whakawhiwhia ki a Ngāti Rangitihi mō te whenua. Kāore a Ngāti Rangitihi i whiwhi ki te tapeke katoa o te utu paremata taea noatia te tau 1935.

2.134 E 150 eka, nuku atu, te whenua katoa i kapohia mō ngā hinonga tūmatanui, arā mō ngā rori, pēnei me te hia taihana kapohanga i te rautau rua tekau, mai i ngā pānga whenua whāiti i puritia tonutia e Ngāti Rangitihi i te tāone o Matatā, ā, mai i ngā whenua o Hauani, o Tiepataua hoki i whiwhi ai rātau i roto i ngā whakawhitinga whenua i muri mai i te tau 1900. I waenga i te tau 1886 me te tau 1927, nā ngā ture whenua Māori i wātea ai te Karauna ki te kapo i te rima ōrau o ngā poraka whenua Māori i mua i te paunga o ngā tau 15 mai i te whakamanatanga o te taitara, ā, kāore e mate ki te whakautu mō aua kapohanga. Ko te whakatātorutanga tēnei i te taha o tētahi atu ture e rite ana ki tēnei nā e pā ana ki ngā whenua māori noa. Te taenga rā anō ki te tau 1927, kātahi anō i tangohia taua "ture rima ōrau" i ngā taitara o ngā whenua Māori.

2.135 I te tau 1929, kāore a Ngāti Rangitihi i rapu utu paremata mō te whenua, e rua eka te nui, i kapohia i tō rātau whenua rāhui papakāinga i Hauani mō te rori me te ara tereina, engari kē ia ka takoha kau i taua whenua ki te Karauna. I pēnei te mahi i runga i te tikanga o te takoha atu a te Karauna hoki, arā ko ngā rawa hei hanga taiapa mō tētahi wāhi o te whenua o Hauani, engari kāore i pērā rawa te whakaaro o te Karauna e pā ana ki tā Ngāti Rangitihi whakakore i tana tikanga ki te utu paremata.

NGĀ TAKE TAIAO, NGĀ RAUEMI TAIAO

Te whakamimititanga o te repo o Rangitaiki, me tōna pānga ki Te Awa o Te Atua

2.136 I mua i te rautau rua tekau, i uhia katoatia ki te repo o Rangitaiki ngā mānia i te taha moana i waenga i te awa o Whakatāne i te rāwhiti, me te awa o Tarawera i te uru. Ko tōna 80,000 eka (tōna 32,000 heketea) te rahi o te whenua. Ka rere mai kia tata ki te taha moana, ka tūhono ai ngā wai o ngā awa nei, o te Rangitaiki, Tarawera me te Awaiti. Te tūhononga mai, ka rere atu ko te awa e kīia nei ko Te Awa o te Atua, me te aha ka whakamoana mai te wahapū i muri mai i ngā tāhuahua o te tahatika.

2.137 Mō Ngāti Rangitihi, mō ētahi atu Māori e noho tata ana ki Matatā, he pātaka kai te repo o Rangitaiki me Te Awa o Te Atua, he nōhanga ika pēnei me te tuna, me ngā manu moana. Ko te wahapū he mahinga mātaitai, ā, he ranea ngā rauemi o te repo, arā ko te raupō me te harakeke. He huarahi haere ngā awaawa i roto i te repo, ā, he punanga hoki i ngā wā o te raruraru.

2.138 I muri mai i te muru a te Karauna i te tau 1866, ka riro tōna hāwhe o te takiwā o te repo o Rangitaiki hei whenua Karauna. Ka whakahokia tōna 30,000 eka o te repo ki ngā rōpū e te Kōti Paremata. I roto i aua whenua, ka kapi ngā eka e 300 i Ōmeheu (Rota 73, Pāriha o Matatā) i tukuna ki a Arama Karaka Mokonuiārangi.

2.139 Kāore i eke ngā mahi a ngā poari whakamimiti ā-rohe ki te whakamimiti i te repo i roto i ngā tau mai i te tau 1894 ki te tau 1910. I reira ka uru te Karauna ki taua āhuatanga, ka

whakamana i te *Rangitaiki Land Drainage Act 1910*, ka noho haepapa te Minita o ngā Whenua ki te whakamimiti i te repo o Rangitaiki.

2.140 I te tau 1910 ka riro mā te Tari Whenua me ōna kaimahi kirimana hei whakamimiti i te repo o Rangitaiki. I te tau 1913 ka whakakotititia te rere o te awa o Rangitaiki kia kotahi atu tana rere ki te Moana a Toi, arā ki Tātana. I te tau 1917 ka whakakotititia te awa o Tarawera kia tata ai ki Matatā tana putanga atu ki te moana. Kīia ai taua wāhi ko te *Tarawera cut* inaianei. Nā konei i kore ai ngā wai o ngā awa e ranu tahi, e rere mā Te Awa o te Atua hoki, ā, ka motua atu te hono ki aua awa.

2.141 E whakaaro ana a Ngāti Rangitihi nā te whakamimititanga o te repo o Rangitaiki i parea ai ki rahaki ētahi urupā e rua ō rātou: ko Ōniao me Ōtaramuturangi. Nā te *Tarawera cut* i ngahoro ai ngā tāhuahua i reira aua urupā e rua. Nā konei i huraina ai ngā kōiwi tūpuna, me te aha ka tāhawahawatia, ka tūkinotia aua wāhi.

2.142 I muri mai i te whakakotititanga o ngā awa nei, o Tarawera me te Rangitaiki, ka tino tāmate te mauri o ngā mātaitai, o te tuna hoki i roto i Te Awa o te Atua. Ka whakamimiti te Karauna i te repo o Rangitaiki, ka kore e wātea a Ngāti Rangitihi me ētahi atu rōpū Māori ki ngā rauemi māori o te repo, te whakamahia rā e rātou i mua. Nā te whakamimititanga o te repo i whakawhiwhia ai he mahi ki ngā uri o Ngāti Rangitihi, me ētahi Māori hoki, i mahi ai i te kaupapa whakamimiti repo, i mahi ai i runga i ngā pāmu i hangā i runga i te whenua i whakamimititia rā.

2.143 Ka tūkinotia anō te wahapū o Te Awa o te Atua mai anō i ngā tau 1950, ā haere ake nei nā runga i ngā para whakapoke o te māhungahunga me te pepa e rere mai ana i ngā mira i Kawerau. Ka rere mai ngā parapara i te awa o Tarawera, ka tomo ki roto i Te Awa o Te Atua, ka mau i te para whakaehu o te wahapū. Hei tā Ngāti Rangithi, nā te whakapokenga o Te Awa o Te Atua i tāmia ai te mauri o te taiao me te ahurea o te wahapū.

Te Tasman Pulp & Paper Mill me te Whakapokenga o te Awa o Tarawera

2.144 He nui whakahirahira te awa o Tarawera i te hītori me te whakapapa o Ngāti Rangitihi. Whakarite ai te iwi i te awa ki tētahi tupuna e whakatinana ana i te mana o te iwi. Ka kī ētahi uri o Ngāti Rangitihi ko te moana o Tarawera te ūpoko, ko te awa anō te tinana, ko ngā hikuawa ngā kaupeka, ā, ko te punga ko te ngutuawa, ko Te Awa o Te Atua. E ai ki ētahi kē atu, ko Te Awa o Te Atua te ūpoko. Hei tā Ngāti Rangitihi, he mauri tō te awa ake. He puna wai, he pātaka kai te awa nei, inā rā mō te tuna, ā, he takahanga waewae, he mahinga tauhoko hoki mō Ngāti Rangitihi mō ngā tau huhua i mua i te taenga o te Pākehā.

2.145 I ngā tau 1940, ka tīmata te Karauna ki te whakatakoto mahere mō te whakatūnga o tētahi mira tapahi rākau, me tētahi mira māhungahunga pepa i roto i te whare kotahi. E tutuki ai tērā, i te tau 1952 ka rēhitatia te *Tasman Pulp and Paper Company* hei kamupene manatōpū, māna hei whakaputa māhungahunga mō te niupepa, mai i ngā ngahere o Kaingaroa. Ko te Karauna te kaipupurihea nui katoa i te kamupene mai i te tau 1954-56, ā, koia tētahi kaipupurihea nui i te kamupene i mai i te tau 1956 tae atu ki te tau 1979.

2.146 I hangā te mira i waenga i ngā tau 1953 ki te tau 1954 i te parenga i te rāwhiti o te awa o Tarawera, i runga i te whaitua ngāwhā o Kawerau. I kōwhiringia e te Karauna taua wāhi

nā tōna tata ki ngā ngahere o Kaingaroa, nā te wai o te awa o Tarawera, ā, nā ngā rauemi ngāwhā nei, arā te mamaoa me te hiko mō te mira.

2.147 I te tau 1954, ka whakamanatia e te Karauna te *Tasman Pulp and Paper Company Enabling Act*, kia wātea ai a *Tasman* i ngā here a ētahi atu waeture whakapoke wai katoa. Nā te Ture i wātea ai a *Tasman* ki te whiu i āna para ki roto i ngā awa me ngā roto o te rohe.

2.148 Ka whakarite te Ture kia whai te kamupene i ngā whakaritenga katoa i whakatakotoria e te *Pollution Advisory Council* (PAC) e pā ana ki te whiu para ki te wai, he mea whakamana i roto i te *Waters Pollution Act 1953*.

2.149 He teitei ngā pae o te ahiniki, ngā waiwaihā waihā, ngā hau māota koiora, ngā pākawa pungatara, ngā haumāotarau, me ngā muka rākau kāore nei i oti te māhungahunga. Eke noa te tau 1962, e pūrongo ana te PAC e pā kino ana ngā whiunga para ki te awa o Tarawera. I te puku o ngā tau 1960, ka whakamārama ngā tātairanga ā-marama kei tua noa atu ngā tukunga para a te *Tasman Mill* i ngā whakaritenga, engari ka whakatau te PAC me kaua e whakapae ā-ture atu.

2.150 I te tau 1969, ka whakaae te PAC ki ngā marohitanga a te kamupene ki tuku para ki te Rotoitipaku me ōna pāpāringa, ā, ka tīmata a *Tasman* ki te tuku para ki reira i te tau 1971. Me te aha kua huri te Rotoitipaku hei wahapū pōharu e whakapokea rawatia ana.

2.151 I ngā tau 1970 me te ūpoko o ngā tau 1980, ka tuku tonu a *Tasman* i āna para ki roto ki te awa o Tarawera, ka eke ki tua o ngā pae i whakamanatia e te Karauna mā roto i te PAC. Ka whakarerekētia te tae o te awa mai i Kawerau ki te moana e te para ahumahi. Ka whakaarangia e te *Water Resources Council* (WRC), te piki tūranga o te PAC, ōna āwangawanga i te taha o te kamupene. Heoi anō kāore te WRC i hāmene atu mō ngā wāwāhitanga ture nei.

2.152 I te tau 1974, ka tukuna he petihana ki te Minita mō te Taiao e te *Anti-Pollution Committee*, ka akiaki ai i te Karauna ki te whakauru ture hei tiaki i te awa o Tarawera i te whakapokenga. Nā taua petihana i tū ai te whakawānga a ngā āpiha o te Manatū Mahi, engari kāore he mahi i tua atu i tērā.

2.153 I te tau 1982, ka whakaara te *Wildlife Service* i ōna āwangawanga e pā ana ki ngā putanga o te whakapokenga nei ki te awa o Tarawera. Ko te urupare a te Tumuaki o Te Tari Taiwhenua ko te whakahau kia whakakorea te *Enabling Act*, ā, kia whakawhāititia rawatia ngā tukunga para tauhoko. Ko te urupare a te Minita o ngā *Works and Development* ko te ātete i ngā panonitanga katoa ki te *Enabling Act*.

2.154 I te whakaurunga o te *Resource Management* Act i te tau 1991, ka noho haepapa a *Environment Bay of Plenty* (Toi Moana) hei tirotiro i ngā tukunga ki te awa o Tarawera. Ka whakapuaki a Ngāti Rangitihi me ētahi atu i ō rātou āwangawanga e pā ana ki te āhua o te awa o Tarawera. I te ūpoko o ngā tau 1990, e paruparu tonu ana te awa i ngā whakapokenga, ā, ka kīia e ngā tāngata e noho ana i reira ko te “Awakari Pango”.

Ngā Rauemi Ngāwhā

2.155 Ko Ngāti Rangitihi tētahi o ngā iwi i kerēme pānga, i roto i ngā tau, i ngā rauemi ngāwhā i te parenga i te uru o te awa o Tarawera. I te rohe o Kawerau, ka tautapa a Ngāti Rangitihi i ngā rua o Onepū hei wāhi nui mō te kaukau hei oranga tinana, mō te taka kai, ā, mō te Tohi i ngā pēpē hou.

2.156 I te tau 1951, ka tīmata tētahi tari Karauna, ko te *Department of Scientific and Industrial Research* (DSIR), i ngā karinga tūhura i ngā rua pūngao ngāwhā ki Kawerau. I muri tata mai, i te tau 1952, ka karia te whenua e te *Ministry of Works* mō te whakaputa pūngao ki Kawerau. Ko te takune o ngā puna ko te tuku hiko, te tuku mamaoa ki te mira māhungahunga pepa o *Tasman*. Nā te makariri o ngā wai e rere mai rā, ka hohoro hoki te whāiti haere o te whakaputanga mamaoa i ngā rua tuatahi.

2.157 I te tau 1953, ka whakamanatia e te Pāremata te *Geothermal Energy Act*, e wātea ai te Karauna anake ki te whakariterite i ngā rauemi pūngao ngāwhā. Kāore te Karauna i rapu akoako, i rapu whakaaetanga rānei mai i a Ngāti Rangitihi, i ētahi atu rōpū Māori rānei i te whakamanatanga o te ture nei.

2.158 I te tau 1957, ka noho a Kawerau hei whakaputanga pūngao ngāwhā tuatahi o Aotearoa. I te hiku o ngā tau 1950, e whā rawa ngā rua i whakahōhonutia, he whāiti haere nō te whakaputanga mamaoa. I te Maehe 1979 ka hoko te Karauna i ngā rawa ngāwhā e puritia ana e te *Tasman Pulp and Paper Co. Ltd*, ā, ka uru ki tētahi whakaaetanga ki te whakangata i ngā hiahia o *Tasman* ki te mamaoa ngāwhā. Tērā te hōtaka hohe a te Karauna mō te kari rua, tae rawa atu ki ngā 1980. Nā te whakapā atu ki ngā rauemi ngāwhā nei i auheke ai ētahi wāhi i te rohe o Kawerau. E pupuri tonu ana a Ngāti Rangitihi ki tāna, arā nā ngā karinga ngāwhā i Kawerau i heke ai te kounga o ngā puna o Onepū.

TE RATONGA A NGĀTI RANGITIHI KI TE HOKOWHITU, I TE MURANGA O TE AHI

2.159 I uru a Ngāti Rangitihi nāna ki ngā ope taua i tautoko rā i te Karauna i roto i ngā Pakanga o Aotearoa, ā, ka whakawhiwhia te Tohu Riri o Aotearoa ki ētahi, pēnei i a Arama Karaka Mokonuiārangi rātau ko Niheta Kaipara, ko Mikaere Te Kati, Ko Huta Tangihia.

2.160 I uru hoki ētahi uri o Ngāti Rangitihi ki te Ope Āpiha Mau Pū i ngā 1880. I te tau 1881, ka tuhi reta te iwi ki te Karauna, ka whakahē i te roa o noho o “ā rātau tamariki” i waho i te rohe, rātau i uru ki te Ope Āpiha Mau Pū. Ā, ka inoi kia whakahokia mai ki te Tai Rāwhiti mahi ai ko te hunga e mahi ana i te Tai Hauāuru.

2.161 Ka haere tonu ki te rautau rua tekau tā Ngāti Rangitihi uru ki te hokowhitu Kāwanatanga. I te ngahurutau tōmua atu i te Pakanga Tuatahi o te Ao, ka whakatūria te Ope Wāranatia Mauraiwhara Ekehōiho o Matatā, e 57 ōna hōia hou. Eke noa te Pēpuere 1906, ka eke taua whika ki te 68. He Māori te nuinga o ngā hōia o te ope, ā, nō Ngāti Rangitihi ētahi.

2.162 Kei te tohu whakamaharatanga ki te pakanga i Matatā, kei te tomokanga o Rangitihi Marae, te raupanga nui a Ngāti Rangitihi i roto i ngā pakanga nui e rua. E rārangi mai ana i reira ngā tāngata i mate, 14 rawa i te Pakanga Tuatahi o te Ao, ā, 12 rawa i te Pakanga Tuarua o te Ao.

2.163 Ko ētahi o te hunga i mate i te Pakanga Tuatahi o te Ao i te mura o te ahi rānei, i ngā taotū rānei, otirā ko rātau i whai pānga ki a Ngāti Rangitihi ko Autini Pitara Kaipara (tirohia ata

2), nāna i uru ki te Ope Māori i muri tata mai i te tutunga o te puehu i te tau 1914, rāua ko Paraiweti Manu Tuki (tirohia ata 3). Ka taotū, ka hauā a Kaipara, ka whakahokia ki Aotearoa i te Aperira 1916, engari ka hoki ia ki te kauhanga o te riri i te Tihema 1916, ā, ka mate taua i Wīwī i te tau 1917. I whawhai hoki tōna taina a Hōri i te pakanga.

2.164 Ka hingahinga nunui i te māuiuitanga ētahi tāngata e hono ā-whakapapa ana ki a Ngāti Rangitihi, arā ko rātau i whawhai i te Pakanga Tuatahi o te Ao. I mate a Paraiweti John Savage (tirohia ata 4) rātau ko Paraiweti Charles Savage, ko Daniel Savage i te mate kohi i whakapāngia ki a rātau i te pakanga, ā, ka mate a Paraiweti George Huriwaka i te mate pūkahu kakā i a ia i tāwāhi e whawhai ana.

2.165 I uru ki te ope taua ētahi uri o Ngāti Rangitihi i roto i te Pakanga Tuarua o te Ao. Ko ētahi ko Rūtene Aubrey Rota (tirohia ata 5), ko Paraiweti David Vercamer (tirohia ata 6), ko Paraiweti William Perenara (ata 7), ā, katoa rātau i whawhai i te taha o te Ope 28 (Māori), ā, ka hinga i te mura o te ahi.

2.166 I tanumia i ngā whenua i hinga ai rātau ngā hōia katoa e hono ā-whakapapa ana ki a Ngāti Rangitihi i mate rā i te whawhai rānei, i te māuiuitanga rānei i a rātau i tāwāhi i roto i te Pakanga Tuatahi o te Ao me te Pakanga Tuarua o te Ao. Ko ētahi o aua whenua ko Ingarangi, ko Wīwī, ko Peretiamu, ko Itari, ko Īhipa, ko Rīpia. Nā konei i uaua ai te toro atu a ngā whānau ki ō rātau takotoranga.

2.167 Ka eke ki tua noa atu i te ratonga ki te hokowhitu te wāhi ki a Ngāti Rangitihi i roto i te pakanga. I te whakatūranga o te wāhanga o te Rīpeka Whero mō ngā wāhine Māori anake, ko te *Te Arawa Māori Women's Branch*, i Matatā i muri tata tonu i te tutūnga o te puehu i te tau 1939, ko ētahi o ōna nēhi ko Elizabeth Raureti Mokonuiārangi rāua ko Hēni Savage, he Ngāti Rangitihi rāua tahi. I te tau 1943 ka whakatūria hoki ki Matatā ko ngā taupuni whakangungu o te *Māori Home Guard*.

NGĀ TAKE HAPORI, NGĀ TAKE ŌHANGA

2.168 I te paunga o te rautau tekau mā iwa, i utaina ki runga i ngā Māori i Matatā he taumahatanga ā-ōhanga. Nāwai i taumaha, kātahi ka taumaha kē atu i te whakawāteatanga o ngā whenua o Ngāti Rangitihi, i puta ake i te hokonga a te Karauna.

2.169 Eke noa te tīmatanga o te rautau rua tekau, kua kore noa iho, tata tonu nei, ō Ngāti Rangitihi whenua. He tūpuhi hoki ngā whenua rahi i pupuri tonu nei rātou i runga i ngā pīnakitanga o Tarawera maunga. Nā runga i taua whenuakoretanga o Ngāti Rangitihi, ka pēhia rawatia te hauora o te iwi, ā-hapori, ā-ōhanga, ā-tikanga hoki.

2.170 I te hiku o ngā tau 1800, ka kaha te uru a Ngāi Māori i te rohe o Matatā ki roto i te ūmanga harakeke. Ahakoa rā, i te tau 1892 ka whakatū ētahi uri o Ngāti Rangitihi e 20 i te "*Matatā Union Workers*" hei tātari i ngā taumahatanga kei runga o Ngāti Rangitihi, kia whai mahi pai ai rātou. Ka kī tētahi o ngā mema o taua rōpū "I roto i ngā tau e rua tekau kua hipa nei, e kimi ana mātau ngā uri o [Ngāti Rangitihi] iwi i tētahi mahi mā mātou hei oranga mō mātau, ā, kua kore rawa e kitea he mahi pai". I te tau 1889, i mātau tētahi kaiwhakawā ā-rohe i te āhuatanga e pā ana ki ētahi Māori i Matatā; "Kāore au i te mōhio ka aha kē ētahi o rātou hei kimi kai, ki te kore e nui whakaharahara ngā tuna e hopukina ana i roto i ngā repo". I te tau 1893, ka whakaahua tētahi mihingare Katorika i ngā Māori i Matatā, arā e

"tino pōhara" ana, ā, ka kī ia ka mate rātou i te hemokai māna ka āhei ki te rīhi i te whenua o te kāwanatanga.

2.171 I te tau 1896, ka tuhi reta tētahi Kaiwhakawā Tūmatanui ki te Kāwanatanga, kia tahuri ai tana titiro ki te pōhara o ngā Māori i Matatā. Ka kī ia kua "tata hemokai" rātau, ā, ka inoi kia āwhinatia rātou ki te whai tūranga mahi i te hanganga huarahi "kia mahi moni ai rātou hei whāngai i a rātou anō, i ā rātou tamariki hoki". Ka whakaae te Kairuri Huarahi o Rotorua ki te tuku mahi ki ētahi Māori e 10 o Matatā, ā, e 10 nō Te Teko "mō tētahi wā poto", he "kore nō ngā pūtea e pai ai tā rātou noho mō te wā roa". I te tau 1898, ka tono a Raureti Mokonuiārangi me ētahi atu māngai e 12 o Ngāti Rangitihi i Mātatā, ki te Pirīmia me te Minita Take Māori, a Richard Seddon, me te mema e whakakanohi ana i te iwi Māori, a James Carroll, e pā ana ki te "āwangawanga" o tō rātou iwi "he hiakai" nō rātou. Ka oti i te āpiha Karauna te āhuatanga nei te whakatewhatewha, ka whakatau kāore a Ngāti Rangitihi i te pōhara, ā, ka kī "kāore he pūtea" e wātea ana.

2.172 Mai anō i te tau 1867, ka ngana te Karauna ki te whakatū, ki te whakahaere tonu i ētahi kura mō te Māori anake, me te whakaako i roto i te reo Ingarihi. E kaikā ana a Ngāti Rangitihi ki te hoatu i ngā akoranga pai i ā rātou tamariki, ā, eke noa te tau 1872 ka whakawāteatia te whenua mō tētahi kura i Matatā. I te tīmatanga, ka whakamānawatia e ngā kaitirotiro kura a te Kāwanatanga, ka kīia ko te kura "pai katoa i te rohe" mō te kaha taetaenga me te ekenga ki ngā taumata ako.

2.173 Heoi anō, he huhua ngā taumahatanga i runga i a Ngāti Rangitihi e hoatu nei i ngā akoranga ki ā rātou tamariki. I te tau 1872, ka whakahuri tētahi kaiwhakawā ā-rohe i ngā whakaaro ki te "onge o te kai" i waenga i ngā tamariki Māori i te kura. I te tau 1876, i te toronga atu a te kaitirotiro ā-rohe, e tāmō ana te nuinga noa atu o ngā tamariki ō runga i te rēhita o te kura, he māuiui nō rātou. Ka kati rā te kura mō te koata o te tau kura, o te 1878, nō te akomanga i whakamahia rā e te Kōti Whenua Māori hei whare mōna.

2.174 Mai anō i ngā tau 1890, ka tautoko a Ngāti Rangitihi i tētahi kura Katorika i Matatā, ahakoa te āhua o te ōhanga, ā, ahakoa te "kaha o te mate orotā". I te tau 1902, ka whakamiramiratia e te Kaitirotiro Matua o ngā Kura i ētahi take e pā ana ki te whakaakoranga o ngā Māori i te takiwā o Matatā, ka pūrongo ia he tāmutumutu te taetaenga o ngā tamariki ki te *Matatā Native School*, ā, e "hakahaka" ana ngā putanga ako o te kura. Hei tā te Kaitirotiro Matua anō, "i roto i te āhuatanga whakapāhunu nei, kua kore pea he huringa kē".

2.175 E ai ki ngā whakaaro o te Karauna, he huarahi aua kura hei tō mai i te Māori ki roto i te ahurea Pākehā. E maumahara ana ngā koeke o Ngāti Rangitihi i whakawhiua rātau mō te kōrero Māori i te kura.

2.176 He nui hoki ngā taumahatanga i runga i a Ngāti Rangitihi e pā ana ki te hauora me te whai whare. Nā te pōharatanga me te kikino o te āhua o te noho i Matatā i hora ai te mate taipō, ā tāmatemate noa te tini o te tangata, i te hiku o te rautau tekau mā iwa, i te ūpoko o te rautau rua tekau hoki. I te tau 1897, ka whakautu te Karauna i tētahi tākuta nō Tauranga kia haere iho ki Matatā, āwhina ai i ngā Māori ki reira. E £5 i hoatu rā ki te Kaiwhakawā Tūmatanui hei hoko kai mā ngā tūroro, engari ka tohua "he whakamutunga tēnei". I hoatu kē te Kaiwhakawā Tūmatanui i ngā "tiwhikete moni" mō ngā moni i pau i te kai, te rongoā, me ngā "hanga kāwhena" mō Ngāi Māori. I te tau 1898 ka tuhi te

Kaiwhakawā Tūmatanui mō te hora o te mate taipō kaitangata ki Matatā, ka tono kia hoatu e te Kāwanatanga kia £3 mō ngā rongoā, ā, ka tono i te whakaaetanga kia wātea ai ia ki te hoko kia £6 o te kai, nā te mea e "matea nuitia" ana. Ka pā te mate ki a Raureti Mokonuiārangi i te horanga mate nei, engari ka morehu ia.

2.177 I roto i tētahi pūrongo i te tau 1907 e pā ana ki te oranga me te pai o te noho a Ngāi Māori i te Waiariki, he mea tā ki te *Appendix to the Journals of the House of Representatives*, ka tuhi te rangatira nei o Ngāti Rangitihi, te Heamana o te Kaunihera o Te Arawa, te Kaitirotiro Oranga, arā ko Raureti Mokonuiārangi. Hei tāna he "huhua ngā whare i Matatā me tahu ki te ahi ka tika, ā, me wētahi me whakahou", i ētahi atu whaitua i te rohe hoki. Ka wherawhera ia i ngā whakapaitanga o te oranga i roto i te pūrongo, ka whāki a Mokonuiārangi ki te Āpiha Hauora Māori, ki a Māui Pōmare "E kore e oti te aha i a mātou ki te kore te pūtea tāpiri a te Kāwanatanga". Heoi anō, kāore te Kāwanatanga i whakawhānui i āna pūtea tāpiri whāiti nei mō ngā Kaunihera Māori, ā, eke noa te tau 1910 kua whakawhāititia kētia iho.

2.178 I te tau 1918, ka taumaha kē atu i te rewharewha orotā ko ngā taumahatanga i runga i a Ngāti Rangitihi. He tokomaha ngā uri o Ngāti Rangitihi i hinga i taua mate, tae atu ki a Pita Tairua, te whakahokia tūrorotia mai rā i Ingarangi ki Aotearoa i te tau 1917, nōna i whawhai i te hokowhitu. Ka pūrongotia e tētahi niupepa ā-rohe "kāore i te pai te āhuatanga i Matatā, he huhua ngā mate", ā, ka tuhi hoki ia, e ai ki ngā kōrero e taupāngia ana te uru atu a ētahi Māori ki te tāone i te wā o te mate orotā nei, i tua atu i te hunga i tīpakohia hei hoko kai, hei hoko rawa. I mate te hāmua me te hāmuri a Raureti Mokonuiārangi i taua mate i Matatā i te rangi kotahi. E ai ki ngā kōrero ā-waha a Ngāti Rangitihi, ka kino kē atu tēnei āhuatanga, he whakapono nō te iwi i whakahau ngā āpiha whaimana i a rātau kia kaua e inu wai i te pānga o te mate orotā.

2.179 I te tau 1919 ka whakamiramiratia te pānga roroa o te mate orotā ki a Ngāi Māori i Matatā e tētahi āpiha pirihimana, ka pūrongo ia e "pōhara ana" ngā hūnuku o ngā Māori i Matatā i mate nei i te rewharewha, ā, kāore ō rātou "paku aha e ora ai rātou i tua atu i tā rātou e whiwhi nei i te rēneti, ā, he iti hoki tērā". Ka ara mai anō te mate taipō i te Waiariki i te tau 1919, tokowaru ngā Māori i Ōhinepanea, tata tonu ki Matatā, i pāngia ki taua mate i tana putanga ki te rohe o Whakatāne, ā, me te aha ka hīkina ngā huinga hei whakanui i te hohounga o te rongo.

2.180 He roa hoki te pā o te mate orotā rewharewha ki a Ngāi Māori i Matatā, ā-hapori mai, ā-ōhanga mai. Tae rawa atu ki te tau 1926, ka pānui te tumuaki o te *Matatā Native School* e tiaki tonu ana he tokorua koeke Māori i ā rāua mokopuna tokowhā, tokorua hoki o rātou e noho pani ana i te hinganga o wō rāua pākeke i te mate rewharewha.

2.181 He kaha rawa te pānga o te wā o te korekore ki a Ngāti Rangitihi. Eke noa ngā tau 1930 e "manawa kiore ana" te ūmanga mahi harakeke, i whai mahi ai ngā Māori tokorahi o Matatā. I te tau 1931 ka whakaahuatia tēnei āhuatanga e te *Department of Agriculture* hei "piere nuku", i heke iho ai te utu hoko harakeke ki tāwāhi ki raro iho i te utu mahi harakeke, ā, ka whakamutu te nuinga o ngā mira harakeke i ā rātou mahi mō te tau. Ka kite hoki te Tari e kore rawa e taea e ngā mira te mahi kia riro ai he huanga pūtea, ahakoa te whakawhāititanga o te utu iti katoa i te ūmanga mahi harakeke mā te 33 ōrau.

2.182 I te tau 1934 ka pānui te Karauna ka tangohia e ia ngā Māori i te rēhita koremahi a te Tari Mahi, ka whakapae tētahi mema o te Kaunihera ā-Rohe o Whakatāne ka pāngia kinotia ngā Māori i Matatā, he kore nō te rawaka o ngā kai i whakatongia e rātou hei kai mā rātou. Waihoki ka "kore he huarahi hei tautoko" i "tōna 30, tōna 40" Māori i Matatā e noho kore mahi ana. I te tau 1938 ka tūao tā *Matatā Flax Ltd* whakahoro i a ia anō, ā, ka hoko atu te kaiwhakahoro i ngā rawa a te kamupene.

2.183 Ka matemate tonu a Ngāti Rangitihi i te korekore o te kāinga noho i te puku o te rautau rua tekau, ā, ka whakapuaki te Kāwanatanga i tōna āwangawanga mō te kōpā rawa o ngā whare Māori, me te pānga ōna ki te oranga me te mātauranga kura o te Māori. Ka maumahara tētahi kuia o Ngāti Rangitihi ki te karangatanga ōna he "pōhara rawa" i a ia e whakatupu ana i āna tamariki i ngā tau 1930, 1940, e noho ana tōna whānau i roto i tētahi whare, kotahi nei tōna rūma, i Matatā. Ka maumahara tētahi kaumātua o Ngāti Rangitihi i tana taenga atu ki Matatā i te tau 1949, e noho ana ngā uri o Ngāti Rangitihi i ngā "kāuta harehare". Ka maumahara ia ki te kōrero atu ki a ia he mate te kohi i kaha nei te pā ki ngā Māori i Matatā, ā, he "wharau taratahi" tō ētahi whare mō ngā mema o te whānau kua pāngia nei e te mate.

2.184 Kei runga tonu i a Ngāti Rangitihi ngā taumahatanga ā-hapori, ā-ōhanga, ā, e ai ki ngā tauritenga, he pōhara ake i te Pākehā, he iti iho ngā tohu mātauranga, he kaha ake te noho koremahi, tērā ka kore e pupuri i tōna ake whare. I waenga i te ngā tāngata e tūhono ana ki a Ngāti Rangitihi i roto i te tatauranga o te tau 2013, e $25,100 i te tau te tauwaenga o te whiwhinga moni, ā, e 36.6 ōrau te hunga nōna te whare e noho ai ia rānei, nōna tētahi wāhi o taua whare rānei. Ko te pāpātanga koremahi i waenga o Ngāti Rangitihi ko te 15 ōrau, ko te whakatāruatanga o te pāpātanga mō ētahi atu tāngata o Aotearoa e ai ki te tatauranga o te tau 2013. E 37 ōrau te pāpātanga koremahi i waenga i ngā rangatahi (15 ki te 24 tau te pakeke) o Ngāti Rangitihi. He tokomaha ake ngā uri o Ngāti Rangitihi e noho ana i roto i te whare i te taha o te pakeke kotahi (e 28 ōrau) tēnā i ētahi atu tāngata o Aotearoa (18 ōrau).

2.185 I te tau 2013, 15 ōrau o Ngāti Rangitihi i whai tohu paetahi rānei, i whai tohu teitei atu rānei, i te taha o te 20 ōrau o ētahi atu tāngata o Aotearoa. Kua mate te nuinga o Ngāti Rangitihi ki te nuku ki waho o tō rātou rohe tuku iho, kimi ai i te oranga ā-mahi, ā-whare, ā-mātauranga hoki. Nuku atu i te hāwhe o Ngāti Rangitihi iwi e noho ana i roto i ngā rohe tāone, ā, e 86 ōrau o ngā tamariki o Ngāti Rangitihi e noho ana i waho o tō rātou rohe. Ka whakangoikoretia te hononga ki tō rātou rohe tuku iho, ka kore e whai wāhi ki te reo Māori i roto i ngā kura, me te aha ka heke haere te mōhio o Ngāti Rangitihi ki te kōrero, ki te orotau i te reo Māori, ā, me te pupuri hoki ki ngā tikanga me ngā mātauranga tuku iho. I te tau 2013, i orotau tōna kotahi koata o Ngāti Rangitihi ki ngā taketake o te reo Māori, engari e iwa ōrau anake e matatau ana, ā, e 45 ōrau i mōhio ki ētahi kupu torutoru noa iho o te reo Māori.

NGĀ KŌRERO HĪTORI | HISTORICAL ACCOUNT

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

EARLY CONTACT

2.2 Ngāti Rangitihi trace their descent from Rangiaohia, son of Rangitihi and Kahukare. Rangitihi was a descendant of Tamatekapua, captain of the Arawa waka. Rangiaohia had seven siblings; Ratorua, Tauruao, Rangiwhakaekeau, Kawatapuarangi, Rakeiao, Apumoana and Tūhourangi. Together they are known as ko ngā pūmanawa e waru o Te Arawa, the eight beating hearts of Te Arawa. Ngāti Rangitihi have strong whakapapa connections to all eight of these tūpuna. Mahi, the son of Rangiaohia and Rakauheketara, is a significant ancestor of the key descent lines of Ngāti Rangitihi today.

2.3 Rangiaohia settled in the Rotorua lakes district several hundred years prior to the arrival of Europeans. According to Ngāti Rangitihi, their lakes district rohe extended from the south-eastern end of Lake Rotoiti, through to Lake Tarawera, then across the Kaingaroa plains towards the Rangitaiki River, with the western boundary located along the Waiotapu stream. Ngāti Rangitihi had strong trade, occupation and kinship connections within the Te Awa o te Atua/Matatā area. Ngāti Rangitihi used the Tarawera River extensively for travel, trade and mahinga kai. They also had significant traditional connections with the Rangitaiki River and the swamp that stretched across the Rangitaiki plains from the Tarawera River to the Whakatāne River. The wetland was an important source of harakeke (flax), raupō (bulrush), waterfowl and fish, particularly tuna (eels).

2.4 Ngāti Rangitihi had little, if any, contact with Pākehā prior to the 1820s. Over the same period, extensive trade with Pākehā allowed northern iwi to arm themselves with muskets. In 1823, Ngāti Rangitihi fought alongside their Te Arawa whanaunga who sought refuge on Mokoia from northern raiders. Led by their rangatira Mokonuiarangi, Ngāti Rangitihi retreated to Moura and then defeated the invaders.

2.5 In the early 1830s, Hineīturama married a Pākehā trader who, in 1836, established a permanent trading station at Matatā. Hineīturama, was a woman of mana connected to Ngāti Rangitihi through her descent from the tupuna Te Whareiti. In the 1840s, Ngatira Tangihia, sister to the Ngāti Rangitihi rangatira Huta Tangihia, married the Pākehā shipbuilder Benjamin Boscawen Savage, who worked with the iwi to establish a ship-building business at Matatā. In the early 1850s, Ruhia Ngakarauna, daughter of Ngāti Rangitihi rangatira Paerau Mokonuiarangi, married a Pākehā trader. Mokonuiarangi set up a trading station for Ngakarauna and her husband Abraham Warbrick at Rotomahana.

2.6 A Church of England mission station was established in the lakes district in 1838, followed, in 1843, by a Catholic mission station. Most Ngāti Rangitihi adopted Catholicism. Between February and September 1840, copies of te Tiriti o Waitangi/the Treaty of Waitangi were signed at locations across New Zealand. A copy of the Treaty was brought to the Rotorua district where a Te Arawa inter-tribal hui, including Ngāti Rangitihi, rejected

the authority of the Crown. No Ngāti Rangitihi or other Te Arawa signatures were added to the Treaty.

WAR AND CONFISCATION

2.7 In 1842, the Crown appointed an agent at Maketū. This official provided the main point of contact between Ngāti Rangitihi and the Crown through to the appointment of a Resident Magistrate at Rotorua in 1852. The Resident Magistrate's main role was mediating disputes between Māori with the assistance of Māori Assessors. During the 1840s and 1850s, Ngāti Rangitihi successfully engaged with the emerging colonial economy. They transported produce, including flax, pork and potatoes, from their Tarawera lands down the Tarawera River to Matatā. They supplied the ship-builders and traders at Matatā and exported products to the Auckland market.

2.8 In the early nineteenth century, Ngāti Rangitihi were involved in a series of conflicts with another iwi over resources in the Te Ariki area, where both iwi claimed customary interests. During the 1850s, tourists visiting the geothermal wonders at Rotomahana became another source of economic development for Ngāti Rangitihi, especially through guiding tourists. This led to open conflict with another iwi over land at Lake Rotomahana. Fighting in 1853–1854, caused loss of life on both sides. The Resident Magistrate and local missionaries were unable to prevent the fighting or broker a peace. After the killing of Ngāti Rangitihi rangatira Paerau Mokonuiarangi, Ngāti Rangitihi sought to make peace. A lasting peace in the district was agreed to in 1854, brought about through the efforts of Pareraututu and another local mana wahine. Pareraututu was the sister of Paerau and elder daughter of the high-ranking Ngāti Rangitihi rangatira Mokonuiarangi.

2.9 In 1860, a dispute was developing between Ngāti Rangitihi and another iwi along the Tarawera River. Having suffered loss of life in the earlier fighting over Rotomahana, Ngāti Rangitihi looked to the Crown to mediate a settlement. Pareraututu passed on a message to the Crown agent in which she was quoted as saying, "We will have nothing to do with fighting or building fighting pas. We are the Queen's people and therefore we call on the Governor to interfere and see us righted", and "Let him [the Crown agent] tell the Governor that we wish him to instruct the proper persons to settle this dispute and thereby prevent fighting - [Ngāti] Rangitihi wish to live in peace." The Crown does not appear to have sent a mediator. The Tarawera River dispute, however, does not appear to have developed into open fighting.

2.10 In 1861, the Crown began promoting a system of Māori local government and justice based on village and district rūnanga working alongside a Resident Magistrate. Known as the "new institutions", "the runanga system" or "tikanga hou", this initiative was intended to restore Māori confidence in the Crown while restricting the appeal and influence of the Kīngitanga in other districts. In January 1862, the Maketū Resident Magistrate met with Ngāti Rangitihi to promote the new institutions, which they endorsed. Ngāti Rangitihi nominated members for a combined local rūnanga, comprising themselves and the iwi they had fought in 1853–1854. Arama Karaka Mokonuiarangi, a leading rangatira of Ngāti Rangitihi, was elected as president of the Tarawera Runanga. The new institutions were ultimately unsuccessful at a national level and were disestablished in 1865.

2.11 In 1863, after Crown forces invaded the Waikato, Kīngitanga leaders appealed to Tai Rāwhiti iwi for support. In early 1864, warriors from a range of East Coast and Bay of Plenty hapū and iwi responded by forming an 800-strong Tai Rāwhiti taua. Ngāti Rangitihi and others of Te Arawa opposed the taua passing through their territory. Crown officers based at Tauranga supplied the Te Arawa force with ammunition to help them turn back the taua.

2.12 The Tai Rāwhiti taua attempted, in early 1864, to travel through the Rotorua lakes district to join the Kīngitanga forces. Ngāti Rangitihi were part of a combined Te Arawa force that fought the Tai Rāwhiti taua along the eastern shore of Lake Rotoiti, forcing it to withdraw to the coast at Ōtamarākau.

2.13 In March 1864, the Crown established a redoubt at Pukemaire, Maketū, in which it posted several hundred troops to prevent the passage of the Tai Rāwhiti taua. Ngāti Rangitihi were in the Te Arawa taua supporting Crown forces, which, in late April 1864, fought the Tai Rāwhiti taua at Maketū and at Kaokaoroa beach. The Te Arawa taua and a small contingent of Crown troops, with covering fire from two warships, defeated the Tai Rāwhiti party, forcing them to disperse. Ngāti Rangitihi tradition relates that the fighting finished at the river's inlet, a site known to them as Te Puwaha or Mihimarino.

2.14 In late 1864, emissaries of the Pai Mārire religious movement arrived in the eastern Bay of Plenty. In March 1865 Pai Mārire adherents killed Carl Volkner, a prominent Ōpōtiki missionary. The Crown responded in April 1865 with a proclamation that it intended to "resist and suppress, by the force of arms if necessary" movements such as "Pai Mārire or Hau Hau", which it labelled as a "fanatical sect." In May 1865, a Kaingaroa iwi to whom Ngāti Rangitihi were related, asked Te Arawa for help to stop a Pai Mārire group that intended to travel from Te Urewera to the Waikato. In response, the prominent Ngāti Rangitihi rangatira Arama Karaka Mokonuiarangi led a Ngāti Rangitihi taua to assist.

2.15 Ngāti Rangitihi and their allies occupied pā at Te Tāpiri and Okupu, where they were besieged by Pai Mārire forces. After several days of fighting in early June 1865, Ngāti Rangitihi and their allies, having exhausted their ammunition, water and food supplies, broke out and escaped across the Kaingaroa plains. The Pai Mārire forces pursued them but were driven off by a relieving Crown column. A number of Ngāti Rangitihi were wounded in the fighting and at least two were killed.

2.16 In July 1865, Pai Mārire supporters seized the merchant vessel Kate, at Whakatāne, killing a number of those on board, including a Crown official. The Crown then raised a force to apprehend those it believed responsible for the killings. In late 1865, Ngāti Rangitihi were among the Te Arawa taua which fought alongside the Crown in its conflict with the Pai Mārire supporters and other groups based around Matatā (Te Awa o Te Atua) and the Rangitaiki swamp. Ngāti Rangitihi were part of the force that captured the swamp strongholds of Oheu, Otamauru and Omeheu, and took the pā at Te Teko after a three-day siege.

2.17 Governor George Grey visited the Rotorua lakes in March 1866. The Governor asked the Te Arawa iwi to provide further assistance to the Crown to fight against Pai Mārire adherents. At Lake Tarawera the Governor met with Ngāti Rangitihi and a neighbouring iwi. Despite the absence of Arama Karaka Mokonuiarangi and an important rangatira of

the neighbouring iwi, Grey tried to persuade both iwi to gift the thermal lands around Lake Rotomahana to the Crown. Neither iwi could agree to this request without their leaders' consent. Both rangatira later met with the Governor but refused his request to gift the Rotomahana land.

2.18 In the late 1860s, Ngāti Rangitihi provided more military assistance to the Crown. In January and March 1868, iwi fighting against Crown forces launched attacks on Ohiwa and Waiotahe. Ngāti Rangitihi took part in an expedition against the groups that had made these attacks. From March 1869 through to early 1872, Ngāti Rangitihi fought alongside the Crown in a series of actions against forces associated with Te Kooti.

2.19 In proclamations of 17 January 1866 and 11 September 1866, the Crown confiscated 448,000 acres of the eastern Bay of Plenty under the New Zealand Settlements Act 1863. The confiscation was intended as a punishment for those the Crown considered to be rebels.

2.20 The Crown confiscation indiscriminately extinguished the customary titles of all iwi within the confiscation zone. This area included lands of neutral iwi and Crown allies, as well as Māori the Crown deemed to be rebels. A Parliamentary Select Committee, of August 1866, estimated about half the owners in the confiscated territory had been what the committee described as "friendly" or "neutral" towards the Crown. The Crown's confiscation included lands to which Ngāti Rangitihi had connections in and around Matatā, the Rangitaiki wetland and along the Tarawera River.

2.21 The New Zealand Settlements Act 1863 empowered the Crown to establish Compensation Courts with the power to compensate those Māori who had claims to land that had been confiscated. Iwi who had not "rebelled" against the Crown could apply for compensation when land to which they had claims was included in confiscated areas. "Rebels" who had surrendered at the Crown's request could also apply for compensation for confiscated land to which they had claims.

2.22 In 1866, a Crown-appointed special commissioner met with eastern Bay of Plenty iwi to discuss returning confiscated land. By January 1867, the commissioner had allocated 87,000 acres of the 448,000-acre confiscated zone to various iwi of Te Arawa. This was given as payment for their prior involvement fighting alongside the Crown. A Compensation Court then sat from March through to October 1867 in Ōpōtiki, Whakatāne and Maketū. In addition to the military grant to Te Arawa, the Compensation Court granted 118,300 acres to "loyal natives" and 112,300 acres to surrendered "rebel natives." Many of the awards reflected out-of-court arrangements made by the special commissioner. No records have been found of meetings between the special commissioner and Ngāti Rangitihi, so the basis of some of his awards to the iwi remain unclear. The titles within these areas of land were granted to named individuals, or trustees for named individuals, rather than to hapū.

2.23 In the late 1860s, the Crown Commissioner proposed awarding Arama Karaka Mokonuiarangi 100 acres of "extremely swampy" unsurveyed land at Omeheu, in the Rangitaiki swamp. This award was never completed.

2.24 The Commissioner acknowledged in 1872 that "Arama Karaka, chief of Ngatirangitihi," had "claimed largely in several places" within the confiscation zone. The Commissioner admitted that, through no fault of the claimants, these claims had been left out of the file of claims sent to the Compensation Court Judge and could no longer be heard. Knowing these claims to be extensive the Commissioner arranged to settle them by awarding Arama Karaka Mokonuiarangi 300 acres of land (Lot 73, Parish of Matata) at Omeheu. This fell within the larger area Arama Karaka Mokonuiarangi had claimed.

2.25 Arama Karaka Mokonuiarangi had only been able to present one claim to the Compensation Court for land from Te Awa o Te Atua east and south to the Rangitaiki River near Waiparapara including a large cultivation and areas used for eeling. The claim was heard on 12 September 1867 and on 19 December 1867 the Court awarded Arama Karaka Mokonuiarangi two eel weirs, "Awa Pakiaka" (Awa Pa-Kīaka) and "Papuhou" (Awa Pa-Pūhou), along with £15 scrip: credit enabling the holder to buy Crown land.

2.26 As the result of an out-of-court agreement between the commissioner and Arama Karaka Mokonuiarangi on 29 June 1869 the Compensation Court further awarded him what the Court referred to as "a fair share" of Te Awa o te Atua land already awarded to an iwi to which he was related. This was to extinguish any claim he and "all other persons claiming by, through or under him" had to land at Te Awa o Te Atua. This 1869 award did not result in the granting of a title to Arama Karaka Mokonuiarangi and his people.

2.27 The Compensation Court also awarded Lot 3, Parish of Matatā, of 84 acres and Pukeroa, Lot 30, Parish of Matatā, of 3,834 acres, to five Ngāti Rangitihi men to hold as trustees for 75 other members of the iwi named on the titles. This confiscated land was part of the 87,000 acres granted to a number of iwi as a reward for military service to the Crown. It was not made in recognition of the customary interests of any particular iwi.

2.28 Several awards were made on the same basis to two prominent Ngāti Rangitihi rangatira. Niheta Mokonuiarangi was awarded Lots 3, 6, 29-31, 46-48, all town sections each of 1 rood (a quarter-acre) in the town of Richmond, as Matatā was then known. Arama Karaka Mokonuiarangi was awarded a Richmond town section, Lot 4, of 30 perches (just under a quarter-acre).

INTRODUCTION OF THE NATIVE LAND COURT

2.29 In the early 1860s the Crown concluded that its previous system of purchasing Māori land was not working and introduced a new system of dealing with Māori land. The Crown established the Native Land Court, under the Native Land Acts of 1862 and 1865, to determine the owners of Māori land "according to native custom" and to convert customary title into title derived from the Crown. The laws removed the Crown's pre-emptive right of purchase, allowing individual Māori to lease or sell land to private parties or to the Crown. The Crown intended that the Native Lands Acts would facilitate opening Māori customary lands to Pākehā settlement. The Crown did not consult with Ngāti Rangitihi on the Native Land Acts. Māori were not represented in Parliament when the Acts were enacted.

2.30 The Māori land laws introduced a significant change to Ngāti Rangitihi customary land tenure, which was collective in nature, and could accommodate multiple and overlapping interests of different iwi and hapū in the same land. Māori land legislation converted

customary land tenure into individual titles over time. Through the individualisation of land ownership, the Crown expected that Māori would eventually abandon the tribal and communal basis of their traditional land holdings.

2.31 The Native Land Court's investigation of a title could be initiated by an application from a Māori individual, without any requirement of consent from the wider group of customary owners. Once an application was accepted by the Court, all those with a customary interest in the land in question had to participate in the title investigation or risk losing their interests.

2.32 Ngāti Rangitihi had no alternative but to use the Native Land Court if they wished to secure legal title to their lands and to protect that title from the claims of others. A freehold title derived from the Crown was necessary if Māori wanted to legally sell or lease land, or to use land as security when raising development finance. However, the nature of the titles issued meant these were not widely accepted as security.

2.33 The Native Land Court titles awarded to Ngāti Rangitihi were investigated under the Native Land Act 1873 and its amendments. Under the Native Land Act 1873, the Native Land Court was charged with identifying all individuals with customary rights in the lands being investigated. Out-of-court arrangements sometimes resulted in only a small number of individuals on titles, to the exclusion of other right-holders.

2.34 The 1873 Native Land Act did not provide any structure for the individual Ngāti Rangitihi owners to manage their land collectively and this made it difficult for owners to accumulate capital and make improvements to their land. The native land laws did not provide an effective form of collective administration of Māori land until the Native Land Court Act 1894, which provided for the incorporation of owners.

2.35 The titles to lands in which Ngāti Rangitihi claimed interests were considered by the Court between the 1870s and the 1890s. The land laws did not make any provision for an appellate Court during these years. Ngāti Rangitihi could only challenge Court decisions by applying to the Crown for a rehearing within six months of the Court making its award. These applications would usually be referred back to the Judge who made the original decision for a recommendation about whether there should be a rehearing. It was not until 1894 that the Native Appellate Court was established, by which time titles to all of Ngāti Rangitihi land had already been determined.

2.36 Most of the land titles in which Ngāti Rangitihi were awarded interests were subject to rehearing as a result of dissatisfaction among Ngāti Rangitihi and other iwi with the Court's decisions.

2.37 Paeroa East and Kaingaroa 1 were subject to rehearings with Kaingaroa 1 reheard under the Native Land Act 1873. A Ngāti Rangitihi protest at being excluded from the title of Kaingaroa 2 at an 1879 rehearing of the block was rejected by the judge whose decision was being challenged, and no further inquiry was held.

2.38 Titles to the Pokohu, Matahina and Rotomahana-Parekarangi blocks were determined as a result of special legislation.

2.39 In 1881, Ngāti Rangitihi wrote to the Native Minister protesting about the division of interests in the Pokohu block. Ngāti Rangitihi asked him to leave decision-making about the land to Māori claiming interests in the block. Ngāti Rangitihi also asked the Native Minister to "look carefully into" their pā sites, urupā, kāinga, whare, cultivations, mahinga kai, forests, and other resources such as kokowai on Pokohu, as well as the "the hopes, thoughts, and aspirations of our ancestors." The Native Minister did not treat this protest as a request for a rehearing so the Court was not advised of it. As a result of an 1884 Pokohu rehearing, Ngāti Rangitihi received a substantial award.

2.40 Ngāti Rangitihi protests in 1881 about their exclusion from the title awarded for the Matahina block, which they considered part of the Pokohu block, were not initially successful. Special legislation enacted in 1883 enabled a fresh hearing to be held in 1884 after petitions and protests from the iwi and others who claimed interests in the disputed block. Following the rehearing, the Court awarded 1,000 acres of the Matahina block to Ngāti Rangitihi.

2.41 Ngāti Rangitihi protested the Court's award for Kuhawaea, but in 1882 the Chief Judge of the Native Land Court dismissed their application for a rehearing after referring it back to the judge who heard the case. In 1898, a later Chief Judge described the dismissal of an application for a Kuhawaea rehearing from another iwi as "illegal" because, as was the case with the Ngāti Rangitihi application, the 1882 Chief Judge did not enquire into it in open court. By then most of the land had been sold by another iwi awarded the title in 1882, so no further hearing could be held.

2.42 The Court awarded title to the 211,000-acre Rotomahana–Parekarangi block in 1882 to several tribal groups including Ngāti Rangitihi, who were among those who later applied for a rehearing. These applications were not initially successful, but Ngāti Rangitihi were awarded 8,287 acres when the title was reheard in 1887 under the 1884 Special Powers and Contracts Act.

2.43 The Native Land Court's land title award process involved a range of costs for Māori claimants. Claimants usually had to have a survey done before a hearing took place. Claimants then had to pay survey costs on land the Court awarded them. Survey costs varied but could be a considerable economic burden on Ngāti Rangitihi and could be excessive. In some cases, land owners discharged a survey lien by transferring land of equivalent value to the Crown.

2.44 At the 1881 title hearings for the 35,200-acre Rerewhakaitu block, Crown officials asked the Native Land Court to transfer 9,000 acres to the Crown for survey costs of £433 and advances paid. The Crown rejected Ngāti Rangitihi's offer to pay these charges in cash and the Court ordered that 9,000 acres be transferred to the Crown as Rerewhakaitu 2. About 5,700 acres of this related to survey costs.

2.45 In 1882, the Native Land Court awarded title to the 9,025-acre Kaingaroa 1A block. Half the shares in Kaingaroa 1A were awarded to members of the Ngāti Hape hapū of Ngāti Rangitihi. Many of the Kaingaroa 1A owners wished to sell their interests to cover survey costs and other debts owing on other lands which they feared losing to their creditors. To cover these costs, in 1885, 162 owners transferred their interests to the Ngāti Rangitihi rangatira Niheta Kaipara to facilitate the sale of the land to private purchasers. The land

was partitioned out as Kaingaroa 1A North, of 8,451 acres. Kaingaroa 1A South, of 574 acres, was retained by 14 non-sellers.

2.46 In 1883, some owners applied to the Native Land Court at Maketū to partition Paeroa East. The Ngāti Rangitihi owners of Paeroa East 1 (11,436 acres) and Paeroa East 2, (5,992 acres), were forced to sell part of their lands to cover their considerable debt for survey and other title-related costs. Paeroa East 1B (304 acres), and Paeroa East 2B (3976 acres) were vested in a small number of owners to facilitate the 1883 private sale of the two blocks to discharge these survey costs. The buyer paid £60 for Paeroa East 1B, (4 shillings an acre) and £300 for Paeroa East 2B, (1 shilling 5 pence per acre).

2.47 Other Ngāti Rangitihi had not been able to attend the Court and had unsuccessfully sought an adjournment of the case. They were dissatisfied with the partition and applied for a rehearing.

2.48 In January 1884, the Chief Judge held an inquiry at Whakatāne into the Ngāti Rangitihi applications, to determine if a rehearing should be granted. Henare Te Rangi stated that "on account of pressure, they [Ngāti Rangitihi] had been compelled to sell the Paeroa East block to pay for the survey." At the inquiry, the purchaser offered to abandon the purchase if Ngāti Rangitihi refunded the £300 payment. This proved beyond them, and in April 1884, the Court dismissed the applications for a rehearing.

2.49 In 1907, Ngāti Rangitihi transferred 920 acres of the 1,000-acre Matahina D block to the Crown to discharge the block's survey lien.

2.50 Native Land Court hearings were often expensive for claimants. Claimants were sometimes forced to travel away from their own areas and stay away for lengthy periods at inconvenient times that interfered with the growing and harvesting of crops. This meant paying for transport, food and accommodation. In August 1878, during the lengthy Kaingaroa 1 hearing at Matatā, a witness said that Ngāti Rangitihi food supplies at Matatā were exhausted. A Crown land purchase agent advanced money for food to the owners, including Ngāti Rangitihi, to be charged against their interests in Kaingaroa 1. In October 1880, during the Kaingaroa 1 rehearing at Matatā, some of the claimants unsuccessfully called for the case to be adjourned, as they were running short of food.

2.51 The hearings in October 1881, for Matahina, Pokohu, Paeroa East and Putauaki, were held at Whakatāne, where food and accommodation were scarce and expensive. Ngāti Rangitihi leader Niheta Kaipara pleaded unsuccessfully for the hearings to be moved to Matatā, which would have involved lower costs for Ngāti Rangitihi.

2.52 The title investigation of the 211,000-acre Rotomahana–Parekarangi block at Rotorua lasted from April to June 1882 and was attended by 1,500 Māori. Many stayed for the entire hearing, camping in "wretched tents" providing little shelter from the inclement weather. The 1887 rehearing was even longer, lasting five months and being held when Ngāti Rangitihi and another iwi claiming significant interests in the block were still suffering from the devastation caused by the 1886 Tarawera eruption. Ngāti Rangitihi protested that the Rotorua venue for this hearing was too far from them to carry supplies from Matatā, where the entire iwi had taken refuge after the eruption.

2.53 In the period from the mid-1860s through to the early 1890s, Ngāti Rangitihi received Crown grants and Native Land Court awards giving them interests in blocks covering approximately 220,600 acres of land. Most of these lands were to the south and south-east of the Rotorua lakes, including land around Lake Tarawera and the Kaingaroa plains (see figure 1). The land also included over 4,000 acres of land in the Matatā area.

CROWN PURCHASING

2.54 In the 1870s, the Crown began a large-scale programme of purchasing Māori land, largely aimed at providing land for Pākehā immigrants. Crown land purchase officers were instructed to acquire "as much territory as the Natives can dispose of without injury to themselves." The officers were also instructed to buy land as cheaply as possible. At no point during the rest of the nineteenth century did the Crown assess the sufficiency of the lands remaining to Ngāti Rangitihi as a result of its purchases of their lands. It was not until 1905 that the Crown was required to pay at least the Government valuation for blocks purchased.

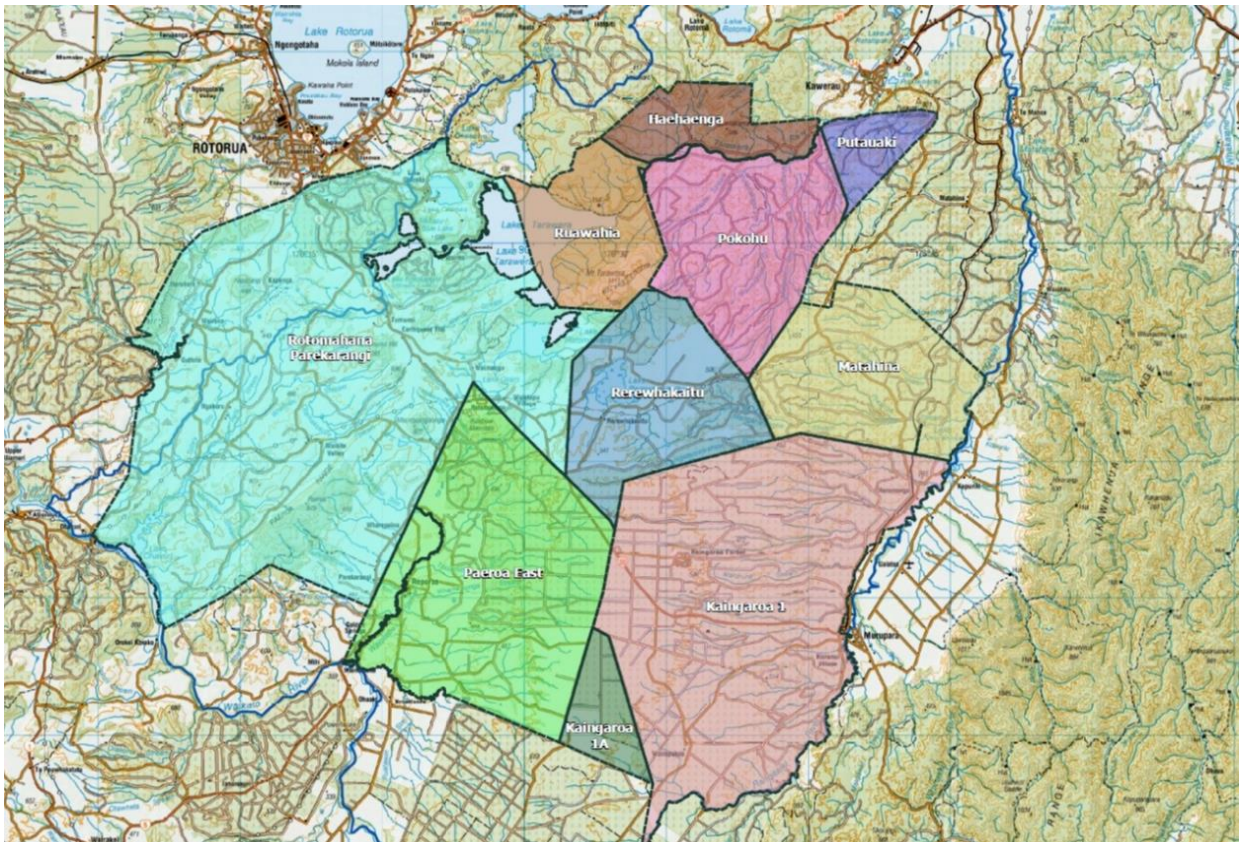

Figure 1: Land Blocks with Ngāti Rangitihi Interests in the Lake Tarawera-Kaingaroa Plains Area

Source: TMNRT, *Ngati Rangitihi Story, Chapter Three: Te Ao Hou: Ngāti Rangitihi Lands after 1840*, draft December 2016, pp. 24-25

Leasing and Advance Payments

2.55 During the early 1870s there was widespread Māori opposition to land sales in the Rotorua lakes area. Crown land purchase officers responded by making lease agreements with Māori, rather than attempting to buy land. These lease agreements were negotiated "in

the hope of turning them into purchases." The agreements included inalienability clauses, preventing Māori from leasing or selling the land to private parties. This guaranteed the Crown had the first option on buying the land.

2.56 Crown land purchase officers made advance payments to people they believed to be owners, before the Native Land Court had awarded any title for the land. Some of the advance payments were made as part of lease arrangements.

2.57 In the early 1870s, the Crown began negotiating to lease land in areas where Ngāti Rangitihi claimed interests. The Native Land Court had not yet issued titles to the land, which was later designated as the Pokohu, Matahina, Paeroa East, Kaingaroa 1 and Rerewhakaitu blocks. After the titles of these areas were determined, the Crown came to treat all the advance payments on these leases as purchase advances. It considered that only the balance of any agreed purchase price had to be paid. The Crown estimated that the lease arrangements covered an area of 380,000 acres.

2.58 In 1873, a Crown land purchase officer identified a number of Ngāti Rangitihi potential land owners in the area later designated as the Rerewhakaitu block. The Crown paid them to lease their presumed interests in the land.

2.59 The Crown opened negotiations with other iwi in 1873 for the lease of Pokohu/Matahina land. In January 1874 the Crown began negotiating with leaders with Ngāti Rangitihi connections, but it was not until December 1875 that Ngāti Rangitihi agreed the Crown could lease their interests in Pokohu.

2.60 From 1873 to 1875, the Crown paid advances for the lease of Kaingaroa 1 to iwi it identified as owners. The £365 paid included £115 to Ngāti Rangitihi. A number of Ngāti Rangitihi were involved in the 1875 negotiations with the Crown for leasing the Kaingaroa 1 lands.

2.61 In 1873, when the Crown opened negotiations for leasing the Paeroa East lands, it did not engage with Ngāti Rangitihi. When another group claiming Paeroa East ownership sent a letter of protest to the Crown, the letter writer noted that Ngāti Rangitihi leaders Arama Karaka Mokonuiarangi, Poia, Huta and Niheta were among the land owners.

2.62 The lease agreements included a clause that rent would not be paid on the land blocks until their titles had been adjudicated on. Crown Land Purchase officers noted, however, that many Māori who had signed the lease agreements believed that rent should be paid from the time of signing.

2.63 After initial payments, the Crown would not pay rent on the land until the Native Land Court had determined the land titles. The Crown suspended the Native Land Court in the Bay of Plenty district from 1873 to 1877, meaning land titles could not be determined and the payment of regular rent was delayed.

2.64 The Crown's suspension of the Native Land Court was intended to dampen down disputes arising from Māori opposition to Court operations in the Maketū area. It was also aimed at preventing private land dealers from competing with the Crown. The suspension affected all the areas where Ngāti Rangitihi held or claimed land. The suspension of the

Native Land Court delayed the completion of leases and contributed to Ngāti Rangitihi being unable to draw income from leased land.

2.65 In June 1876, the Crown's Land Purchase officers were withdrawn from the central North Island due to Crown concerns that their continued activities would provoke civil unrest among Maori there. The officers had yet to complete any of the transactions they had initiated.

2.66 In February 1877, the Crown lifted the suspension of the Native Land Court, from which time the block titles could be heard. Crown land purchase operations resumed soon afterwards.

The Government Native Land Purchases Act 1877

2.67 The Crown enacted the Government Native Land Purchases Act 1877, with the aim of preventing private competition and protecting its negotiating position when purchasing Māori land. Under the Act, the Crown could publish a notification stating that areas of Māori land on which the Crown had made payments were under negotiation for Crown purchase. This made it unlawful for anyone other than the Crown to "purchase or acquire from the Native owners any right, title, estate or interest in any such land."

2.68 In the 1870s, the Crown instructed purchase officers to negotiate as openly as possible, in consultation with tribal leaders, and gain the consent of all interested parties for a sale. These instructions were not always followed and there were numerous protests from Māori land owners about payments to individuals. In 1877 and 1878, legislation was enacted that made it easier for the Crown and private parties to acquire individual interests in Māori land. Discretionary bonus payments to rangatira or influential owners were also used to undermine collective opposition on the part of owners or iwi to land purchases.

2.69 In 1878, the Crown published a single notification under the Government Native Land Purchases Act 1877 covering land on the Kaingaroa 1, Rerewhakaitu, Pokohu, Matahina and Paeroa East blocks. These were all areas in which Ngāti Rangitihi were awarded interests. The Crown published a notification in 1879 covering Lot 30, Parish of Matata, the Ngāti Rangitihi-owned Pukeroa block.

Completing Purchase Negotiations

2.70 In the late 1870s, the Crown increasingly transformed its lease negotiations into purchase negotiations. No evidence has emerged indicating Ngāti Rangitihi or their neighbouring iwi had any intention of selling land when they leased it to the Crown. In 1878 and 1879, the Crown made a total of £7 in cash advances to two Ngāti Rangitihi individuals it had identified as owners of land within the Pokohu/Matahina lease. It later treated these lease advances as advances on its purchase of the Pokohu and Matahina blocks. In 1884, in exchange for these cash advances and a £68 survey lien, the Native Land Court awarded the Crown 750 acres (Pokohu B1) from the 19,060 acres of Pokohu awarded to Ngāti Rangitihi.

2.71 In 1879, the Crown stopped making advance payments on Māori land that had yet to pass through the Native Land Court. The Crown still looked to complete most purchase negotiations arising from earlier advance payments.

2.72 The Native Land Court determined the title of the 35,200-acre Rerewhakaitu in September 1881, by which time the Crown had paid £252 in cash advances to Ngāti Rangitihi on its lease of the block which were now treated as purchase payments. The Crown told Ngāti Rangitihi it also owed £433 advanced to pay survey charges, taking the total advances to £686.

2.73 At the conclusion of the title determination hearing, Ngāti Rangitihi offered to either transfer 5,000 acres of Rerewhakaitu land to the Crown or to return the full amount of money in cash. The Crown declined these offers, insisting that Ngāti Rangitihi transfer 9,000 acres of Rerewhakaitu land to cover the debt. Ngāti Rangitihi stated in court that they had been offered five shillings per acre for Rerewhakaitu by a private purchaser. As Ngāti Rangitihi considered the south-eastern portion of the block to be less valuable, they were prepared to transfer a 9,000-acre partition to the Crown at a value of two shillings per acre. The Crown insisted the land was only worth one shilling six and a half pence per acre, despite a Crown witness stating a much higher price could be obtained. The Native Land Court accepted the Crown's valuation of Rerewhakaitu, defining the Crown's interests as the 9,000-acre Rerewhakaitu 2 block.

2.74 In 1878, the Native Land Court awarded Kaingaroa 1 (103,393 acres) to the descendants of Tangiharuru and Apa, the ancestors of both another iwi and Ngāti Hape, a hapū of Ngāti Rangitihi. Ngāti Rangitihi rangatira, Arama Karaka Mokonuiarangi, Niheta Kaipara, Huta Tangihia and Poia Ririapu, were included in the title award. During the hearing, Ngāti Hape withdrew their separate claim after the other iwi of Tangiharuru and Apa descent agreed to Ngāti Hape inclusion in the title. At the end of the hearing, the owners from the other iwi offered to sell the block. By this time the Crown had advanced £465 on its lease. It now treated these payments as a deposit on the purchase.

2.75 Objections from members of the Ngāti Rangitihi hapū Ngāti Hinewai led to a rehearing of the Kaingaroa 1 title in 1880, when the Court confirmed its 1878 findings and awarded a legal title to 28 individuals. These owners included five members of Ngāti Hape and another two who were also Ngāti Rangitihi. The Ngāti Hinewai objectors were hindered by the absence through injury of their key kaumatua who was to conduct their case. The kaumatua later stated he had an important map that showed the various tribal claims within Kaingaroa 1. The map had been prepared in co-operation with other tribal groups and with the assistance of Crown officials. Due to the absence of the kaumatua, the Court did not consider this evidence and made the decision to exclude Ngāti Hinewai from the title.

2.76 Immediately after the hearing, Ngāti Hinewai wrote to the Native Minister calling for an inquiry into their claims. They backed this request with petitions lodged in 1881 and 1882, but as the block was sold in December 1880 there was no possibility of a rehearing. When the Native Affairs Committee inquired into the 1881 petition, the Native Land Court Chief Judge testified that he was uncomfortable with the Court's decision. The Committee recommended that the Government inquire into both petitions but no inquiries took place. The Native Minister stated that the only way the Crown could review a Native Land Court

decision was through special legislation, which he was not prepared to proceed with for Kaingaroa 1.

2.77 The Ngāti Rangitihi leader Niheta Kaipara wanted to include another 103 names on the list of Kaingaroa 1 owners. Others among the 28 listed owners had originally wanted many more names on the title, as provided for by the Native Land Act 1873. A Crown official at the Court in 1880 influenced the owners to limit the names to 28 to make it easier for the Crown to purchase Kaingaroa 1. The 28 owners included all those from the 1878 title who had received Crown advance payments for Kaingaroa 1.

2.78 The Crown completed the purchase of Kaingaroa 1 at a hui on 8 December 1880, where a land purchase officer handed over £5,650 to be distributed among the 28 listed title holders. The Crown had earlier paid £2,104 in advances. Arama Karaka Mokonuiarangi of Ngāti Rangitihi, one of the 28 listed owners of Kaingaroa 1, objected to what he saw as interference by a Crown official in the distribution of the balance of the payment. Mokonuiarangi objected to the smallness of the sum, £400, paid to the representatives of the Ngāti Rangitihi hapū Ngāti Hape at the December hui. He stated that the money should have been distributed equally to each of the 28 listed owners. The Crown ignored his protests.

2.79 In 1878, the Crown entered negotiations for the purchase of the Pukeroa block (Lot 30 Parish of Matata). The Crown negotiated with the two survivors of the original five Ngāti Rangitihi trustees, with the trustees asking a price of £1,000. The Crown paid deposits totalling approximately £250 to them. Land Purchase Department officials spent some time debating whether they should deal with all of the owners, before deciding to only deal with the trustees. Ngāti Rangitihi leader Huta Tangihia protested to the Crown, asking that no more money be advanced until Ngāti Rangitihi decided who would receive it. The Crown does not appear to have taken any action on this protest.

2.80 In 1879, the Crown placed Pukeroa (Lot 30 Parish of Matata) under a notification of the Government Land Purchases Act 1877, preventing private negotiations for its purchase. In 1880, a Crown official proposed to reduce the agreed purchase price to £900. When it then deferred negotiations on what it called a “very difficult” case, the Pukeroa owners asked the Crown to lift the notification, to allow them to negotiate with private buyers. The Crown was prepared to abandon the uncertain and disputed purchase, but it refused to lift the notification until the owners refunded the Crown’s advance payments. The owners could not negotiate a private purchase under these conditions, leaving the Crown as the only purchaser. In 1883 the Crown purchased Pukeroa for £800, being £500 plus the advances already made on the block.

The Thermal-Springs Districts Act 1881

2.81 In the 1870s, the Crown prioritised the purchase of lands with geothermal resources to ensure they would not pass into private ownership. In 1881, Parliament enacted the Thermal-Springs Districts Act “to provide for the Settlement of the Thermal-Springs Districts of the Colony.” The Crown’s chief concern was to maintain a prime position for itself in the developing tourist trade. Once the Crown proclaimed an area under the Act, the land within that district could only be alienated to the Crown.

2.82 The Crown used the Act to establish monopoly powers over a large area. In 1881, 646,790 acres of the central North Island was proclaimed under the Act. This area included the Rotomahana-Parekarangi and Ruawahia blocks along with portions of the Paeroa East, Rerewhakaitu and Pokohu blocks. The Act remained in force until 1908.

2.83 As the result of an 1881 title investigation and an 1882 rehearing, several hundred Ngāti Rangitihi owners were awarded interests in the northern part of Paeroa East, along with another tribal group. Following the subdivision of Paeroa East in 1883, Ngāti Rangitihi and another iwi were awarded Paeroa East 1A (11,124 acres), and Ngāti Rangitihi were awarded Paeroa East 2A (1,700 acres). Both blocks were covered by a Thermal-Springs District Act proclamation.

2.84 After the titles were awarded in 1883, a Crown official identified a serious defect in them. Paeroa East 1A was awarded to 301 owners, but when the titles were drawn up, 173 Ngāti Rangitihi were left out of the list of owners. They were incorrectly added to the title of the much smaller Paeroa East 2A block. Neither the Court nor the Crown resolved the issue before the Crown commenced its purchases of both titles in 1886.

2.85 In early 1886, the Crown began purchasing undivided individual interests in Paeroa East 1A, as Crown officials advised it contained "a number of wonderful springs and lakes," petroleum springs, and some "very good land." As such, the block was "well worth five shillings per acre."

2.86 Following the 1886 Tarawera eruption, the plight of Ngāti Rangitihi worsened. A land purchase official reported of Paeroa East 1A that "the owners are most anxious to sell as they are badly in want of food." Officials believed that "very favourable terms" could be obtained for purchase if the Crown took advantage of this situation. In 1886 and 1887, the Crown purchased Paeroa East 1A shares from Ngāti Rangitihi and other iwi owners for around 3 shillings an acre and Paeroa East 2A shares for around 4 shillings an acre.

2.87 In early 1887, the Crown made Ngāti Rangitihi aware of defects in the Paeroa East 1A and 2A ownership lists, which caused "a great disturbance" among the owners. They unsuccessfully asked for a halt to Crown purchasing while they petitioned for a rehearing but lacked the resources to challenge the defective titles. In early 1887, the owners and the land purchase official agreed to set aside a share of the proceeds for the many Ngāti Rangitihi owners incorrectly excluded from the title to Paeroa East 1A.

2.88 The Crown disapproved of land purchase payments being paid to anyone who was not on the title. The land purchase official responded that had he not set aside money for owners excluded from the title he would "be a party to defrauding many of the native owners of their just rights, rights which had been denied them through no fault of their own." The Native Land Court made a report to the Crown stating the details were "very difficult to trace." It concluded the matter could only be explained by the Judge involved. No further efforts were made to resolve the defects before the Crown completed its purchases.

2.89 In September 1887, the Crown applied to the Native Land Court to partition out land equivalent to the interests it had purchased in Paeroa East 1A and 2A. The Court awarded the Crown the most valuable part of the land. This included Maungakokomuka papakainga, Maungakakaramea, thermal attractions, and other sites of cultural and

economic significance to Ngāti Rangitihi. They were left with what they described as "a very bad portion of the land which is altogether unfit for a home" and were "living in distress."

2.90 In October 1888, prominent Ngāti Rangitihi leaders protested that, in 1886 and 1887, a Crown official had "coaxed" individual owners into selling their shares. This went against the wishes of leading owners who had been absent from Matatā at the time of the sales.

2.91 In 1888, Ngāti Rangitihi leaders protested that the Court had ordered the partition immediately after Ngāti Rangitihi left the Court to return home. The leaders also protested that many Ngāti Rangitihi owners had been left off the Paeroa East 1A title and objected to the way the Crown had distributed purchase payments.

2.92 In 1888, Ngāti Rangitihi petitioned Parliament about their grievances over the title and purchase of Paeroa East 1A. Neither the Native Affairs Committee nor the Crown inquired into the petition. In 1888 and 1889, Ngāti Rangitihi took up their protests with the Native Minister, without result.

2.93 In the late 1880s, Ngāti Rangitihi at Matatā were "practically landless" and living in a state of destitution, with about 300 people reported to be residing on one plot of seventy acres. By 1890, these conditions prompted some Ngāti Rangitihi land owners to offer their remaining interests in Paeroa East for sale. The land remained subject to the Thermal-Springs Districts Act and could not be sold to any party other than the Crown. By 1895, the Crown had acquired the majority of the remaining Ngāti Rangitihi interests in Paeroa East and applied to the Native Land Court to partition out its interests.

2.94 In 1893, Ngāti Rangitihi offered to sell the Crown the 26,200-acre Rerewhakaitu 1 block for five shillings an acre. Rerewhakaitu was still covered in ash from the Tarawera eruption. The owners wanted to sell the block to raise money for purchasing land at Matatā. Crown officials considered the only reason to purchase the land was "to extinguish the native title." As the Crown refused to pay the asking price, Ngāti Rangitihi eventually accepted a Crown offer of one shilling and sixpence per acre. The Crown purchased 21,275 acres of the block.

Crown Purchase of Lake Tarawera - the Ruawahia block

2.95 On 12 February 1891, the Native Land Court awarded the Ruawahia block to Ngāti Rangitihi. The Ruawahia title described a block of 20,600 acres, including an estimated 6,000 acres of Lake Tarawera. A Crown Land Purchase officer proposed the Crown buy Ruawahia for the "very low" price of 3 shillings an acre, but not to pay anything for the lake area. The Crown considered the bulk of the block to be "practically valueless" but sought to acquire land with frontage to Lake Tarawera and the Tarawera River.

2.96 After receiving legal advice, the Native Land Purchase Department accepted that the Ruawahia purchase price had to cover the lake portion as well as the land. The Department authorised the purchase of the entire block for £2,190, which was equal to three shillings per acre for the estimated 14,600 acres of dry land, but equated to less than two shillings two pence for the entire 20,600 acres. The Department advised the Crown

Land Purchase officer that: "There is no occasion to [seriously?] raise the question of the ownership of the Lake" during purchase negotiations with Ngāti Rangitihi, and to "Let the deed include it in the purchase."

2.97 No evidence has been found that the ownership of the lake was raised during the purchase negotiations between 1897 and 1901. During this time the Crown publicly reported it was paying three shillings per acre for Ruawahia. This was the price for Ruawahia block if the lakebed was excluded. As the Crown purchased 18,341 acres of Ruawahia, including the lakebed, for £1, 752, the actual price was around one shilling eleven pence per acre.

2.98 Ngāti Rangitihi land owners sent a series of letters and petitions to the Crown opposing the sale of the Ruawahia block. The block included the iwi maunga Ruawahia, which before the Tarawera eruption included an important and ancient urupā. In 1897, their rangatira Raureti Mokonuiarangi objected to the purchase on their behalf, saying it was "the only land left us from the time of our forefathers." Ngāti Rangitihi leaders also objected to the Crown negotiating with individual owners rather than dealing with the iwi.

2.99 The Government asked the Surveyor-General if there was "any particular reason" to proceed with the purchase. He responded that "it would not injure the public if it [Ruawahia] remained native land some years longer." The Crown continued purchasing shares in Ruawahia. By 1901, the Crown had purchased an area later calculated to be 18,341 acres, which was included in Ruawahia 1 awarded to the Crown that year. Ruawahia 1 included 5,300 acres of Lake Tarawera, just over half of the lake's total area.

Ngāti Rangitihi Land Loss Through Crown Purchase

2.100 By 1900 the Crown had purchased approximately 169,000 acres of land in which Ngāti Rangitihi were awarded interests. This included land from Kaingaroa 1, Pukeroa, Rerewhakaitu, Ruawahia, Pokohu, Matahina and Paeroa East. These purchases, along with private purchases of about 13,000 acres in Kaingaroa 1A and Paeroa East, resulted in Ngāti Rangitihi being described by a local Crown official as "a wandering landless people."

THE ERUPTION OF MOUNT TARAWERA

2.101 The eruption of Mt Tarawera on 10 June 1886 killed around 110 people, over half of whom were Ngāti Rangitihi. The Ngāti Rangitihi settlements at Tapahoro, Moura and Te Ariki (Waingongongo) were destroyed along with all of their inhabitants. Among the dead was the prominent rangatira Niheta Kaipara. Another rangatira, Huta Tangihia, escaped through the rear wall of his whare at Opakau (between Tarawera and Rotoiti) when it began to collapse under the weight of volcanic debris. Volcanic ash from the eruption covered the Ngāti Rangitihi lands between the Tarawera and Rangitaiki rivers, burying the cultivations and making the land unusable. The survivors of the eruption were forced to leave their homes and move elsewhere. Most relocated to Lot 3 (84 acres), a small area of Ngāti Rangitihi land left on the coast at Matatā. On 16 June 1886, Arama Karaka Mokonuiarangi and 11 other Ngāti Rangitihi rangatira wrote from Matatā to inform the Government of the scale of this "great calamity" and to advise that they had imposed a rāhui on travel to a large area around Tarawera because of the many dead there.

2.102 In June 1886, a Crown official sent an open letter to Māori asking for help for the victims of the eruption. The appeal met with a massive response from Māori across the country, who sent large quantities of food and other relief supplies. The Crown provided around £1200 for assisting Māori refugees, and also helped with the transportation of relief supplies for Māori, but this assistance was ended in September 1886. Beyond this initial contribution, the Crown considered that it could help Māori only by "furnishing employment on public works & purchasing their surplus land." About £1,650 was disbursed to the small number of Pākehā affected by the eruption. The Crown did not pay any compensation for property losses suffered as a result of the eruption.

2.103 From mid-June 1886, the Crown began to discuss the acquisition of Māori land that was now unsuitable for occupation, but that contained commercially-valuable thermal springs. In August 1886, an official wrote of the Crown's intention to "take advantage of [the] present opportunity to acquire for the Crown large Blocks of Land containing Thermal Springs and that are not immediately suitable for Native occupation." This first took the form of an attempt to arrange (with another group) the acquisition of the Rotomahana-Parekarangi block, in which Ngāti Rangitihi had interests. When this failed, the Crown applied pressure on the Native Land Court to hold the long-delayed rehearing of the block as soon as possible, so that it could purchase the land from the legally-recognised owners: the chief judge was informed that "[Native Minister] Ballance considers that a sitting of the Court should be arranged with a view of hearing the matter with the least possible delay." Accordingly, a local Resident Magistrate was appointed as a Native Land Court Judge especially to rehear the title. The hearing was held over many months in 1887. At this time Ngāti Rangitihi were still short of food, and the expense of the court hearing did not help their position.

2.104 Crown purchasing negotiations were also resumed with Ngāti Rangitihi for the Paeroa East blocks in late 1886, after a Crown official reported that the Ngāti Rangitihi owners were "badly in want of food" and willing to sell "to tide [them] over the time of severity." They had become indebted through buying food after their crops were destroyed by the eruption, and were facing court action from their creditors, which had caused them to become "very much grieved." The official suggested that if the Crown did not purchase the Paeroa East blocks from Ngāti Rangitihi it would need to provide for them in other ways, as "they will require to be fed till the new crops come in." In December 1886 the Crown approved funds for purchasing the land, which commenced soon afterwards.

2.105 The Ngāti Rangitihi refugees at Matatā did not receive the same degree of attention or assistance after the disaster as other affected Māori, many of whom had gathered at Ohinemutu. Matatā was further from the site of thermal and volcanic activity than Ohinemutu and had fewer Pākehā residents. As a result, the plight of the Ngāti Rangitihi victims of the disaster was almost forgotten, despite the many written descriptions of their "grievous distress" and the pleas for aid which they sent the Government from June to August 1886. These pleas included a request for land on which they could live and cultivate. Their losses included many tons of stored food, crops, horses, cows, and hundreds of cattle, clothing, tools and utensils, as well as numerous whare, several waka, and a number of taonga "all being buried under the ground." In one request for aid, Ngāti Rangitihi reminded the Crown of the military service they had provided in the past: "because my friend, in days gone by [we] were side by side, that is to say, in the days when we were at war with the Hauhaus, this people always responded to as well as

supported the call of our parents the Government, and they remained faithful under the authority of the Queen." In September 1886, shortly before government aid was officially ended, representatives of Ngāti Rangitihi wrote to a Crown official informing him that they had not received any help from the government and were in a desperate position.

2.106 Early in 1887, this official wrote to the Native Minister expressing concern about the situation of Ngāti Rangitihi and urging the Crown to provide them with land. The group, he explained, was "practically landless" as a result of the eruption: there were around 300 people crowded onto a block of less than 100 acres at Matatā. The official described Ngāti Rangitihi as "particularly industrious and well behaved and [deserving of] the fullest sympathy" and warned that their remaining land would be uncultivable for 20 years.

2.107 In 1887, the official suggested that the Crown acquire for Ngāti Rangitihi a number of military awards adjoining the land Ngāti Rangitihi were currently occupying. The Crown preferred to "allow things to settle down for a little and especially let the [Native Land] Court at Rotorua finish its work" before acting. Later that year the official reminded the Crown he had been authorised after the eruption to tell Ngāti Rangitihi "the Government would make some provision for them, yet, beyond a contribution of about £30, and a donation of seed potatoes, etc, collected by the friendly natives, these most deserving people have received no assistance whatever." He again urged action to allocate land for them lest they "are allowed to become mere nomads cultivating here and there on sufferance." Some of those unable to support themselves and their whānau at Matatā migrated to the harsh and unhealthy conditions of the Hauraki kauri-gum diggings to earn a living. The problem of land for Ngāti Rangitihi was also raised in Parliament by the Member for Eastern Māori, James Carroll, who observed that there were large blocks of unoccupied and unused Crown land in the district that might be given to the victims of the disaster.

2.108 In 1888, the official who had earlier written to the Native Minister forwarded a letter from Ngāti Rangitihi asking the Minister to give them land to occupy. The official noted that the land the group were cultivating at Matatā was worn out, and as a result their crops that year had failed. They planted out a small area of nearby vacant land on the banks of the Rangitaiki River but were obstructed and insulted by other iwi with interests there: "Considering that there is more than 100,000 acres of Crown land now lying idle", he wrote, "it does seem a pity that these poor natives have not a small portion, sufficient to obtain sustenance, without being harassed as they have been the last two years." It does not appear that the Crown took any action, and the situation of Ngāti Rangitihi did not improve for some years.

HAUANI BLOCK

2.109 In 1883, Ngāti Rangitihi had written to the Crown to inform it that the land on which they were living at Matatā was too small for the 200 iwi members there, and propose exchanging land at Kaingaroa for additional land at Matatā. One month after the Tarawera eruption, in July 1886, Petera Mokonuiarangi and "all the remnants" of Ngāti Rangitihi wrote from the Hauraki kauri-gum diggings to ask the Native Minister for land at Tairua on which to live. This request was unsuccessful.

2.110 In January 1887, Ngāti Rangitihi were among Māori who met with Native Minister Ballance at Rotorua to discuss relief. At about this time the long-serving Crown agent entrusted by Ballance with providing this relief identified "suitable" Crown land west of Matatā for Ngāti Rangitihi, known to them as Hauani, and amounting to 2,000 acres. At the same time the Crown engaged with other iwi on similar issues. These actions were the beginnings of a land use discussion that continued for decades.

2.111 In 1908, Ngāti Rangitihi told the Stout Ngata Commission they had "been led to clearly understand that the land was to become our absolute property." The official who first identified the land at Hauani gave evidence to the Commission that "it was the then intention of the Native Minister to grant this reserve absolutely" to Ngāti Rangitihi. However, the Crown never accepted that Ballance had promised to gift Hauani, because other officials were not able to find documentation of the promise.

2.112 After their 1887 meeting with the Crown, Ngāti Rangitihi continued to press the Crown for assistance, as the small amount of land they were cultivating at Matatā was poor land which they reported in 1888 would "grow nothing at all."

2.113 In late 1888, the Crown made Tiepataua, a 100-acre block of land in Matatā, available for temporary cultivation by Ngāti Rangitihi. Ngāti Rangitihi occupied this additional land "for some years", though a Crown official reported that approximately half of the block was covered in undrainable swamp.

2.114 In May 1892, Ngāti Rangitihi again informed the Crown that their land was "insufficient [for] our support", and asked that the 2,000 acres at Hauani be "given to [us] as an act of charity or upon yearly p[ayment]" (or in the te reo original: "me homai e koe kia 2000 [eka] i to aroha, i te utu tau ranei"). The Crown developed plans to reserve the 2,000 acres "for the use of Natives." The Crown then undertook to lease Hauani to them. However, it did not make the necessary arrangements for this, despite Ngāti Rangitihi asking the Crown repeatedly to take action.

2.115 Over 1893 and early 1894, the Crown and Ngāti Rangitihi negotiated over proposed subdivisions for Hauani. In 1893, a Catholic missionary and advocate of Ngāti Rangitihi wrote to the Crown, proposing an exchange of Ngāti Rangitihi land near the eruption site for Hauani, but the Crown did not take up this suggestion. In July 1894, Ngāti Rangitihi wrote to the Crown asking again after Hauani. In November of that year, the iwi told the Native Minister they had collected money to purchase Hauani. In 1896, Ngāti Rangitihi wrote again, reminding the Crown of the matter. In 1899, Premier Seddon referred to Hauani as "land for landless natives," and in 1901 the Crown proposed that the land "be dealt with by the Landless Natives Commission", but no action was taken. Finally, after nine years of Crown inaction, an iwi leader met with the Minister of Lands in October 1901 to urge a resolution. The following month Raureti Mokonuiarangi asked the Minister for the land to be given to them. During this time Ngāti Rangitihi suffered great distress. The missionary wrote in 1894 that they were "starving" and warned the Crown that each week of delay damaged Ngāti Rangitihi's ability to prepare their crops.

2.116 By July 1902, the Crown had finally made progress, and subdivided Hauani into five sections, each of which Ngāti Rangitihi allotted to one of five hapū, an additional two papakainga reserves, a ten-acre school site, and a cemetery reserve of just over 1 acre.

Ngāti Rangitihi "carefully selected" names of 292 members to represent hapū on each subdivision. The official who facilitated these developments urged them to put the land to "good use", saying it "was not given for a 'hunting ground'… but to be cultivated and improved" so that Ngāti Rangitihi might no longer be called landless.

2.117 It was intended that Ngāti Rangitihi would use the land for cultivation, rather than be restricted to grazing. Crown officials settled in 1903 on grazing licenses, with a token one-shilling payment, commencing on 1 March 1904, although the leases were not arranged until November 1904. The leases were for a three-year term only, with Ngāti Rangitihi required to show themselves "bona-fide occupiers" in order to renew them. Neither did the leases offer any compensation for improvements, which offered Ngāti Rangitihi no security of tenure. In 1905 another government department sent a rent demand for £40. Ngāti Rangitihi protested, alarmed at both the rental amount and the implication the land would be "treated similar to land leased to Pakeha."

2.118 Crown officials then realised that they had sent the rent demand in error, and the Crown had not intended that any rent should actually be charged. All this, one official wrote, had "evidently escaped the notice" of the department responsible for sending the rent demand. However, it is not evident that, even after it realised its mistake, the Crown ever communicated to Ngāti Rangitihi that the rent demands and licensing conditions would not be enforced. In 1908, Ngāti Rangitihi told the Stout-Ngata Commission that despite the small amount of other land available to them being "totally inadequate to provide us with food", they had "only continued to use the [Hauani] reserve in a half-hearted manner" as they were "unable to comply with this [rental] demand."

2.119 In 1907, Ngāti Rangitihi proposed an exchange of land, as the missionary had suggested years earlier. They were weary of the uncertainty of their tenure and its conditions, and of protracted negotiations over the land at Hauani "which was given to the Ngati Rangitihi tribe" [or in te reo: "kua whakaritea mo te hapu o Ngatirangitihi"]. They sought to minimise the disruption for their members living there and asked the Crown to give Hauani to them outright, in exchange for some of their land nearer the site of the 1886 eruption.

2.120 In 1908, a Ngāti Rangitihi submission to the Stout-Ngata Native Land Commission indicated a revised offer: a portion of the 6,870-acre Pokohu A Block, near the eruption site, in exchange for the freehold of Hauani and Tiepatua; and the remainder of Pokohu A sold to the Crown to fund improvements on Hauani. The Commission recommended this "generous proposal" to the Crown. However, the Crown considered the Pokohu A block, which was covered in deep volcanic ash, not valuable enough to accept the exchange. It did not obtain a Government valuation of Pokohu or Hauani before rejecting the proposal. The iwi had only reluctantly offered to purchase the freehold of Hauani in this way because their leasehold tenure was "unsatisfactory."

2.121 As noted previously, in their submission, Ngāti Rangitihi told the Commission they had been led to believe Hauani was to be "our absolute property" and they understood "the reserve was a free gift to them." An official involved in the matter in 1887 also gave evidence to the Commission that the former Native Minister had then intended to "grant this reserve absolutely" to them. Shortly afterwards in March 1909, Ngāti Rangitihi met with the Waiariki Maori Land Board and recalled that as a result of their meeting with the Native Minister in 1887, he had promised Hauani "should be granted to them as an

absolute gift." Crown officials considered the matter depended on this, but could find no documentation of a promise in their file. However, the Land Board had advised that as Ngāti Rangitihi were landless they, like other landless Maori, "should be provided for" in any case.

2.122 By 1910, an agreement was reached that the entire 6,870 acres of Pokohu A be exchanged for the freehold of Hauani and Tiepataua. The Crown now considered the exchange worth its while, as Hauani was already reserved for Māori and the ash-covered Pokohu block would in time become much more valuable. The exchange was submitted to the Minister of Lands for approval in September 1910, and a certificate of title finally issued on 7 April 1916 in the names of those owners of Pokohu A who were willing to sell.

2.123 Even then, omissions in the Hauani title troubled Ngāti Rangitihi. In 1924, it was discovered that the title for Hauani had excluded 96 acres, and the certificate of title issued for Hauani in 1916 had been for the five main subdivisions of the block only. The school site, urupā and papakāinga reserves 1 and 2 had been excluded from the title. The school site and papakāinga reserve No. 1, at the north-western corner of Hauani, had been leased for years. Part of papakāinga reserve No. 2, at the mouth of the Pikowai stream, had been permanently reserved for a roadman's cottage and vested in the Whakatane County Council. Some "small portions" along the front of the section had also been taken for the East Coast railway.

2.124 In 1925, the Crown promoted legislation which added 49 of the excluded 96 acres to the Hauani title, bringing the block to just over 1,953 acres. However it was not prepared to grant to Ngāti Rangitihi the remaining 47 acres which had been leased, vested or taken. In 1928, there was a further dispute around fencing the boundary between Hauani and Crown land. Ngāti Rangitihi wrote that a Crown official had promised during the Hauani negotiations to provide fencing materials, but the Crown had not done so. Raureti Mokonuiarangi pleaded that "all the giving had been from their side and it is now for the Government to make them some concession."

2.125 The majority of the final Hauani block partitions remain Māori land today.

PUBLIC WORKS

2.126 In the nineteenth century, Ngāti Rangitihi were keen to benefit from tourism in their inland rohe, but the Crown did not agree to their requests to build or improve road infrastructure. In 1862, they sought the assistance of the Governor in opening up a line of road around Lake Tarawera, from Tapahoro to Te Wairoa. That road was not built. Later, when they met with the Native Minister in 1885, Ngāti Rangitihi asked him to improve the existing Haehaenga road between Tarawera and Matatā. They envisaged developing a township and tourist trade between Tapahoro (at the outlet of Lake Tarawera) and the geothermal attractions on their lands at Rotomahana. The road was not improved before the 1886 Tarawera eruption destroyed Tapahoro and many of the geothermal attractions.

2.127 After the eruption, when the Crown saw an opportunity to take ownership of the remaining geothermal attractions, it did move to take land for roads. In November 1886, the Crown took 47 acres of land from the Ngāti Rangitihi land in Paeroa East 1A in order to form a

road to the geothermal attractions in the vicinity of Maungakakaramea, which the Crown intended to include in any award of the undefined interests it was then acquiring in Paeroa East block. The use of a Governor's warrant to take the land before the road was formed was unusual within the Ngāti Rangitihi rohe, but occurred here after the Crown's efforts to form the road before taking the land were obstructed by the Māori owners during the disputed purchase of the block.

2.128 Since the 1880s, the Crown has compulsorily taken at least 950 acres of Ngāti Rangitihi lands for a range of public purposes. The Crown took most of this land after 1900, by which time the iwi were already virtually landless. Prior to the middle of the twentieth century, the Crown seldom consulted Ngāti Rangitihi about takings under Public Works legislation.

2.129 A major taking was of the Te Ariki isthmus. The Waimangu "round trip", established by the Crown in 1902, required tourists to be transported across the isthmus, which lay between the Rotomahana and Tarawera lakes. About two-thirds of the land concerned was owned by Ngāti Rangitihi, having been partitioned from the Rotomahana-Parekarangi block in 1887. Most of the remainder belonged to another iwi. The tourist venture was a major commercial success for the Department of Tourism and Health Resorts. No evidence has been located indicating that Māori were consulted before the trip was established.

2.130 From at least 1904, the Crown sought to gain a monopoly over the Waimangu tourist venture, with officials expressing concern about the possibility of similar, private ventures being set up in the area. The Superintendent for the Department of Tourist and Health Resorts wrote to his Minister pointing out that as Māori held interests in the area, private operators could not be prosecuted by the Commissioner of Crown Lands. He suggested that the best way of getting over the difficulty would be for the land to be gazetted under the Land Act as a reserve for "internal communication."

2.131 In September 1904, the Chief Surveyor noted that the Te Ariki land would have to be taken under the Public Works Act as the Land Act could not be applied to landing places. In May 1906, the Acting Minister decided that in order to "complete the arrangements in connection with the Round Trip" a strip of land about a chain wide should be taken under the Public Works Act. Such a taking, however, would only have required about 5 acres of land.

2.132 In 1908, after a number of surveying delays, the Crown declared 100 acres of the Rotomahana-Parekarangi block, including most of the Te Ariki isthmus, to be vested in the Crown under the Public Works Act, of which 73 acres was taken from the land owned by Ngāti Rangitihi. The purpose of the Crown's acquisition of the land was described as "internal communications." No evidence has been sighted showing that the Crown attempted to consult the Māori owners of the land before the taking was carried out. For their interests in the isthmus, Ngāti Rangitihi received only £35 3s in compensation.

2.133 In 1911, the Crown also took the last of Ngāti Rangitihi land in the Paeroa East Block, an area of 727 acres in the Paeroa East 1A East 2 and 2A2B blocks, under the Public Works Act. The land was taken for a forestry plantation, apparently a commercial enterprise. The

total compensation paid to Ngāti Rangitihi for the land was around £270. The full amount of compensation was not received by Ngāti Rangitihi until 1935.

2.134 The total area taken for public works includes at least 150 acres for roads, including several dozen takings during the twentieth century from the small holdings Ngāti Rangitihi retained in Matatā township and from the Hauani and Tiepataua land they had acquired through land exchanges after 1900. Between 1886 and 1927, native land legislation provided that the Crown could take up to five percent of any Māori land block within 15 years of title being awarded without having to pay compensation for these takings. This was three times longer than under a similar rule applying to general land. This "five percent rule" was not removed from Māori land titles until 1927.

2.135 In 1929, Ngāti Rangitihi did not seek compensation for two acres of land taken from their papakāinga reserve at Hauani for road and railway purposes and instead gave this land to the Crown. This was in the expectation of a reciprocal gesture from the Crown to provide fencing materials for part of the Hauani land, but the Crown did not share this understanding of Ngāti Rangitihi waiving their right to compensation.

ENVIRONMENTAL ISSUES AND NATURAL RESOURCES

Drainage of the Rangitaiki Swamp and the Impact on Te Awa o Te Atua

2.136 Until the early twentieth century the coastal plains between the Whakatāne River to the east and the Tarawera River to the west were covered by the Rangitaiki Swamp, encompassing an area of about 80,000 acres (about 32,000 hectares). The main water supply for the Rangitaiki Swamp was the Rangitaiki River. The combined waters of the Rangitaiki, Tarawera and Awaiti rivers joined near the coast in a body called Te Awa o te Atua, which formed a lagoon behind the coastal sand dunes.

2.137 For Ngāti Rangitihi and other Māori living in the vicinity of Matatā, the Rangitaiki Swamp and Te Awa o Te Atua were rich sources of food, as habitat for fish, including tuna (eels), and waterfowl. The lagoon was a source of shellfish, while the swamp had abundant resources of raupō and harakeke. The waterways within the swamp provided a means of travel, and it was also used as a place of refuge in times of conflict.

2.138 Following the Crown's confiscation in 1866, about half of the area of the Rangitaiki Swamp became Crown land. Around 30,000 acres of the swamp was returned to Māori groups by the Compensation Court. This included the 300 acres of land at Omeheu (Lot 73, Parish of Matata) awarded to Arama Karaka Mokonuiarangi.

2.139 Local drainage boards made unsuccessful attempts to drain the swamp in the years from 1894 to 1910. At this point the Crown stepped in, passing the Rangitaiki Land Drainage Act 1910, which gave the Minister of Lands responsibility for draining the Rangitaiki Swamp.

2.140 In 1910, the Lands Department and its contractors took over the job of draining the Rangitaiki Swamp. In 1913, the course of the Rangitaiki River was rerouted to flow directly into the Bay of Plenty at Thornton. The course of the Tarawera River was rerouted in 1917

to flow into the sea near Matatā. This is now commonly known as the Tarawera cut. This meant the river waters no longer mixed and flowed through Te Awa o Te Atua, which became cut off from the rivers.

2.141 Ngāti Rangitihi consider that the draining of the Rangitaiki swamp led to the neglect of two of their urupā: Oniao and Otaramuturangi. The Tarawera cut caused the erosion of the sand dune where the two urupā were located. This exposed ancestral remains, causing the spiritual and physical degradation of these sites.

2.142 Following the rerouting of the Tarawera and Rangitaiki rivers, the shellfish and eel populations of Te Awa o Te Atua were severely reduced. The Crown's draining of the Rangitaiki Swamp deprived Ngāti Rangitihi and other Māori groups of access to the swamp's many natural resources that they had formerly utilised. The swamp drainage created some employment for those Ngāti Rangitihi and other Māori who worked on the drainage scheme and on the farms developed on the swamp site.

2.143 The Te Awa o Te Atua lagoon was further degraded in the period from the 1950s onwards through pulp and paper pollution from the mills at Kawerau. The pollution entered Te Awa o Te Atua after being carried down the Tarawera River and was lodged in the sediment of the lagoon. Ngāti Rangitihi consider the degradation of Te Awa o Te Atua has diminished the environmental and cultural mauri of the lagoon.

The Tasman Pulp & Paper Mill and the Pollution of the Tarawera River

2.144 The Tarawera River is central to the history and whakapapa of Ngāti Rangitihi. The iwi liken the river to an ancestor, who embodies the mana of the iwi. Some Ngāti Rangitihi describe Lake Tarawera as the head, the river itself as the body, the tributaries the limbs, and the outlet, Te Awa o Te Atua, acting as the anchor. Others see Te Awa o Te Atua as the head. Ngāti Rangitihi see the river as having its own mauri or lifeforce. The river was an important source of drinking water and food, particularly tuna (eels), as well as a means of travel and trade for Ngāti Rangitihi for many years prior to the arrival of Pākehā.

2.145 In the 1940s, the Crown began planning the development of a large-scale integrated sawmill and pulp and paper mill. With this in mind, in 1952 the Tasman Pulp and Paper Company was registered as an incorporated company to manufacture pulp for newsprint from the Kaingaroa forests. The Crown was majority shareholder in the company from 1954-56, then a major shareholder in the company from 1956 until 1979.

2.146 The mill was built between 1953 to 1954 on the eastern bank of the Tarawera River over the Kawerau geothermal field. The Crown chose the site for its proximity to the Kaingaroa forests, its water supply from the Tarawera River and for the geothermal resources to provide steam and electricity for the mill.

2.147 In 1954, the Crown passed the Tasman Pulp and Paper Company Enabling Act, freeing Tasman from the constraints of all other water pollution regulations. The Act allowed Tasman to dispose of waste in local rivers and lakes.

2.148 The Act stipulated that the company had to comply with any waste discharge conditions imposed by the Pollution Advisory Council (PAC), established under the Waters Pollution Act 1953.

2.149 The waste discharged from the Tasman mill included high levels of arsenic, phenols, organoclorines, sulphides, dioxins and partly-pulped wood fibre. By 1962, the PAC was reporting that the discharges were having a negative impact on the Tarawera River. In the mid-1960s, monthly analyses revealed the Tasman mill was grossly exceeding waste discharge conditions, but the PAC decided not to take legal action.

2.150 In 1969, the PAC endorsed the company's proposals to dump waste in Lake Rotoitipaku and surrounding lands, with Tasman commencing dumping in 1971. Lake Rotoitipaku subsequently became a heavily polluted sludge lagoon.

2.151 During the 1970s and early 1980s, Tasman continued discharging waste into the Tarawera River at levels that exceeded pollution limits imposed by the Crown through the PAC. The river from Kawerau to the sea was discoloured by industrial effluent. The Water Resources Council (WRC), the successor to the PAC, raised concerns with the company. The WRC did not, however, impose penalties for its breaches.

2.152 In 1974, the Anti-Pollution Committee, a group of Kawerau construction workers, sent a petition to the Minister for the Environment urging the Crown to introduce legislation to protect the Tarawera River from pollution. The petition led to an investigation by Ministry of Works officials, but no further action was taken.

2.153 In 1982, the Wildlife Service raised concerns over the impacts of pollution on the Tarawera River. The Secretary of Internal Affairs responded by calling for a repeal of the Enabling Act and a major reduction in trade waste discharge. The Minister of Works and Development opposed any changes to the Enabling Act.

2.154 With the introduction of the Resource Management Act in 1991, Environment Bay of Plenty (the Bay of Plenty Regional Council) became responsible for overseeing discharges into the Tarawera River. Ngāti Rangitihi and others continued to state their concerns over the condition of the Tarawera River. In the early 1990s the river remained discoloured by pollution and was referred to by local residents as the "Black Drain."

Geothermal Resources

2.155 Ngāti Rangitihi were among the iwi who historically claimed interests in the geothermal resources on the west bank of the Tarawera River. In the Kawerau area, Ngāti Rangitihi identified the Onepu Springs as of importance for therapeutic bathing, cooking and for the Tohi rite for new-born babies.

2.156 In 1951, a Crown agency, the Department of Scientific and Industrial Research (DSIR), began exploratory drilling for geothermal energy at Kawerau. Soon afterwards, in 1952, the Ministry of Works started drilling for production at Kawerau. The wells were drilled with the intention of providing electricity and steam for the Tasman pulp and paper mill. Due to cold water inflows, the steam production in the early wells declined rapidly.

2.157 In 1953, Parliament enacted the Geothermal Energy Act, which gave the Crown the sole right to regulate geothermal energy resources. The Crown did not consult or ask for consent from Ngāti Rangitihi and other Māori groups when it enacted this law.

2.158 In 1957, Kawerau became the first geothermal production field in New Zealand. In the late 1950s, four of the wells were deepened due to a decline in steam production. In March 1979, the Crown purchased those geothermal assets owned by the Tasman Pulp and Paper Co. Ltd and entered into an agreement to supply Tasman's geothermal steam requirements. The Crown had an active drilling programme through into the 1980s. The tapping of the geothermal resource has caused some subsidence in the Kawerau area. Ngāti Rangitihi maintain that the Kawerau geothermal drilling has reduced the quality of the Onepu Springs.

NGĀTI RANGITIHI MILITARY AND WARTIME SERVICE

2.159 Ngāti Rangitihi served in military forces that supported the Crown during the New Zealand Wars, with Arama Karaka Mokonuiarangi, Niheta Kaipara, Mikaere Te Kati and Huta Tangihia among Ngāti Rangitihi who received the New Zealand War Medal.

2.160 Members of Ngāti Rangitihi also served in the Armed Constabulary in the 1880s. In 1881, the iwi wrote to the Crown objecting to the length of time "their children" serving in the Armed Constabulary had been out of the district and requesting that those serving on the West Coast be returned to serve on the East Coast.

2.161 The Ngāti Rangitihi record of Government military service continued in the twentieth century. In the decade prior to World War One the Matata Mounted Rifle Volunteers was formed with a total of 57 recruits, though by February 1906 this figure had risen to 68. The majority of troopers in the corps were Māori, including members of Ngāti Rangitihi.

2.162 The Matatā war memorial located at the entrance to Rangitihi Marae records the considerable sacrifice of Ngāti Rangitihi during both world wars. It lists 14 men who lost their lives during World War One and 12 men who died during World War Two.

2.163 Among those with Ngāti Rangitihi connections who were either killed in action or died of wounds during World War One were Autini Pitara Kaipara (see figure 2), who enlisted in the Maori Contingent soon after the outbreak of war in 1914, and Private Manu Tuki (see figure 3). Kaipara, whose brother Hori also served during the war, was invalided back to New Zealand in April 1916 but returned to duty in December 1916 and was killed in action in France in 1917.

2.164 Disease also took a heavy toll on some men with Ngāti Rangitihi whakapapa who served in World War One. Private John Savage (see figure 4), Private Charles Savage and Daniel Savage all died of tuberculosis contracted while on active service, and Private George Huriwaka died of pneumonia while serving overseas.

2.165 Men with Ngāti Rangitihi connections also served in the armed forces during World War Two. These included Lieutenant Aubrey Rota (see figure 5), Private David Vercamer (see figure 6) and Private William Perenara (see figure 7), all of whom served in the 28th (Maori) Battalion and were killed in action.

2.166 All soldiers with Ngāti Rangitihi whakapapa who were either killed in action or succumbed to disease while serving overseas during World War One and World War Two were buried in the countries where they died including England, France, Belgium, Italy, Egypt and Libya. This has made it difficult for whānau to visit their graves.

2.167 Ngāti Rangitihi contributions to the war effort extended beyond military service. When the first exclusively Māori women's section of the Red Cross, the Te Arawa Maori Women's branch, was established in Matatā shortly after the outbreak of war in 1939 it included Nurse Elizabeth Raureti Mokonuiarangi and Heni Savage, who were both Ngāti Rangitihi. Māori Home Guard training camps were also established at Matatā in 1943.

Figure 2: Lieutenant Autini Pitara Kaipara

Source: Auckland War Memorial Museum

Figure 3: Private Manu Tuki

Source: Auckland War Memorial Museum

Figure 4: Private John Savage

Source: Auckland War Memorial Museum

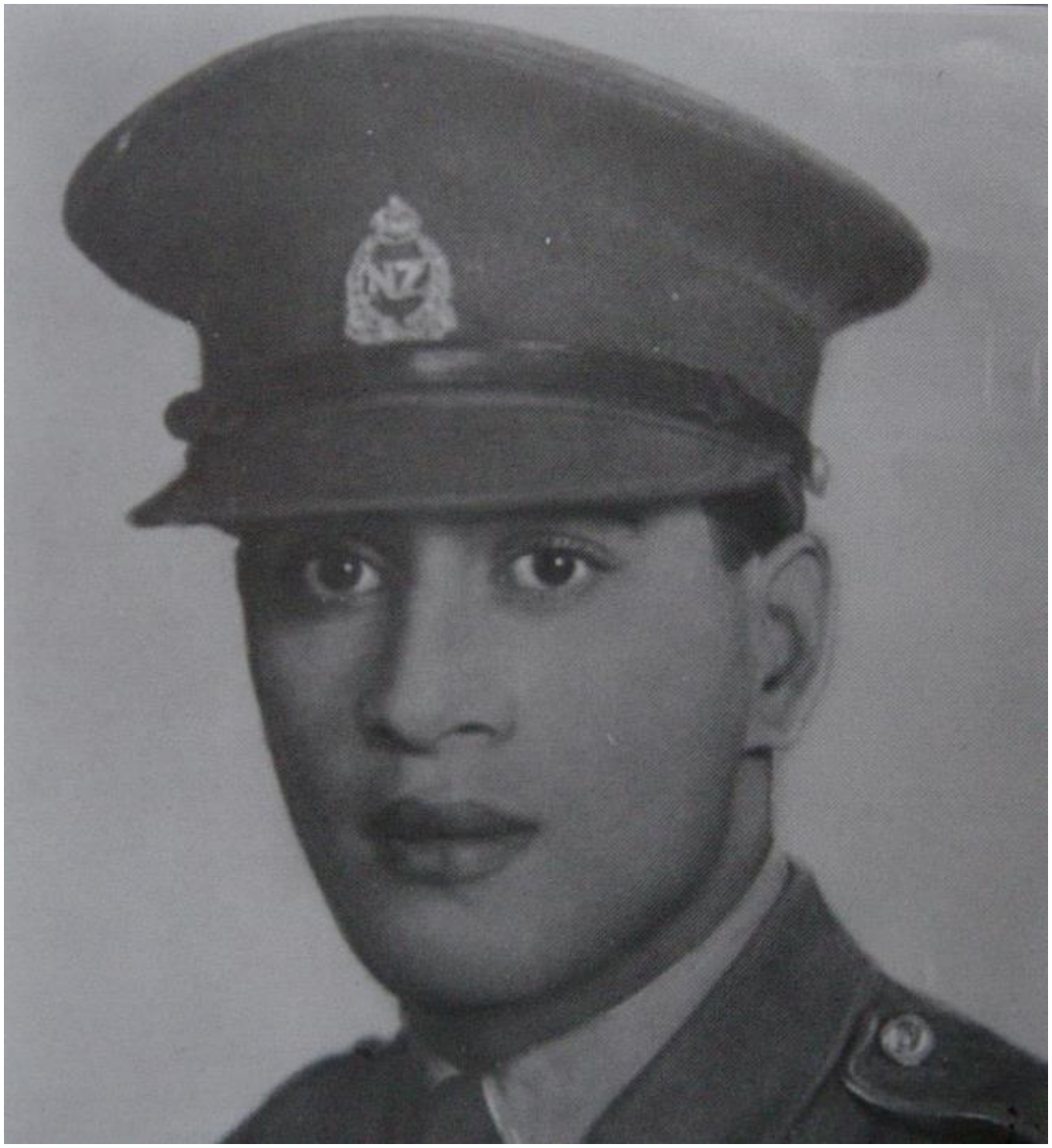

Figure 5: Lieutenant Aubrey Rota

Source: Official 28th Māori Battalion Website

Figure 6: Private David Vercamer

Source: Auckland War Memorial Museum

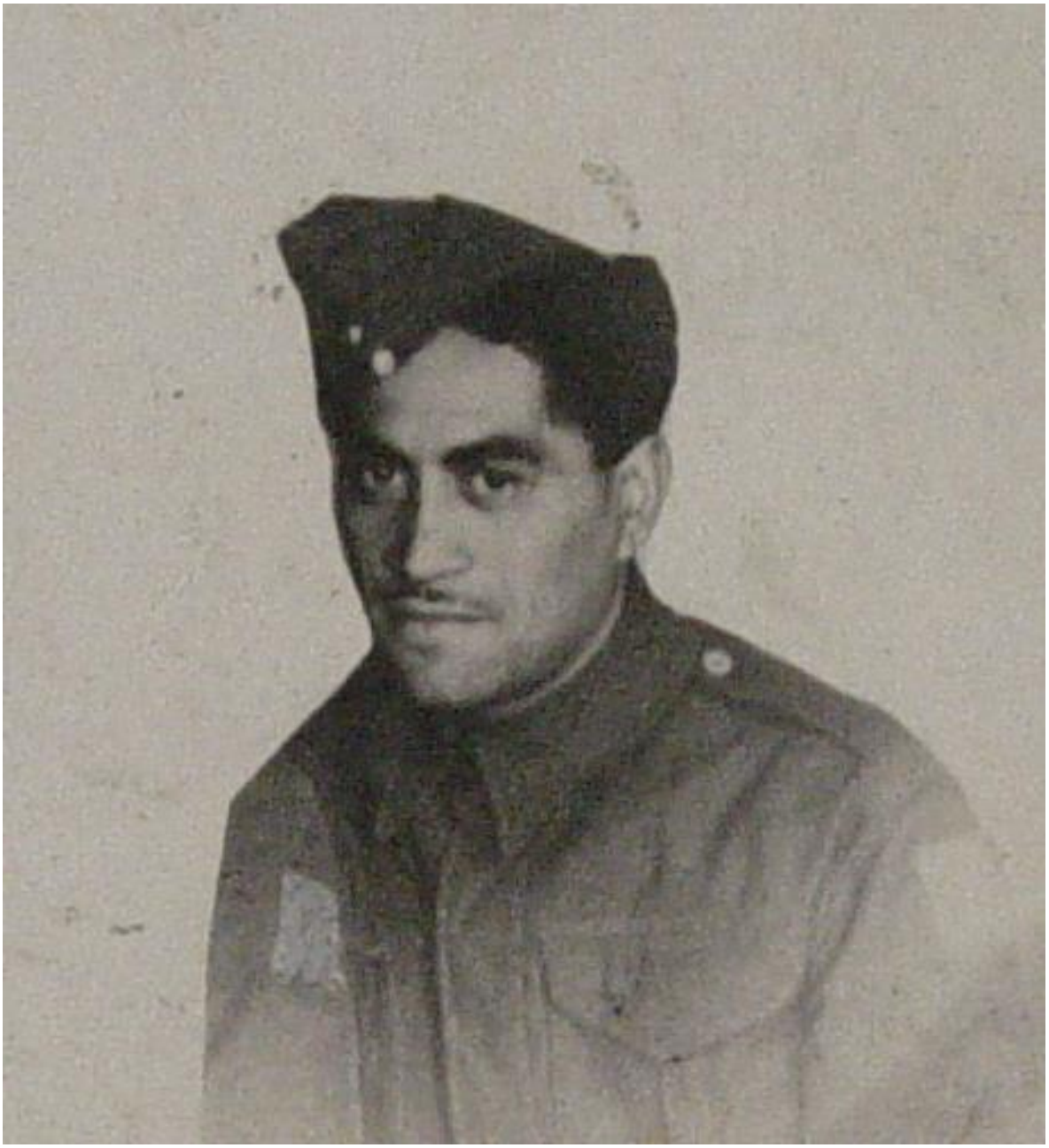

Figure 7: Private William Perenara

Source: Official 28th Māori Battalion Website

SOCIO-ECONOMIC ISSUES

2.168 At the end of the nineteenth century, Māori at Matatā faced a number of economic challenges. These challenges were made more difficult by the alienation of Ngāti Rangitihi lands that had resulted from Crown purchasing.

2.169 By the start of the twentieth century, Ngāti Rangitihi were virtually landless. Much of the small area of land they retained was low quality land on the slopes of Mt Tarawera. The virtual landlessness of Ngāti Rangitihi had a devastating impact on the iwi's social and economic development and cultural hauora.

2.170 During the late 1800s, the flax industry provided employment for many Māori in the Matatā region. Nonetheless, in 1892, twenty members of Ngāti Rangitihi formed the "Matata Union Workers" in response to the difficulties Ngāti Rangitihi were experiencing in finding suitable employment. A member of the group indicated that "For the last twenty years we the people of [Ngāti Rangitihi] tribe have been trying to find some sort of work that we could do to better ourselves, and we have completely failed to find suitable work." In 1889, a resident magistrate noted the situation facing some Māori at Matatā; "I do not know what some of these people would do for food if it were not for the immense quantities of eels that are caught in the swamps." In 1893, a Catholic missionary described Māori at Matatā as "very miserable" and said they would starve unless they were able to lease government land.

2.171 In 1896, a Matatā Justice of the Peace wrote to the Government drawing attention to the impoverished condition of Māori at Matatā. He said they were "nearly starving" and had asked him to help them secure road work "so that they may earn money to provide food for themselves and children." The Rotorua Road Surveyor agreed to provide work for 10 Māori from Matatā and 10 from Te Teko "for a short time" as there were "no funds to keep them going long." In 1898, Raureti Mokonuiarangi and 12 other Ngāti Rangitihi representatives at Matatā petitioned the Prime Minister and Native Minister, Richard Seddon, and the member representing the Native race, James Carroll, about the "distress" of their people due to a "want of food." After investigating the situation, a Crown official concluded that Ngāti Rangitihi were not in need and advised that "no funds" were available.

2.172 From 1867, the Crown undertook to establish and maintain schools specifically for Māori and to provide instruction in English. Ngāti Rangitihi were keen to provide for the education of their children and by 1872 had made land available for a school at Matatā. It was initially praised by Government school inspectors as "the best in the district" for its high attendance and academic success.

2.173 However, Ngāti Rangitihi faced a number of challenges in providing education for their children. In 1872, a resident magistrate drew attention to the "scarcity of food" among Māori children at the school. In 1876, nearly all the children on the school roll were absent due to illness when the district inspector visited. It was closed for a quarter of the 1878 school year when the classroom was used by the Native Land Court as its venue.

2.174 From the 1890s, despite their economic circumstances and a "prevalence of epidemics", Ngāti Rangitihi also supported a Catholic school at Matatā. In 1902 the Inspector-General of Schools highlighted issues with Māori education in the Matatā region when he reported

that student attendance at the Matata Native School was irregular and the school's academic results were "poor." The Inspector-General added that "in the midst of very disheartening circumstances it could hardly be otherwise."

2.175 The Crown saw these schools in part as a means of assimilating Māori into Pākehā culture. Ngāti Rangitihi elders recall being punished for using te reo Māori at school.

2.176 Ngāti Rangitihi also faced severe challenges in relation to health and housing. Their poverty and poor living conditions at Matatā contributed to fatal outbreaks of typhoid in the late nineteenth and early twentieth centuries. In 1897, the Crown paid a Tauranga doctor to travel to Matatā and help Māori there. It also supplied £5 to the Justice of the Peace to purchase food for the ill, but indicated "this is final." The Justice of the Peace had previously presented "vouchers" for money expended on food, medicine and "coffin furniture" for Māori. In 1898, the Justice of the Peace wrote of the fatal outbreak of typhoid at Matatā, and requested the Government provide £3 for medicines and sought permission to purchase £6 of food as it was "wanted badly." Raureti Mokonuiarangi fell ill in this outbreak but survived.

2.177 In a 1907 report on Māori health and living standards in the Bay of Plenty published in the Appendix to the Journals of the House of Representatives, Ngāti Rangitihi rangatira, Chairman of the Arawa Council, and Sanitary Inspector Raureti Mokonuiarangi noted that there were "many houses that ought to be burned, and some that ought to be renewed at Matata" and other locations in the region. Discussing sanitary improvements in the report, Mokonuiarangi told Maori Health Officer Maui Pomare that "We cannot do much without subsidies from the Government." However, the Crown did not increase its limited general subsidies for Māori Councils and by 1910 had significantly reduced them.

2.178 The 1918 influenza epidemic added to the difficulties Ngāti Rangitihi faced. A number of Ngāti Rangitihi died during the epidemic, including Pita Tairua, who had been invalided back to New Zealand from England in 1917 while serving in the military. A regional newspaper reported that "at Matata the situation is not too good, there being several serious cases" and noted that apart from those selected to purchase supplies, Māori were reportedly prohibited from entering the township during the epidemic. The youngest and oldest sons of Raureti Mokonuiarangi died of the disease at Matatā on the same day. Ngāti Rangitihi oral tradition recounts that the situation was made worse because their people believed the authorities had instructed them not to drink water during the epidemic.

2.179 The ongoing impact of the epidemic on Māori at Matatā was highlighted by a police constable in 1919, who reported that the dependents of Matatā Māori who had died of influenza were in "poor circumstances" and had "nothing to live on beyond what they collect in rents which is very little." Typhoid was once again an issue in the Bay of Plenty in 1919, when an outbreak in the Whakatāne region affected eight Māori at Ohinepanea near Matatā and led to the postponement of peace celebrations.

2.180 The influenza epidemic also had enduring social and economic effects on Māori at Matatā. As late as 1926, the headmaster of Matata Native School reported that an elderly Māori couple was caring for four of their grandchildren, two of whom had been orphaned after their parents died during the influenza epidemic.

2.181 The depression of the 1930s deeply affected Ngāti Rangitihi. By the 1930s, the flax industry that had provided employment for many Matatā Māori was "threatened with extinction." In 1931, the Department of Agriculture described the situation as "disastrous", with export prices for flax lower than production costs and the majority of the flax mills suspending operations for the year. The Department noted that despite the award rate for wages in the flax industry being reduced by 33 percent, it was impossible for mills to operate at a profit.

2.182 In 1934, when the Crown announced it would remove Māori from the Labour Department's unemployment register, a Whakatane County Council member claimed the move would adversely affect Māori at Matatā as they had not planted sufficient extra crops to sustain themselves and "the 30 or 40" unemployed Māori at Matatā "would be without means of support." In 1938 Matata Flax Ltd went into voluntary liquidation, with the liquidator selling the company's assets.

2.183 Poor housing continued to afflict Ngāti Rangitihi in the mid-twentieth century with the Government expressing concern about overcrowding in Māori dwellings, and its effect on Māori health and education. A Ngāti Rangitihi kuia recalls being "very poor" while raising her children in the 1930s and 1940s, when her family lived in a one-room bach in Matatā. A Ngāti Rangitihi kaumatua also recalls that when he arrived in Matatā in 1949 members of Ngāti Rangitihi were living in "old shacks." He remembers being told that tuberculosis was a common ailment among Māori at Matatā, with some houses having "isolation sheds" for family members afflicted by the disease.

2.184 Ngāti Rangitihi continue to face socio-economic challenges and are, on average, poorer, less qualified, more likely to be unemployed, and less likely to own their own home than Pākehā New Zealanders. Of people who affiliated with Ngāti Rangitihi in the 2013 census, the median income was $25,100 per annum, while 36.6 percent either owned or partly owned the home they lived in. This compared with a median income of $28,500 and 64.8 percent of households that owned their own home for the total population of New Zealand. At 15 percent, the unemployment rate among Ngāti Rangitihi was more than twice the rate for other New Zealanders in the 2013 census. The unemployment rate among Ngāti Rangitihi youth (aged 15 to 24 years) was 37 percent. More Ngāti Rangitihi live in one-parent households (28 percent) compared to other New Zealanders (18 percent).

2.185 In 2013, 15 percent of Ngāti Rangitihi held a bachelor's degree or higher, compared to 20 percent of other New Zealanders. Most Ngāti Rangitihi have had to migrate out of their traditional rohe to find better opportunities for employment, housing, and education. More than half of Ngāti Rangitihi live in the main urban areas and 86 percent of Ngāti Rangitihi school pupils live outside their rohe. This weakening of connection to their customary lands, combined with poor access to te reo Māori in schools, has led to a decline in the ability among Ngāti Rangitihi to speak and understand te reo Māori and sustain tikanga and customary knowledge. In 2013, about one-quarter of Ngāti Rangitihi had a basic understanding of te reo Māori, but only nine percent were fluent speakers, while 45 percent knew only a few words of Māori.

3 NGĀ WHAKAAETANGA ME TE WHAKAPĀHA | ACKNOWLEDGEMENTS AND APOLOGY

NGĀ WHAKAAETANGA

Te tautoko a Ngāti Rangitihi ki te kauhanga o te riri

3.1 E whakaae ana te Karauna kua whakatutuki a Ngāti Rangitihi i ōna herenga hei hoa Tiriti, ā, inā hoki e mihi ana ki a rātou mō rātou i tautoko ki te kauhanga o te riri i ngā tōpito huhua o te ao.

Ngā Ture Whenua Māori – te pānga o te whakatakitahitanga o te taitara ki ngā hanganga ā-iwi

3.2 Ka whakaae te Karauna –

3.2.1 Kāore a Ngāti Rangitihi i akoakona e pā ana ki te whakaurunga o ngā ture whenua Māori; ā

3.2.2 ka utaina pea ki runga i a Ngāti Rangitihi he taumahatanga rukiruki e ngā utu mō te haere ki ngā whakawānga Kōti Whenua Māori; ā

3.2.3 nā runga i ngā hinonga me ngā pānga o ngā ture whenua Māori, inā rā ko te tukunga o te whenua ki te tangata takitahi, kaua ki te iwi rānei, te hapū rānei, i mōrearea ai a Ngāti Rangitihi kei whakawehea, kei wāwāhia, kei whakawāteatia rānei te whenua. Nā konei i ngahoro ai ngā hanganga o ngā hapū o Ngāti Rangitihi, he hanganga i takea mai i te kaitiakitanga a te iwi i te whenua. E whakaae ana te Karauna kāore i tutuki i a ia ētahi hinonga hei tiaki i ngā hanganga ā-iwi o Ngāti Rangitihi, ā, he wāwāhitanga hoki tērā i te Tiriti o Waitangi me ōna mātāpono.

Ngā Ture Whenua Māori – ngā utu rūritanga taumaha

3.3 E whakaae ana te Karauna he taumaha ngā utu rūritanga nui mō Ngāti Rangitihi. Inā hoki e whakaae ana te Karauna kāore ia i āta tiaki i a Ngāti Rangitihi i tana whakawhitinga o ētahi whenua nui whakaharahara ki te Karauna kia ea ai ngā utu rūritanga mō te poraka o Matahina D, ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

Te rīhi me te hoko a te Karauna i ngā poraka whenua o Ngāti Rangitihi

3.4 E whakaae ana te Karauna ko te huinga o ngā pānga o –

3.4.1 tana whakamahinga i ngā utunga tōmua, i ngā whakaaetanga rīhi hoki i mua i te whakataunga a te Kōti Whenua Māori i te take o te mana whenua; ā

3.4.2 te tārewatanga o te Kōti Whenua Māori i runga i te rahinga o Te Ika Tapu a Māui, i waenga i te tau 1873 me te tau 1877, ā, me tana kore noa e whakaae ki te whakautu rēneti mō te whenua i mua i te whakataunga o te mana whenua; ā

3.4.3 te whakamahinga ōna i tōna mana anake i roto i ngā whiriwhiringa kia riro ai ngā whenua o Ngāti Rangitihi; ā

3.4.4 tana whakamahinga, i ētahi wā, i ngā tikanga hokonga taikaha hei uruhi i a Ngāti Rangitihi ki te hoko i ōna whenua. Hei tauira mai i te Tihema tau 1886 ko te ngaki i te āhuatanga pōhara o Ngāti Rangitihi i muri tata mai i te hū o Tarawera hei hoko i ngā whenua i hiahia ai te iwi ki te pupuri pea; ā

nā ēnei mahi i kore ai te Karauna e āta tiaki i ngā pānga o Ngāti Rangitihi ki te whenua i hiahia tonu ai rātau ki te pupuri. Waihoki kīhai te Karauna i mahi i runga i te ngākau pono, ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

Tā te Karauna hoko i te poraka o Ruawāhia

3.5 E whakaae ana te Karauna i hoko ia i ētahi hea takitahi i te poraka o Ruawāhia mai i te tau 1897 ki te tau 1907, ahakoa ngā whakahē ukauka a ngā rangatira o Ngāti Rangitihi i te hokonga o te poraka.

3.6 E whakaae ana te Karauna –

3.6.1 ka whakawhāititia te tapekenga moni i whakautua e Karauna mō ia eka o te poraka nā runga i tana whakatau ki te whakauru i tētahi wāhi o te takere o te moana o Tarawera ki te hokonga o te poraka o Ruawāhia; ā

3.6.2 nā reira i kore ai ia i whakautu i te utu tōtika, i whiriwhiri i runga i te ngākau pono hoki, ā, he wāwāhitanga tērā i te Tiriti o Waitangi me ōna mātāpono.

Te whenuakoretanga

3.7 E whakaae ana te Karauna i mōhio ia e noho ana a Ngāti Rangitihi i runga i te āhuatanga uaua rawa whai muri i te hū o Tarawera maunga, ā, kāore i rawaka ōna whenua kia tutuki ai ōna hiahia ō naianei, ō āpōpō hoki. Ahakoa tērā, ka tata tonu ki te 30 tau ka pau kia hoatu rā anō te Karauna i te taitara tūmau ki te whenua o Hauani. Waihoki ka tata tonu ki te 10 tau i muri mai i te whakaae a Ngāti Rangitihi ki te whakawhiti i tētahi wāhanga o te poraka Pokohu A mō te whenua o Hauani, kātahi anō ka hoatu te taitara o Hauani. Ka whakaae te Karauna kāore ia i ārai i a Ngāti Rangitihi kei whenua kore nei ā eke noa te tau 1900, kāore hoki i oti i a ia he hinonga hei whakatūturu ka rawaka te whenua kia tutuki ai ō rātou hiahia ō naianei, ō āpōpō hoki. Me te aha ka kino rawa te pānga ki a Ngāti Rangitihi, tōna whanaketanga ā-iwi, tōna whanaketanga ā-ōhanga, me tōna hauora ā-ahurea, ā-tikanga, ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

He Nui Rawa te Whenua i Tangohia hei Hinona Tūmatanui i te Kūiti o Te Ariki

3.8 E whakaae ana te Karauna he nui rawa te whenua i tangohia e ia i te tau 1908 i Te Ariki mō ngā mahi tūmatanui, ā, nā reira i kore ai ia i mahi i runga i te ngākau pono i te taha o Ngāti Rangitihi, me te aha ka wāwāhi i ngā mātāpono o te Tiriti o Waitangi. Ka whakaae hoki te Karauna ka whakawhāititia e taua tangohanga nui ngā puritanga whenua whāiti kē o Ngāti Rangitihi, ā, ka hia tau nei rātau e tauwehea ana i ngā taonga nunui me ngā wāhi tapu.

Te whakamimititanga o te repo o Rangitāiki

3.9 E whakaae ana te Karauna ko tētahi pūtake o te mamae me te nawe mō Ngāti Rangitihi ko te whakarerekētanga o te taiao me te whakapokenga i te rautau tekau mā iwa. Inā hoki e whakaae ana te Karauna i urupatua ngā repo mōmona me ngā wāhi tapu o Ngāti Rangitihi, ā, i pāngia kinotia ngā rākau me ngā kararehe i ora ai a Ngāti Rangitihi, e ā te Karauna hinonga whakarerekē i te rerenga o te awa o Tarawera me te Rangitāiki. E whakaae ana te Karauna kua pūwhenua te wahapū o Te Awa o te Atua i te whakamimititanga o te Repo o Rangitāiki, me te whakapokenga ā-ahumahitanga hoki.

Te whakapokenga o te awa o Tarawera

3.10 E whakaae ana te Karauna –

3.10.1 he taonga te awa o Tarawera me ōna hikuawa, he whakahirahira ā-wairua, ā-tikanga ki a Ngāti Rangitihi. I noho mai te awa hei huarahi tauhoko, hei pātaka o ngā rauemi tuku iho mō rātau. Kawea ai e te awa te mana o ngā koromatua o te iwi; ā

3.10.2 i te tau 1954 nāna i whakatairanga te whakaturetanga i angiangi ai te titiro a te waeture ki te Tasman Pulp and Paper Company, otirā ki te tukunga o āna para ahumahi ki te awa o Tarawera. He maha ngā tau, kāore i whaihua tā te Karauna aroturuki i te hē e whakapāngia ana ki te awa e taua whakapokenga. Eke noa te tau 1974 ka mōhio te Karauna ki te whakapokenga, engari kīhai i oti i a ia he mahi pai hei tiaki i te awa i aua hē taea noatia ngā tau 1980, ahakoa te putanga o ētahi atu kaupapa ākiri para hei whakawhāiti i te whakapokenga; ā

3.10.3 ko te whakapokenga o te awa te pūtake o te mamae me te nawe e ngau tonu nei i a Ngāti Rangitihi; ā

3.10.4 nā te korenga ōna e whakarite i ngā tiakitanga ā-ture mō te awa ki te taumata i whakaritea, i pā ai te mate nui ki te awa o Tarawera, ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

Te reo Māori

3.11 E whakaae ana te Karauna kīhai i āta tiaki i te reo Māori, i akiaki hoki i tana whakamahinga e ngā iwi me Ngāi Māori, me te aha ka pāngia kinotia te reo Māori me Ngāti Rangitihi iwi. Ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

TE WHAKAPĀHA

3.12 Tēnei te Karauna te tuku whakapāha atu nei ki a Ngāti Rangitihi, ki ō koutou tūpuna, me ā koutou mokopuna, ā, ka whāki hoki i tā koutou haerenga taumaha rukiruki ki te whai i te tika. E takamuri rawa ana te whakapāha nei nā.

3.13 Kāore te pāpōuri o te Karauna mō ngā taumahatanga huhua, ngā whakapāwera maha i pā ki a Ngāti Rangitihi, ā, ka whakapāha noa mō te korenga ōna e whakaea i ngā herenga ki a koutou i raro i te Tiriti o Waitangi.

3.14 E whakapāha pono ana te Karauna mō te murunga taikaha o ngā whenua o Ngāti Rangitihi, ahakoa e pāngia tonutia ana koutou e ngā tukunga iho o te hū o Tarawera.

3.15 E ngaukino ana te manawa pā i te Karauna i te mea e toru tekau tau rā anō te roa kia hoatu rawa iho ki a Ngāti Rangitihi he taitara tūmau ki te whenua o Hauani, ahakoa te mōhio ‘he iwi manene, he iwi whenua kore’ a Ngāti Rangitihi e pēhia ana e te pōhara me te kārangirangi. E whakapāha ana te Karauna mōna i kore rā e āta whakarite kia rawaka ai te whenua o Ngāti Rangitihi kia tutuki ai ō koutou hiahia ō naianei, ō āpōpō hoki.

3.16 Nā te korenga ō te Karauna i tiaki i te awa o Tarawera, i tāhawahawatia ai, i pūwhenua ai, i paruparu ai te awa, he taonga nui ki a Ngāti Rangitihi ā-ōhanga, ā-tikanga, ā-wairua. Ka riro i te Karauna ngā whenua o Ngāti Rangitihi, ka tāharaharatia te taiao, me te aha ka pāngia kinotia rawa ā-hapori, ā-ōhanga a Ngāti Rangitihi, ka whakararua tō koutou hauora ahurea, ka noho atu koutou me he manene i roto i tō koutou ake rohe. Tēnei te Karauna te whakapāha atu nei.

3.17 Ko te hiahia o te Karauna kia whakapaingia tōna mana tāhawahawa i te whakataunga nei nā, ā, kia ea āna hara ō mua i whakapāngia atu rā e ia ki a Ngāti Rangitihi. Tēnei te Karauna te aumihi nei ki tō koutou ngākau pono e mārama nei, tae atu ki tō koutou hītori roroa, ki tō koutou hītori mana nui e pā ana ki te tutū ki te kauhanga o te riri i runga i ngā whenua maha, me tō koutou manawaroa ahakoa ngā taumahatanga rukiruki kei mua i te aroaro.

3.18 E tūmanako ana te Karauna ka noho te whakataunga nei hei tīmatanga, kaua hei mutunga. Waihoki ka noho hei tohu mō te tīmatanga o tētahi whakahoanga hou, whakahoanga pakari ake i waenga i a Ngāti Rangitihi me te Karauna, e takea mai ana i te mahi tahi, i te ngākau pono o tētahi ki tētahi, i te whaikoha ki te Tiriti o Waitangi hoki.

ACKNOWLEDGEMENTS

Ngāti Rangitihi military service

3.1 The Crown acknowledges that Ngāti Rangitihi have fulfilled their obligations as a Treaty partner, and particularly pays tribute to their military service in many parts of the world.

Native Land Laws - the impact of individualisation of title on tribal structures

3.2 The Crown acknowledges that –

3.2.1 Ngāti Rangitihi was not consulted about the introduction of native land laws; and

3.2.2 the costs of attending Native Land Court hearings could impose considerable burden on Ngāti Rangitihi; and

3.2.3 the operation and impact of the native land laws, particularly the awarding of land to individuals rather than to iwi or hapū, made Ngāti Rangitihi lands more susceptible to partition, fragmentation and alienation. This contributed to the erosion of tribal structures of the hapū of Ngāti Rangitihi, which were based on the tribal custodianship of land. The Crown acknowledges it failed to take adequate steps to protect the tribal structures of Ngāti Rangitihi, and this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Native Land Laws - high survey costs

3.3 The Crown acknowledges that high survey costs were burdensome to Ngāti Rangitihi. In particular, the Crown acknowledges that it failed to actively protect Ngāti Rangitihi when they had to transfer an unreasonable amount of land to the Crown to cover the survey costs in the Matahina D block and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Crown leasing and purchase of Ngāti Rangitihi land blocks

3.4 The Crown acknowledges that the combined effect of –

3.4.1 its use of advance payments and lease agreements before title to the land in question was determined by the Native Land Court; and

3.4.2 its suspension of the Native Land Court over much of the central North Island between 1873 and 1877, and its refusal to pay rent on land before title was determined; and

3.4.3 its use of monopoly powers in negotiations to acquire Ngāti Rangitihi land; and

3.4.4 its employment, on occasion, of aggressive purchase techniques to pressure Ngāti Rangitihi to sell land, including, from December 1886, taking advantage of the state of poverty Ngāti Rangitihi suffered after the recent Tarawera eruption to purchase land that the iwi may otherwise have not wanted to sell; and

these acts meant the Crown failed to actively protect Ngāti Rangitihi interests in land they wished to retain, and that the Crown did not act in good faith and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Crown purchase of the Ruawahia block

3.5 The Crown acknowledges that from 1897 to 1901 it purchased individual shares in the Ruawahia block despite the ongoing opposition of Ngāti Rangitihi leaders to the sale of the block.

3.6 The Crown acknowledges that –

3.6.1 its decision to include a portion of the Tarawera lakebed in the purchase of the Ruawahia block effectively reduced the amount the Crown paid per acre for the block; and

3.6.2 it therefore failed to pay a fair price and to negotiate in good faith and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Landlessness

3.7 The Crown acknowledges that it was aware in the aftermath of the Mount Tarawera eruption that Ngāti Rangitihi were living in dire circumstances and did not have sufficient land for their present and future needs. Despite this, the Crown took nearly 30 years to provide Ngāti Rangitihi with secure title to the Hauani land, and it only did so nearly 10 years after Ngāti Rangitihi initially agreed to exchange part of the Pokohu A block for the Hauani land. The Crown acknowledges that its failure to prevent Ngāti Rangitihi from becoming virtually landless by 1900, and to take reasonable steps to ensure they had sufficient land for their present and future needs had a devastating impact on Ngāti Rangitihi social and economic development and cultural hauora (well-being), and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Excessive Public Works taking / Te Ariki Isthmus

3.8 The Crown acknowledges that in 1908 it took an excessive amount of land at Te Ariki for public works purposes, and that by doing so it failed to act in good faith towards Ngāti Rangitihi and breached the principles of te Tiriti o Waitangi/the Treaty of Waitangi. The Crown further acknowledges that this excessive taking diminished the already minimal landholdings of Ngāti Rangitihi and separated them from important taonga and wāhi tapu for many years.

The drainage of the Rangitaiki Swamp

3.9 The Crown acknowledges that environmental changes and pollution since the nineteenth century have been a source of distress and grievance for Ngāti Rangitihi. In particular the Crown acknowledges that its actions in modifying the courses of the Tarawera and Rangitaiki rivers and draining the Rangitaiki Swamp destroyed resource-rich wetlands, damaged Ngāti Rangitihi wāhi tapu, and caused significant harm to flora and fauna relied on by Ngāti Rangitihi. The Crown acknowledges that the draining of the Rangitaiki

Swamp, combined with industrial pollution, has significantly degraded the Te Awa o Te Atua lagoon.

Pollution of the Tarawera River

3.10 The Crown acknowledges that –

3.10.1 the Tarawera River and its tributaries are taonga of great spiritual and cultural importance to Ngāti Rangitihi, and once acted as a major trade route and abundant source of customary resources for them. The river conveys the mana of the senior lines of the iwi; and

3.10.2 it promoted legislation in 1954 that minimised regulatory oversight of the Tasman Pulp and Paper Company's disposal of industrial effluent into the Tarawera River. For many years the Crown did not effectively monitor the harm being done to the river by this pollution. The Crown became aware of the pollution by 1974 at the latest, but failed to take reasonable steps to protect the river from harm until the 1980s, despite the existence of alternative effluent disposal schemes to mitigate against pollution; and

3.10.3 the pollution of the river has been an ongoing source of distress and grievance to Ngāti Rangitihi; and

3.10.4 its failure until 1986 to begin applying standard statutory protections to the river caused immense harm to the Tarawera River and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Te reo Māori

3.11 The Crown acknowledges that it failed to actively protect te reo Māori and encourage its use by iwi and Māori, which had a detrimental impact on te reo Māori and the iwi of Ngāti Rangitihi, and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

APOLOGY

3.12 The Crown makes the following apology to Ngāti Rangitihi, to your tūpuna and to your mokopuna, and recognises your arduous journey in pursuit of justice. This apology is long overdue.

3.13 The Crown is profoundly sorry for the many hardships and tribulations Ngāti Rangitihi have endured, and unreservedly apologises for its failure to fulfil its obligations to you under te Tiriti o Waitangi/the Treaty of Waitangi.

3.14 The Crown sincerely apologises for its aggressive acquisition of Ngāti Rangitihi lands, even when Ngāti Rangitihi were dealing with the tragic consequences of the Tarawera eruption.

3.15 The Crown deeply regrets that in the aftermath of the eruption, and despite recognising that Ngāti Rangitihi were a 'wandering landless people' suffering deprivation and uncertainty, it still took almost thirty years to provide Ngāti Rangitihi with a secure title to the Hauani land. The Crown apologises for failing to ensure that Ngāti Rangitihi had sufficient land for your present and future needs.

3.16 The Crown's failure to protect the Tarawera River, a taonga of immense economic, cultural and spiritual significance to Ngāti Rangitihi, left the river defiled, degraded and polluted. The Crown's acquisition of Ngāti Rangitihi lands combined with environmental damage has had a devastating social and economic impact on Ngāti Rangitihi, undermined your cultural hauora and left you feeling as strangers in your own rohe. For this the Crown apologises.

3.17 It is the Crown's wish that through this settlement it can restore its sullied honour and atone for the past injustices it has inflicted upon Ngāti Rangitihi. The Crown pays tribute to your proven loyalty, including your long and honourable record of military service in many countries and your resilience in the face of great adversity.

3.18 The Crown hopes this settlement will be a starting point rather than an end, and will signal the beginning of a new, strengthened relationship between Ngāti Rangitihi and the Crown based on co-operation, mutual trust and respect for te Tiriti o Waitangi/the Treaty of Waitangi.

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4 TE WHAKATAUNGA | SETTLEMENT

ACKNOWLEDGEMENTS

4.1 Each party acknowledges that –

4.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but

4.1.2 full compensation of Ngāti Rangitihi is not possible; and

4.1.3 Ngāti Rangitihi intends their foregoing of full compensation to contribute to New Zealand's development; and

4.1.4 the settlement is intended to enhance the ongoing relationship between Ngāti Rangitihi and the Crown (in terms of te Tiriti o Waitangi/the Treaty of Waitangi, its principles, and otherwise).

4.2 Ngāti Rangitihi acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair in the circumstances.

SETTLEMENT

4.3 Therefore, on and from the settlement date, –

4.3.1 the historical claims are settled; and

4.3.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and

4.3.3 the settlement is final.

4.4 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.

REDRESS

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

4.5.1 is intended to benefit Ngāti Rangitihi collectively; but

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

IMPLEMENTATION

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

4.6.1 settle the historical claims; and

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

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

(a) to a cultural redress property, any RFR land, or any ROFO land transferred from Landcorp Farming Limited to the governance entity; or

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

4.6.4 require any resumptive memorial to be removed from any record of title for a cultural redress property, any RFR land, or any ROFO land transferred from Landcorp Farming Limited to the governance entity; and

4.6.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not –

(a) apply to a settlement document; or

(b) prescribe or restrict the period during which –

(i) the trustees of the Te Mana o Ngāti Rangitihi Trust, being the governance entity, may hold or deal with property; and

(ii) the Te Mana o Ngāti Rangitihi Trust may exist; and

4.6.6 require the chief executive of the Office for Māori Crown Relations – Te Arawhiti to make copies of this deed publicly available.

4.7 Part 1 of the general matters schedule provides for other action in relation to the settlement.

5 TE WHAKATIKA HAPA AHUREA | CULTURAL REDRESS

TARAWERA AWA RESTORATION STRATEGY FRAMEWORK

Background

5.1 The traditions of Ngāti Rangitihi confirm their cultural, historical and spiritual connection to the Tarawera River as their tupuna Awa. These traditions represent the links between the spiritual world and the present generations. These traditions reinforce Ngāti Rangitihi tribal identity, and are continually expressed in whakapapa, waiata, korero and purakau.

5.2 “Tapatapa tu ki te rangi, tapatapa tu ki te whenua, ko te arawa te waka, ko Tamatekapua te tangata, tau ana te waka i te one o Te Kopu a kuku, i te puau o Te Awa o Te Atua, toka tu te kohatu Mimiha i te puau o te awaiti, ki te kuraetanga o te ihu o Tamatekapua i te kuiti i Maketu”.

“I recite incantations to the sky and to the land, 'tis Te Arawa the canoe, 'tis Tamatekapua the great chief, the canoe that landed at Te Kōpū-a-Kuku at the river mouth of Te Awa-o-Te-Atua, Mimiha, the standing rock at the river mouth of awaiti, at the ridge of Tamatekapua's nose at Maketu point.”

5.3 The Tarawera River links the Ngāti Rangitihi lands ki uta (inland) at Tapahoro and its lands ki te tai (on the coast) at Te Awa o Te Atua. Tapahoro Pā at the outlet of Lake Tarawera cemented Ngāti Rangitihi connection between Lake Tarawera and the Tarawera River.

5.4 Arama Karaka Mokonuiarangi identified the many pā tuna (eel weirs) of Ngāti Rangitihi from the lake outlet as far down the River as Mihimarino. This connection is expressed by Ngāti Rangitihi as "Mai maunga Tarawera ki Te Awa o Te Atua", from the mountain to the sea.

5.5 Ngāti Rangitihi pā tuna included Awa Pa-Kiaka and Awa Pa-Puhou near Te Kohika Swamp, and the pā tuna Te Oheu, near Tarawera Cut Wildlife Management Reserve.

5.6 Oniao is a name that came from Hawaiiki; it was given to the Sand Island where the Arawa waka beached. Oniao was situated near where the Rangitaiki and Tarawera Rivers (Te Awa o Te Atua) came together, and the Arawa waka was too large to travel further up the river. Te Matata was originally the name given to the place near Oniao where the two hulls were cleaved apart.

5.7 The Ngāti Rangitihi occupation of Te Tapahoro, at the outlet of Lake Tarawera, commenced in the days of Rangitihi and continued until the Mount Tarawera eruption in 1886. After the eruption the lake level of Lake Tarawera rose 40 feet (12.8 m) making Tapahoro Pa uninhabitable. It wasn’t until 1904 when a pumice dam at the lake outlet collapsed that Tapahoro once again became dry land.

5.8 Tapahoro was one of five 2 acre blocks reserved for Ngāti Rangitihi around Lake Tarawera. Puha, Kanaehapa, Tapahoro, Ruakokopu and Ngahereta represent the spiritual and cultural connection of Ngāti Rangitihi with Lake Tarawera.

5.9 In 1916 a large dredge cut a channel through the sand dune between Oniao Island and Otaramuturangi urupā. Once the channel had been completed a stone groyne was put in place to straighten the river. It had the effect of eroding the opposite bank adjacent to the urupā. The erosion caused koiwi to be exhumed which caused huge angst amongst the people of Ngāti Rangitihi. The groyne also had the effect of severing the ancient link between the Tarawera River and Te Awa o Te Atua. The effect on Ngāti Rangitihi was devastating. It created a hara, or spiritual transgression, which they still carry to this day.

5.10 Following the dredging of the new river channel the course of the Tarawera River and its tributaries underwent several modifications, including straightening of the River. Map overlays before and after the modifications show where many of the traditional parts of the Tarawera River were destroyed, including all of the traditional pā tuna.

SETTLEMENT LEGISLATION

5.11 The settlement legislation will, on the terms provided by sections 120 to 143 of the draft settlement bill, provide as necessary for the matters set out in clauses 5.12 to 5.97.

SUMMARY OF FRAMEWORK

5.12 The Tarawera Awa Restoration Strategy framework consists of the following elements:

5.12.1 the Tarawera Awa Restoration Strategy Group:

5.12.2 the Tarawera Awa Restoration Strategy Document.

TARAWERA AWA RESTORATION STRATEGY GROUP

Establishment and purpose of the Tarawera Awa Restoration Strategy Group

5.13 The settlement legislation will establish a statutory body called the Tarawera Awa Restoration Strategy Group (the **Group**).

5.14 The purpose of the Group is to support, co-ordinate, and promote the integrated restoration of the mauri of the Tarawera River catchment.

5.15 Despite the composition of the Group as described in clause 5.23, the Group is a joint committee of the Bay of Plenty Regional Council within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

5.16 Despite Schedule 7 of the Local Government Act 2002, the Group –

5.16.1 is a permanent committee; and

5.16.2 must not be discharged unless all appointers agree to the Group being discharged.

5.17 The members of the Group must act in a manner so as to achieve the purpose of the Group.

Functions of the Group

5.18 The principal function of the Group is to achieve its purpose.

5.19 The other functions of the Group are to –

5.19.1 develop the Strategy Document for the Tarawera River catchment (the **Strategy Document**); and

5.19.2 monitor the implementation and effectiveness of the Strategy Document; and

5.19.3 run and oversee restoration projects as required under the Strategy Document; and

5.19.4 seek funding for the restoration projects as required by the Strategy Document; and

5.19.5 communicate with stakeholders and the wider community to explain how decisions made or activities affecting the Tarawera River catchment align, or could be aligned, with the common vision, objectives, and desired outcomes for the Tarawera River catchment; and

5.19.6 establish 1 or more technical advisory groups as required and as outlined at clauses 5.63 to 5.65; and

5.19.7 seek the advice of a technical advisory group or the relevant local government in support of restoration activities; and

5.19.8 link stakeholders together so that activities that take place in the Tarawera River catchment, or that affect the mauri of the Tarawera River catchment, are compatible as far as possible with the common vision, objectives and desired outcomes for the Tarawera River catchment; and

5.19.9 provide a framework to assist central government agencies and local government so that they may have regard to the common vision, objectives and desired outcomes for the catchment; and

5.19.10 undertake any other function required to achieve the purpose of the Group.

5.20 To avoid doubt, except as provided for in clause 5.19.1, the Group has discretion to determine in any particular circumstances –

5.20.1 whether to perform any function specified in clause 5.19; and

5.20.2 how, and to what extent, any function specified in clause 5.19 is performed.

Capacity

5.21 The Group has full capacity to carry out its functions.

Procedures of the Group

5.22 The provisions of the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 and Local Authorities (Members' Interests) Act 1968 apply to the Group –

5.22.1 to the extent relevant to the purpose and functions of the Group; and

5.22.2 except as otherwise provided for in this part.

Membership of Group

5.23 As at the settlement date, the Group will consist of 8 members as follows (each organisation being an **appointor**):

5.23.1 one member appointed by the governance entity:

5.23.2 one member appointed by the Ngāti Mākino Iwi Authority:

5.23.3 one member appointed by Te Rūnanga o Ngāti Awa:

5.23.4 one member appointed by the Ngāti Tuwharetoa (Bay of Plenty) Settlement Trust:

5.23.5 one member appointed by the Bay of Plenty Regional Council:

5.23.6 one member appointed by the Kawerau District Council:

5.23.7 one member appointed by the Rotorua Lakes District Council:

5.23.8 one member appointed by the Whakatāne District Council.

5.24 Members of the Group –

5.24.1 are appointed for a term of three years, unless the member resigns or is removed by an appointer during that term; and

5.24.2 may be reappointed or removed by and at the sole discretion of the relevant appointer.

5.25 In appointing members to the Group, appointers –

5.25.1 must be satisfied that the person has the skills, knowledge or experience to –

(a) participate effectively in the Group; and

(b) contribute to the achievement of the purpose of the Group; and

5.25.2 must have regard to any members already appointed to the Group to ensure that membership reflects a balanced mix of knowledge and experience in relation to the Tarawera River catchment.

5.26 Nothing done by the Group is invalid because of –

5.26.1 a vacancy in the membership of the Group at the time the thing was done; or

5.26.2 the subsequent discovery of a defect in the appointment of a person acting as a member.

Resignation or removal of Group members

5.27 A member may be discharged by that member's appointer by giving written advice to the member and the Group.

5.28 A member appointed by an iwi may resign by giving written notice to that person's appointer.

5.29 Where there is a vacancy on the Group –

5.29.1 the relevant appointer must fill that vacancy as soon as is reasonably practicable; and

5.29.2 any such vacancy does not prevent the Group from continuing to discharge its functions.

5.30 To avoid doubt, members of the Group who are appointed by iwi are not, by virtue of that membership, members of a local authority.

Chairperson and deputy chairperson

5.31 The Group must appoint a chairperson at its first meeting unless, in the discretion of the governance entity, the first chairperson is the member appointed by that appointer.

5.32 The appointment of the chairperson is for a term of 2 years, unless the chairperson resigns or is removed by the Group during that term.

5.33 The chairperson may be reappointed or removed by the Group.

5.34 The Group must appoint a deputy chairperson whose appointment is subject to the same conditions as that set out in clauses 5.31 to 5.33.

Standing orders

5.35 At its first meeting the Group must adopt a set of standing orders and may amend those standing orders from time to time.

5.36 The standing orders must –

5.36.1 not contravene subpart 9 of part 2 of the draft settlement bill; and

5.36.2 respect tikanga Māori; and

5.36.3 not contravene the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 or any other Act.

5.37 A member of the Group must comply with the standing orders as amended from time to time by the Group.

Meetings of the Group

5.38 The Group will –

5.38.1 at its first meeting agree a schedule of meetings that will allow the Group to achieve its purpose and properly discharge its functions; and

5.38.2 review that meeting schedule on a regular basis to ensure that it is sufficient to allow the Group to achieve its purpose and properly discharge its functions.

5.39 The chairperson will preside over meetings and, if the chairperson is absent from a meeting, the deputy chairperson will preside over that meeting.

5.40 The quorum for a meeting of the Group is –

5.40.1 the chairperson or deputy chairperson; and

5.40.2 two members appointed by the iwi appointing organisations; and

5.40.3 two members appointed by the local authority appointing organisations.

Decision-making

5.41 The decisions of the Group must be made by a vote at a meeting.

5.42 When making a decision the Group –

5.42.1 must strive to achieve consensus among its members; but

5.42.2 if, in the opinion of the chairperson (or deputy chairperson if the chairperson is absent), consensus is not practicable after reasonable discussion, a decision of the Group may be made by a majority of those members present and voting at a meeting of the Group.

5.43 The chairperson and the deputy chairperson of the Group may vote on any matter, but neither person has a casting vote.

5.44 The members of the Group must approach decision-making in a manner that –

5.44.1 is consistent with, and reflects, the purpose of the Group; and

5.44.2 acknowledges, as appropriate, the interests of iwi in particular parts of the Tarawera River catchment.

Group to be open and inclusive

5.45 The Group must operate in an open manner that is inclusive of those iwi that have interests in the Tarawera River catchment but are not represented on the Group.

Declaration of interest

5.46 A member of the Group is required to disclose any actual or potential interest in a matter to the Group.

5.47 The Group will maintain an interests register and will record any actual or potential interests that are disclosed to the Group.

5.48 A member of the Group is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter –

5.48.1 merely because the member is affiliated to an iwi or hapū that has customary interests over the Tarawera River catchment; or

5.48.2 merely because the member is also a member of a local authority; or

5.48.3 merely because the economic, social, cultural and spiritual values of any iwi or hapū and their relationships with the Group are advanced or reflected by:

(a) the subject matter under consideration; or

(b) any decision by or recommendation of the Group; or

(c) participation in the matter by the member.

5.49 To avoid doubt, the affiliation of a member of the Group to an iwi or hapū that has customary interests over the Tarawera River catchment is not an interest that must be disclosed or recorded under clause 5.47 above.

5.50 In clauses 5.46 to 5.49, "**matter**" means –

5.50.1 the Group's performance of its functions or exercise of its powers; or

5.50.2 an arrangement, agreement or contract made or entered into, or proposed to be entered into, by the Group.

5.51 A member of the Group has an actual or potential interest in a matter, in terms of clauses 5.46 to 5.50, if he or she –

5.51.1 may derive a financial benefit from the matter; or

5.51.2 is the spouse, civil union partner, de facto partner, child or parent of a person who may derive a financial benefit from the matter; or

5.51.3 may have a financial interest in a person to whom the matter relates; or

5.51.4 is otherwise directly or indirectly interested in the matter.

5.52 However, a person is not interested in a matter if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities as a member of the Group.

Stakeholders

5.53 Stakeholders are those whose activities affect the mauri of the Tarawera River catchment, and include –

5.53.1 an advisory forum of iwi and hapū from the Tarawera River catchment (which will include the Ngāti Tarāwhai Iwi Trust and the Tūhourangi Tribal Authority); and

5.53.2 those who can provide policy and funding guidance as well as relationship support (for example, the Ministry for the Environment); and

5.53.3 owners and occupiers and those who engage in activities on, or in relation to, the Tarawera River catchment.

5.54 The Group must –

5.54.1 aim to educate stakeholders to understand the common vision of the Tarawera River catchment; and

5.54.2 invite stakeholders to participate in relevant aspects of the Group's business as appropriate.

Funding and administration of the Group

5.55 The Bay of Plenty Regional Council is responsible for the administrative support of the Group for the first 3 years after the establishment of the Group.

5.56 In the fourth year after establishment of the Group, and after that at regular intervals as determined by the Group, the responsibility for the administrative support of the Group –

5.56.1 must for formally reviewed; and

5.56.2 options must be identified for the transfer of responsibility to another appointer.

5.57 In light of the review undertaken under paragraph 5.56.1, the Group must consider the transfer of responsibility for administrative support to another appointer.

5.58 If an alternative body to undertake responsibility for administrative support for the Group is not identified through the review, the Bay of Plenty Regional Council must continue to give administrative support to the Group

5.59 On a regular basis the appointers must discuss and agree what administrative and technical support they can provide to the Group.

5.60 The ongoing costs of participation in the Group will be met by the appointers.

5.61 The Group may seek funds from other sources for its activities.

5.62 On the settlement date, the Crown must pay $788,000 to the Bay of Plenty Regional Council as a one-off contribution to the costs of the preparation and approval of the Strategy Document.

Technical advisory groups

5.63 One or more technical advisory groups may be established if required.

5.64 Any technical advisory group will be funded by the Group.

5.65 The purpose of a technical advisory group is to provide technical support to the Group in support of –

5.65.1 the purposes of the Strategy Document; and

5.65.2 restoration activities on, or in relation to, the Tarawera River catchment.

THE STRATEGY DOCUMENT

Purpose and scope of the Strategy Document

5.66 The Group must prepare and approve the Strategy Document in accordance with clauses 5.77 to 5.90.

5.67 The purposes of the Strategy Document are –

5.67.1 to outline a common vision, objectives, and desired outcomes for the Tarawera River catchment; and

5.67.2 to identify the areas of the Tarawera River catchment that need particular attention in order to meet the common vision, objectives, and desired outcomes for the Tarawera River catchment; and

5.67.3 to develop a way to measure how the common vision, objectives, and desired outcomes for the Tarawera River catchment are being achieved; and

5.67.4 to identify stakeholder activities that take place in or on the Tarawera River catchment or that affect the mauri of the Tarawera River catchment; and

5.67.5 to identify how the activities referred to in clause 5.67.4 can be aligned to achieve the common vision, objectives, and desired outcomes for the Tarawera River catchment; and

5.67.6 to provide a framework to assist central government agencies and local government to identify how decisions made or activities affecting the Tarawera River catchment align, or could be aligned, with the common vision, objectives, and desired outcomes for the Tarawera River catchment; and

5.67.7 to explain to stakeholders how decisions made in relation to the Tarawera River catchment, or activities in or on the Tarawera River catchment, are compatible with the common vision, objectives, and desired outcomes for the Tarawera River catchment.

Contents of Strategy Document

5.68 The Strategy Document may contain –

5.68.1 a common vision for the Tarawera River catchment; and

5.68.2 objectives for the Tarawera River catchment; and

5.68.3 desired outcomes for the Tarawera River catchment.

Effect on Resource Management Act 1991 planning documents

5.69 In preparing, approving, varying or changing a regional policy statement, regional plan or district plan (including a proposed policy statement or plan), a local authority must recognise and provide for the common vision, objectives, and desired outcomes in the Strategy Document.

5.70 A local authority must comply with clause 5.69 each time that it proposes a change to a regional policy statement, regional plan, or district plan that relates to the Strategy Document and has direct application within the Tarawera River catchment.

5.71 Until such time as the obligations under clause 5.69 or 5.70 are complied with, when a local authority is considering an application for a resource consent to authorise an activity on or in relation to the Tarawera River catchment, that local authority must have particular regard to the Strategy Document.

5.72 To avoid doubt –

5.72.1 the obligations under clauses 5.69 to 5.71 apply only to the extent that the contents of the Strategy Document relate to the resource management issues of the region or district; and

5.72.2 the obligation under clause 5.69 applies only to the extent that recognising and providing for the common vision, objectives, and desired outcomes for the

Tarawera River catchment is consistent with the purpose of the Resource Management Act 1991; and

5.72.3 the obligation under clause 5.71 applies only to the extent that having particular regard to the Strategy Document is consistent with the purpose of the Resource Management Act 1991; and

5.72.4 the obligations under clause 5.69 must be carried out in accordance with the requirements and procedures in Part 5 and Schedule 1 of the Resource Management Act 1991.

5.73 Clause 5.74 applies when –

5.73.1 a local authority notifies a proposed regional policy statement, proposed regional plan, or district plan before the Strategy Document is approved; and

5.73.2 the Group approves the Strategy Document before the regional policy statement, regional plan, or district plan is declared operative under clause 20 of Schedule 1 of the Resource Management Act 1991.

5.74 If this clause applies, the local authority –

5.74.1 must, as soon as possible after the approval of the Strategy Document by the Group, notify a variation to the proposed regional policy statement, proposed regional plan, or proposed district plan for the purpose of recognising and providing for the Strategy Document as provided for in clause 5.69; and

5.74.2 must not declare the regional policy statement, regional plan, or district plan operative under clause 20 of Schedule 1 of the Resource Management Act 1991 before a variation has been notified in accordance with 5.74.1.

5.75 The obligation under clause 5.74 applies only to the first occasion on which the Group approves the Strategy Document.

Effect on Local Government Act 1974 and Local Government Act 2002

5.76 When making decisions under the Local Government Acts 2002 and 1974, a local authority must take into account the common vision, objectives, and desired outcomes set out in the Strategy Document.

Preparation of first draft Strategy Document

5.77 The Group must commence the preparation of the first draft Strategy Document not later than 3 years after the settlement date.

5.78 In preparing the draft Strategy Document, the Group must –

5.78.1 have regard to any alternatives to the common vision, objectives, and desired outcomes provided for in the document and the potential benefits and costs of the common vision, objectives, and desired outcomes; and

5.78.2 give persons who may be affected by the Strategy Document the opportunity and adequate time to participate in the development of the draft; and

5.78.3 have regard to the views of persons who may be affected by the Strategy Document.

Notification and submissions on the draft Strategy Document

5.79 When the Group has prepared the draft Strategy Document, being, in the case of the first Strategy Document, no later than 12 months after the Group starts preparing that draft Strategy Document, the Group –

5.79.1 must give public notice of the draft Strategy Document; and

5.79.2 may give notice of the draft Strategy Document by any other means that the Group thinks appropriate; and

5.79.3 must ensure that the draft Strategy Document is available for public inspection.

5.80 The public notice given under clause 5.79.1 must –

5.80.1 state that the draft Strategy Document is available for inspection at the places and times specified in the notice; and

5.80.2 state that interested persons or organisations may lodge submissions on the draft Strategy Document –

(a) with the Group; and

(b) at the place specified in the notice; and

(c) before the date specified in the notice; and

(d) set a date for lodging submissions that is at least 20 business days after the date of the publication of the notice.

5.81 Any person or organisation may make a written or an electronic submission on the draft Strategy Document in the manner described in the public notice.

Approval of Strategy Document

5.82 The Group must consider submissions made under clause 5.81 to the extent that those submissions are consistent with the purpose of the Strategy Document.

5.83 The Group may hold a hearing at which any person who made a submission may be heard.

5.84 The Group must make decisions on the matters raised in the submissions and prepare a report that specifies how the submissions were dealt with.

5.85 The Group –

5.85.1 may amend the Strategy Document after considering submissions and completing a hearing (if a hearing is held); and

5.85.2 must approve the Strategy Document.

5.86 The Strategy Document takes effect on the date specified in the public notice given under clause 5.90.2.

Notice of approval of Strategy Document

5.87 When the Group has approved the Strategy Document, it –

5.87.1 must give public notice of the Strategy Document; and

5.87.2 may give notice of the Strategy Document by any other means that the Group thinks appropriate.

5.88 Each local authority must ensure that the Strategy Document is available for public inspection at its office.

5.89 When the Group gives notice of its approval of the Strategy Document under clause 5.87, it must also make available its report of the decision and specify in the report how it dealt with submissions on the draft Strategy Document.

5.90 The public notice must specify –

5.90.1 where and when the Strategy Document is available for inspection; and

5.90.2 the date on which the Strategy Document takes effect.

Review of and amendments to Strategy Document

5.91 The Group may at any time review and, if necessary, amend the Strategy Document or any component of the Strategy Document.

5.92 The Group must start a review of the document not later than 10 years after the later of –

5.92.1 approval of the first Strategy Document; and

5.92.2 the completion of the previous review of the Strategy Document.

5.93 Clauses 5.79 to 5.86 apply, with all necessary modifications, to a review under clause 5.91 or 5.92 as if the review of the document were the preparation of the draft Strategy Document.

5.94 If the Group considers that, as a result of the review, the Strategy Document should be amended in a material way, the amendment must be prepared and approved in accordance with clauses 5.78 to 5.86.

5.95 If the Group considers that the Strategy Document should be amended in a way that is not material, the Group –

5.95.1 may approve the amendment; and

5.95.2 give public notice of the amendment in accordance with clauses 5.87 and 5.90.

5.96 In clauses 5.94 and 5.95, **material way** refers only to amendments made to the common vision, objectives, and desired outcomes.

Definitions

5.97 In this part:

5.97.1 **appointers** means all of the organisations with the power to appoint members to the Group under clause 5.23; and

5.97.2 **Group** means the Tarawera Awa Restoration Strategy Group, established in accordance with clause 5.13; and

5.97.3 **local authority** means a regional council or a territorial authority; and

5.97.4 **local government legislation** means the Local Government Act 2002, Local Government Act 1974, Local Government Official Information and Meetings Act 1987 and the Local Authorities (Members' Interests) Act 1968; and

5.97.5 **Strategy Document** means, for the purposes of clauses 5.69 to 5.76, the Tarawera Awa Restoration Strategy Document once it has been approved by the Group under clause 5.85; and

5.97.6 **Tarawera River catchment** means the Tarawera River including its tributaries within the catchment area shown on deed plan OMCR-102-032.

WHENUA RĀHUI

5.98 The settlement legislation will, on the terms provided by sections 41 to 55 of the draft settlement bill, –

5.98.1 declare the Lake Tarawera Historic Reserve and part Lake Tarawera Scenic Reserve (as shown on deed plan OMCR-102-020) to be subject to a whenua rāhui; and

5.98.2 provide the Crown's acknowledgement of the statement of Ngāti Rangitihi values in relation to the whenua rāhui area; and

5.98.3 require the New Zealand Conservation Authority, or a relevant conservation board, –

(a) when considering a conservation document, in relation to the whenua rāhui area, to have particular regard to the statement of Ngāti Rangitihi values, and the protection principles, for the whenua rāhui area; and

(b) before approving a conservation document, in relation to the whenua rāhui area, to –

(i) consult with the governance entity; and

(ii) have particular regard to its views as to the effect of the document on the statement of Ngāti Rangitihi values, and the protection principles, for the area; and

5.98.4 require the Director-General of Conservation to take action in relation to the protection principles; and

5.98.5 enable the making of regulations and bylaws in relation to the whenua rāhui area.

5.99 The statement of Ngāti Rangitihi values, the protection principles, and the Director-General's actions are in part 1 of the documents schedule.

CHANGE OF RESERVE CLASSIFICATION AND OFFICIAL NAME

5.100 The settlement legislation will, on the terms provided by sections 63 to 66 of the draft settlement bill, –

5.100.1 provide for the classification of part of Lake Tarawera Scenic Reserve (being the land comprising an area of 135 hectares, approximately, being Part Section 3 SO 354520 and comprised in part *Gazette* notice S643146, subject to survey) to be changed from a scenic reserve to a historic reserve; and

5.100.2 change the name of that part of Lake Tarawera Scenic Reserve to Lake Tarawera Historic Reserve.

STATUTORY ACKNOWLEDGEMENT

5.101 The settlement legislation will, on the terms provided by sections 27 to 35 and 37 to 40 of the draft settlement bill, –

5.101.1 provide the Crown's acknowledgement of the statements by Ngāti Rangitihi of their particular cultural, spiritual, historical, and traditional association with the following areas:

(a) Ash Pit Road Marginal Strip (Te Kauae) (as shown on deed plan OMCR-102-021):

(b) Crater Block Crown Land (as shown on deed plan OMCR-102-028):

(c) Lake Rerewhakaaitu Recreation Reserve (as shown on deed plan OMCR-102-022):

(d) Lake Tarawera Historic Reserve and part Lake Tarawera Scenic Reserve (as shown on deed plan OMCR-102-023):

(e) Ohinekoao Recreation Reserve (as shown on deed plan OMCR-102-024):

(f) Ohinekoao Scenic Reserve (as shown on deed plan OMCR-102-025):

(g) Part Lake Tarawera Scenic Reserve (as shown on deed plan OMCR-102-029):

(h) Rerewhakaaitu Conservation Area (as shown on deed plan OMCR-102-026):

(i) Tarawera Cut Wildlife Management Reserve (as shown on deed plan OMCR-102-030):

(j) Tarawera River (as shown on deed plan OMCR-102-031):

(k) Tarawera River Marginal Strips (as shown on deed plan OMCR-102-027); and

5.101.2 require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and

5.101.3 require relevant consent authorities to forward to the governance entity –

(a) summaries of resource consent applications for an activity within, adjacent to or directly affecting a statutory area; and

(b) a copy of a notice of a resource consent application served on the consent authority under section 145(10) of the Resource Management Act 1991; and

5.101.4 enable the governance entity, and any member of Ngāti Rangitihi, to cite the statutory acknowledgement as evidence of Ngāti Rangitihi's association with an area.

5.102 The statements of association are in part 2 of the documents schedule.

DEEDS OF RECOGNITION

5.103 The Crown must, by or on the settlement date, provide the governance entity with a copy of each of the following:

5.103.1 a deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:

(a) Crater Block Crown Land (as shown on deed plan OMCR-102-028):

(b) Part Lake Tarawera Scenic Reserve (as shown on deed plan OMCR-102-029):

(c) Tarawera Cut Wildlife Management Reserve (as shown on deed plan OMCR-102-030):

5.103.2 a deed of recognition, signed by the Commissioner of Crown Lands, in relation to the Tarawera River (as shown on deed plan OMCR-102-031).

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

5.105 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, –

5.105.1 consult the governance entity; and

5.105.2 have regard to its views concerning Ngāti Rangitihi's association with the area as described in a statement of association.

PROTOCOL

5.106 A Crown minerals protocol must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister.

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

FORM AND EFFECT OF DEEDS OF RECOGNITION AND PROTOCOL

5.108 Each deed of recognition will be –

5.108.1 in the form in part 3 of the documents schedule; and

5.108.2 issued under, and subject to, the terms provided by sections 36 to 39 of the draft settlement bill.

5.109 The protocol will be –

5.109.1 in the form in part 4 of the documents schedule; and

5.109.2 issued under, and subject to, the terms provided by sections 21 to 25 of the draft settlement bill.

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

RELATIONSHIP AGREEMENT WITH THE DEPARTMENT OF CONSERVATION

5.111 The Department of Conservation and the governance entity must by, or on the settlement date, sign a relationship agreement.

5.112 The relationship agreement sets out how the Department of Conservation will interact with the governance entity with regard to the matters specified in it.

5.113 The relationship agreement will be in the form in part 5 of the documents schedule.

5.114 The parties acknowledge that the Department of Conservation and the governance entity will work together to maintain a positive, collaborative and enduring relationship into the future.

5.115 A failure by the Crown to comply with the relationship agreement is not a breach of this deed.

RELATIONSHIP AGREEMENT WITH THE MINISTRY FOR THE ENVIRONMENT

5.116 The Ministry for the Environment and the governance entity must by, or on the settlement date, sign a relationship agreement.

5.117 The relationship agreement sets out how the Ministry for the Environment will interact with the governance entity with regard to the matters specified in it.

5.118 The relationship agreement will be in the form in part 6 of the documents schedule.

5.119 A failure by the Crown to comply with the relationship agreement is not a breach of this deed.

JOINT ADVISORY COMMITTEE IN RESPECT OF MATATA SCENIC RESERVE AND TE AWA A TE ATUA (MATATA WILDLIFE REFUGE RESERVE)

Definitions

5.120 In clauses 5.121 to 5.127 –

joint advisory committee means the committee appointed under subpart 4 of Part 4 of the Ngāti Awa Claims Settlement Act 2005; and

Matata property means the land outlined in yellow on the deed plan OMCR-102-007 (subject to survey) to be vested in the governance entity; and

Matata Scenic Reserve means the land outlined in yellow on the map of that name in part 3 of the attachments and includes Whakapoukarakia; and

members means members of the joint advisory committee; and

Minister means the Minister of Conservation; and

Part Matata property means that part of the Matata property outlined in yellow on the map labelled "Part Matata property" in part 3 of the attachments (subject to survey); and

retained sites means, to the extent that these sites remain in Crown ownership, –

5.120.1 Matata Scenic Reserve (excluding Whakapoukarakia); and

5.120.2 Te Awa a Te Atua (excluding Part Matata property); and

Te Awa a Te Atua means the land outlined in yellow on the map of that name in part 3 of the attachments and includes Part Matata property; and

Whakapoukarakia means the land outlined in yellow on the deed plan OMCR-102-019 (subject to survey) to be vested in the governance entity.

Background

5.121 Clauses 5.122 to 5.127 amend the composition and role of the joint advisory committee whose functions include –

5.121.1 to advise the Minister and Director-General of Conservation on conservation matters affecting the retained sites; and

5.121.2 to advise the governance entity on conservation matters affecting Part Matata property and Whakapoukarakia.

Appointment and functions of joint advisory committee

5.122 The settlement legislation will, on the terms provided by sections 56 to 62 of the draft settlement bill, provide that –

5.122.1 the Minister must appoint to the joint advisory committee 2 members nominated by the governance entity; and

5.122.2 a function of the committee is to advise the governance entity on conservation matters affecting Part Matata property and Whakapoukarakia.

Funding of joint advisory committee

5.123 The Crown will meet –

5.123.1 the costs and expenses of the members nominated by the Director-General of Conservation incurred in acting as members; and

5.123.2 that proportion of the administrative costs and expenses of the joint advisory committee that equates to the proportion the members nominated by the Director-General of Conservation bears to the total number of members.

5.124 The governance entity will meet –

5.124.1 the costs and expenses of the members nominated by it incurred in acting as members; and

5.124.2 that proportion of the administrative costs and expenses of the joint advisory committee that equate to the proportion the members nominated by the governance entity bears to the total number of members.

Rights preserved

5.125 Ngāti Rangitihi agree that, subject to clause 5.127, if the Minister decides to discharge the joint advisory committee, that decision is not a breach of this deed.

5.126 Nothing in this deed limits the ability of the Minister to appoint any person as an adviser and take their advice or the ability of the Director-General to take advice from or consult with any person in relation to the retained sites.

Consultation prior to discharge of committee

5.127 The Crown and Ngāti Rangitihi agree that the Minister will consult with the joint advisory committee prior to exercising the Minister's powers to discharge the joint advisory committee or change its composition.

MINISTRY FOR PRIMARY INDUSTRIES LETTER OF RECOGNITION

5.128 The Director-General of the Ministry for Primary Industries will write a letter of recognition to the governance entity, by or on the settlement date, which will be in the form set out in part 7 of the documents schedule.

5.129 The letter –

5.129.1 recognises Ngāti Rangitihi as tangata whenua within their area of interest and that they have a special relationship with all species of fish, aquatic life and seaweed within their area of interest; and

5.129.2 states the Ministry for Primary Industries will work with the governance entity to enable Ngāti Rangitihi to have input in the Ministry for Primary Industries' national fisheries plans; and

5.129.3 states the Ministry for Primary Industries will support the governance entity to implement the Fisheries (Kaimoana Customary Fishing) Regulations 1998 within Ngāti Rangitihi's area of interest.

APPOINTMENT AS ADVISORY COMMITTEE

5.130 The Minister of Fisheries must, by or on the settlement date, appoint the governance entity as an advisory committee under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 for the purpose of advising the Minister in relation to the tuna (eel) fishery in the Tarawera River catchment; the commercial taking of any other aquatic life from the Tarawera River; and fin fishing restrictions that may affect the area between Waihi Estuary near Maketū and Walker Road near Matatā.

WHAKAAETANGA TIAKI TAONGA

5.131 On or before the settlement date, the governance entity must enter into a Whakaaetanga Tiaki Taonga with the following **culture and heritage parties**:

5.131.1 Te Tari Taiwhenua, Department of Internal Affairs (the agency responsible for the National Library Te Puna Matauranga o Aotearoa and Archives New Zealand Te Rua Mahara o Te Kawanatanga):

5.131.2 Manatū Taonga, Ministry for Culture and Heritage:

5.131.3 The Museum of New Zealand Te Papa Tongarewa:

5.131.4 Heritage New Zealand Pouhere Taonga.

5.132 The Whakaaetanga Tiaki Taonga sets out how the culture and heritage parties will interact with the governance entity with regard to the matters specified in it.

5.133 The Whakaaetanga Tiaki Taonga will be in the form set out in part 8 of the documents schedule.

5.134 A failure by the Crown to comply with the Whakaaetanga Tiaki Taonga is not a breach of this deed.

5.135 Appendix B of the Whakaaetanga Tiaki Taonga sets out how Manatū Taonga, Ministry for Culture and Heritage will interact with the governance entity with regard to matters relating to taonga tūturu.

5.136 Appendix B of the Whakaaetanga Tiaki Taonga is issued pursuant to the terms provided by sections 21 to 24 and 26 of the draft settlement bill.

5.137 A failure by the Crown to comply with Appendix B of the Whakaaetanga Tiaki Taonga is not a breach of this deed.

LETTER OF INTRODUCTION TO NGĀ TAONGA WHITIĀHUA ME NGĀ TAONGA KŌRERO

5.138 The chief executive of the Office for Māori Crown Relations – Te Arawhiti will, on or before the settlement date, write a letter of introduction in the form set out in part 9 of the documents schedule to Ngā Taonga Whitiāhua Me Ngā Taonga Kōrero, to introduce the governance entity and encourage Ngā Taonga Whitiāhua Me Ngā Taonga Kōrero to establish or enhance an ongoing relationship with Ngāti Rangitihi.

CULTURAL REVITALISATION

5.139 The Crown will pay $500,000 to the governance entity on the settlement date to enhance the mauri of, and Ngāti Rangitihi's relationship with, the Tarawera River.

CULTURAL REDRESS PROPERTIES

Vesting of properties

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

In fee simple subject to a conservation covenant

5.140.1 the fee simple estate in the Te Tapahoro property, subject to the governance entity providing a registrable conservation covenant in relation to the site in the form in part 10.1 of the documents schedule; and

As a scenic reserve

5.140.2 the fee simple estate in each of the following sites as a scenic reserve, with the governance entity as the administering body:

(a) Ngāheretā property:

(b) Omanuhiri:

(c) Ongarara:

(d) Pakipaki o Roohi:

(e) Te Tirohanga o Niheta:

(f) Whakapoukarakia; and

As a scenic and scientific reserve subject to an easement

5.140.3 the fee simple estate in Waimangu Volcanic Valley as follows:

(a) the lakebeds will vest as a scientific reserve with the governance entity as the administering body, and the balance of the Waimangu Volcanic Valley will vest as a scenic reserve with the governance entity as the administering body, subject to the governance entity providing a registrable right of way easement in gross in relation to the site in the form in part 10.3 of the documents schedule:

(b) the Crown stratum above the lakebeds will not vest and will continue to be a reserve but its classification will be changed to scientific reserve; and

As a scenic reserve subject to an easement

5.140.4 the fee simple estate in Ōtūkapuarangi as a scenic reserve, with the governance entity as the administering body, subject to the governance entity providing a registrable right of way easement in gross in relation to the site in the form in part 10.4 of the documents schedule; and

As a historic reserve

5.140.5 the fee simple estate in each of the following sites as a historic reserve, with the governance entity as the administering body:

(a) Moura property:

(b) Te Tūāhu o Rangiaohia; and

As a historic reserve subject to an easement

5.140.6 the fee simple estate in each of the following sites as a historic reserve, with the governance entity as the administering body, subject to the governance entity providing a registrable right of way easement in gross in relation to that site in the form set out in parts 10.5 and 10.6 (respectively) of the documents schedule:

(a) Otaramuturangi:

(b) Te Kahao o Rongomai; and

As a recreation reserve

5.140.7 the fee simple estate in each of the following sites as a recreation reserve, with the governance entity as the administering body:

(a) Matata property:

(b) Te Kaokaoroa; and

As a recreation reserve subject to an easement

5.140.8 the fee simple estate in Awarua as a recreation reserve, with the governance entity as the administering body, subject to the governance entity providing a registrable right of way easement in gross in relation to the site in the form in part 10.7 of the documents schedule; and

As a recreation reserve

5.140.9 the fee simple estate in the Te Tapahoro Campground –

(a) as a recreation reserve, with the Minister of Conservation continuing to administer, control and manage the reserve and the Reserves Act 1977 applying as if the vesting had not occurred; and

(b) subject to a registrable right of way easement granted by the Minister of Conservation in relation to the site in the form in part 10.9 of the documents schedule; and

As a local purpose (lagoon outlet and ecological restoration) reserve

5.140.10 the fee simple estate in Mihimarino as a local purpose (lagoon outlet and ecological restoration) reserve, with the governance entity as the administering body.

Provisions apply to specific properties

Te Tapahoro property

5.141 On or before the settlement date the Crown must provide the governance entity with a registrable easement for the following rights in favour of the Te Tapahoro property in the form in part 10.2 of the documents schedule:

5.141.1 a right of way:

5.141.2 a pedestrian right of way:

5.141.3 a right to convey water:

5.141.4 a right to drain water:

5.141.5 a right to drain sewage:

5.141.6 a right to convey electricity:

5.141.7 a right to convey telecommunications:

5.141.8 a right to convey gas.

Awarua

5.142 The settlement legislation will provide, on the terms provided by section 72 of the draft settlement bill, that the vesting of Awarua does not affect the powers and responsibilities of the Bay of Plenty Regional Council under the Soil Conservation and Rivers Control Act 1941 to maintain, access, repair, or construct without charge to the Council, flood protection assets on the property or to access flood protection assets located on adjacent land.

Te Tapahoro Campground

5.143 On or before the settlement date the Crown must provide the governance entity with a registrable easement for a right of way and a pedestrian right of way in favour of the Te Tapahoro Campground in the form in part 10.8 of the documents schedule.

5.144 The settlement legislation will provide, on the terms provided in section 84 of the draft settlement bill, that –

5.144.1 improvements in or on the property do not vest on settlement date and may remain on the property; and

5.144.2 the Minister of Conservation may cease to administer the reserve and, in such circumstances, the governance entity may become the administering body; and

5.144.3 any Crown-owned improvements in or on the property at the date the governance entity becomes the administering body of the reserve will vest, at nil value, in the governance entity on that date; and

5.144.4 if the Crown no longer wishes to operate the campground at Te Tapahoro Recreation Reserve but considers that the campground should be retained as part of a network of low cost camping, then despite the Reserves Act 1977, the Director-General must first offer the opportunity to operate the campground to the governance entity before entering into any arrangements with another third party for that purpose.

5.145 At any time after the settlement date, either the governance entity or the Director-General may instigate discussions between themselves about the administration of the campground at Te Tapahoro Recreation Reserve. These discussions will be in the context of the Crown providing and retaining a national network of low-cost campgrounds. For the avoidance of doubt, any such discussions do not impinge upon the decision-making role of the Minister of Conservation at section 86(2) of the draft settlement bill.

Waimangu Volcanic Valley

5.146 Waimangu Volcanic Valley is 80 hectares and is being treated by the parties as having 2 components:

5.146.1 an undefined area of 30 hectares which is vested as a gift:

5.146.2 an undefined area of 50 hectares for which the governance entity pays the agreed amount of $666,999 by way of deduction from the financial and commercial redress amount under clause 7.1.

Ongarara and Whakapoukarakia

5.147 The settlement legislation will provide, on the terms provided in sections 78 and 93 of the draft settlement bill, that the following improvements do not vest on settlement date:

5.147.1 that part of the existing jetty on Ongarara:

5.147.2 all of the improvements in or on Whakapoukarakia.

Provisions apply to properties generally

5.148 Each cultural redress property is to be –

5.148.1 as described in part 1 of schedule 3 of the draft settlement bill; and

5.148.2 vested on the terms provided by –

(a) sections 71 to 115 of the draft settlement bill; and

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

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

(a) required by clause 5.140 to be provided by the governance entity; or

(b) required by the settlement legislation; and

(c) in particular, referred to by part 1 of schedule 3 of the draft settlement bill.

OFFICIAL GEOGRAPHIC NAMES

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

Existing Name	Official geographic name	Location (NZTopo50 and grid references)	Geographic feature type
Otumutu Island	Otūmūtū	BE37 979 700	Island
Unnamed	Ruakōkopu	BE38 044 684	Historic site
Unnamed	Te Houroa	BE37 988 709	Hill

5.150 The settlement legislation will provide for the official geographic names on the terms provided by sections 67 to 70 of the draft settlement bill.

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

5.151 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.

5.152 However, the Crown must not enter into another settlement that provides for the same redress as set out in clause 5.140.

6 TE WĀHI NEI, KO TE ARIKI | TE ARIKI SITE

6.1 The settlement legislation will, on the terms provided by sections 116 to 119 of the draft settlement bill, –

6.1.1 on the settlement date vest in the governance entity the fee simple estate in the Te Ariki site, as described in part 2 of schedule 3 of the draft settlement bill, the **Te Ariki site** meaning an undivided half share of the fee simple estate in the land; and

6.1.2 provide that the vesting is subject to the governance entity entering into a deed of covenant as required by clause 8.7 of the management agreement referred to in section 94(3)(a) of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008; and

6.1.3 remove the Te Ariki Trust from Schedule 4 of the Public Finance Act 1989.

6.2 The provisions of clause 5.148.3 and paragraph 2.5 of the property redress schedule are to be read so as to include the Te Ariki site, as if the property were a cultural redress property.

7 TE WHAKATIKA HAPA Ā-PŪTEA, TE WHAKATIKA HAPA Ā-TAUHOKO | FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

7.1 The Crown must pay the governance entity on the settlement date $3,333,001, being the financial and commercial redress amount of $11,334,820 less –

7.1.1 $7,334,820, being the CNI on-account amount that was paid on 1 July 2009; and

7.1.2 the payment referred to in clause 5.146.2 (payment for part of Waimangu Volcanic Valley).

DEFERRED SELECTION PROPERTY

7.2 The governance entity may, during the period of two years starting on the settlement date, give the Crown a written notice of interest in respect of the Matata School site (land only), being the deferred selection property, in accordance with paragraph 4.1 of the property redress schedule.

7.3 Part 4 of the property redress schedule provides for the effect of the notice and sets out a process where the property is valued and may be acquired by the governance entity.

7.4 The deferred selection property is to be leased back to the Crown, immediately after its purchase by the governance entity, on the terms and conditions provided by the lease for that property in part 11 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase).

7.5 Clause 7.6 applies in respect of the DSP school house site if, before the settlement date, the board of trustees of the related school site relinquishes the beneficial interest it has in the DSP school house site.

7.6 If this clause applies to the DSP school house site –

7.6.1 the Crown must, within 10 business days of this clause applying, give notice to the governance entity that the beneficial interest in the DSP school house site has been relinquished by the board of trustees; and

7.6.2 the deferred selection property that is the related school site will include the DSP school house site; and

7.6.3 all references in this deed to the deferred selection property that is the related school site are to be read as if the deferred selection property were the related school site and the DSP school house site together.

7.7 In the event that the school site becomes surplus to the land holding agency's requirements, then the Crown may, at any time before the governance entity has given a notice of interest in respect of the school site, give written notice to the governance entity

advising it that the school site is no longer available for selection by the governance entity in accordance with clause 7.2. The right under clause 7.2 ceases in respect of the school site on the date of receipt of the notice by the governance entity under this clause. To avoid doubt, the governance entity will continue to have a right of first refusal in relation to the school site in accordance with clause 7.9.

SETTLEMENT LEGISLATION

7.8 The settlement legislation will, on the terms provided by sections 144 to 150 of the draft settlement bill, enable the transfer of the deferred selection property.

RFR FROM THE CROWN

7.9 The governance entity is to have a right of first refusal in relation to a disposal of RFR land, being the land described in the attachments as RFR land, if on the settlement date it is vested in, or held in fee simple by, the Crown.

7.10 The right of first refusal is –

7.10.1 to be on the terms provided by sections 151 to 179 of the draft settlement bill; and

7.10.2 in particular, to apply –

(a) for a term of 178 years on and from the settlement date; but

(b) only if the RFR land is not being disposed of in the circumstances provided by sections 159 to 168 and 169(1) of the draft settlement bill.

RIGHT OF FIRST OFFER WITH LANDCORP FARMING LIMITED

7.11 The parties acknowledge that prior to the date of this deed, the governance entity entered into a deed of right of first offer with Landcorp Farming Limited in respect of the ROFO land.

7.12 The form of the deed of right of first offer is in part 12 of the documents schedule.

8 TE TURE WHAKATAUNGA, NGĀ RITENGA, ME TE WHAKATEPENGA | SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

8.1 The Crown must propose the draft settlement bill for introduction to the House of Representatives.

8.2 The settlement legislation will provide for all matters for which legislation is required to give effect to this deed of settlement.

8.3 The draft settlement bill proposed for introduction to the House of Representatives –

8.3.1 must comply with the drafting standards and conventions of the Parliamentary Counsel Office for Government Bills, as well as the requirements of the Legislature under Standing Orders, Speakers' Rulings, and conventions; and

8.3.2 must be in a form that is satisfactory to Ngāti Rangitihi and the Crown.

8.4 Ngāti Rangitihi and the governance entity must support the passage of the draft settlement bill through Parliament.

SETTLEMENT CONDITIONAL

8.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.

8.6 However, the following provisions of this deed are binding on its signing:

8.6.1 clauses 8.4 to 8.10:

8.6.2 paragraph 1.3, and parts 4 to 7, of the general matters schedule.

EFFECT OF THIS DEED

8.7 This deed –

8.7.1 is "without prejudice" until it becomes unconditional; and

8.7.2 may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.

8.8 Clause 8.7.2 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

TERMINATION

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

8.9.1 the settlement legislation has not come into force within 36 months after the date of this deed; and

8.9.2 the terminating party has given the other party at least 40 business days' notice of an intention to terminate.

8.10 If this deed is terminated in accordance with its provisions –

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

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

8.10.3 this deed remains "without prejudice"; but

8.10.4 the parties intend that the on-account payment is taken into account in any future settlement of the historical claims.

9 NGĀ KŌRERO WHĀNUI, NGĀ ARONGA O NGĀ KUPU, ME TE WHAKAMĀRAMATANGA | GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

9.1 The general matters schedule includes provisions in relation to –

9.1.1 the implementation of the settlement; and

9.1.2 the Crown's –

(a) payment of interest in relation to the settlement; and

(b) tax indemnities in relation to redress; and

9.1.3 giving notice under this deed or a settlement document; and

9.1.4 amending this deed.

HISTORICAL CLAIMS

9.2 In this deed, historical claims –

9.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Ngāti Rangitihi, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –

(a) is, or is founded on, a right arising –

(i) from te Tiriti o Waitangi/the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law, including aboriginal title or customary law; or

(iv) from fiduciary duty; or

(v) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992 –

(i) by, or on behalf of, the Crown; or

(ii) by or under legislation; and

9.2.2 includes every claim to the Waitangi Tribunal to which clause 9.2.1 applies that relates exclusively to Ngāti Rangitihi or a representative entity, including the following claims:

(a) Wai 524 – Ruawahia claim:

(b) Wai 872 – Pokohu Land claim:

(c) Wai 996 – Ngāti Rangitihi Inland and Coastal Land Blocks claim:

(d) Wai 1111 – Tarawera River Pollution claim:

(e) Wai 1116 – Ngāti Tionga Richmond claim:

(f) Wai 1117 – Ngāti Tionga Matatā claim:

(g) Wai 1118 – Pikowai Beach Land claim:

(h) Wai 1119 – Ngāti Mahi Matatā claim :

(i) Wai 1120 – Awakaponga Urupā claim:

(j) Wai 1125 – Ngāti Rangitihi Taonga claim:

(k) Wai 1134 – Ruawahia Reserves claim:

(l) Wai 1135 – Ngāti Rangitihi Foreshore and Seabed claim:

(m) Wai 1211 – Ngāti Mahi o Ngāti Rangitihi Land and resources claim:

(n) Wai 1358 – Rangitihi of Matatā claim:

(o) Wai 1375 – Ngāti Rangitihi (Rotomahana Parekarangi 5B6) claim:

(p) Wai 1420 – Te Awa o Te Atua claim:

(q) Wai 1486 – Rangi Karora and Others (Ngāti Rangitihi) claim:

(r) Wai 1800 – Pokohu Kaa Lands claim:

(s) Wai 1882 – Ngāti Rangitihi Taonga (Semmens, Butler, Cooke and Neely) claim:

(t) Wai 1989 – Moengaroa Whānau claim; and

9.2.3 includes every other claim to the Waitangi Tribunal to which clause 9.2.1 applies, so far as it relates to Ngāti Rangitihi or a representative entity, including the following claims:

(a) Wai 7 – Te Ariki Lands claim:

(b) Wai 319 – Kaingaroa Forest claim:

(c) Wai 1452 – Rotorua and Tauhara (Kingi, Fenwick, Short and Clarke) claim.

9.3 However, historical claims does not include the following claims:

9.3.1 a claim that a member of Ngāti Rangitihi, or a whānau, hapū, or group referred to in clause 9.6.2, may have that is, or is founded on, a right arising as a result of being descended from a tipuna (ancestor) who is not referred to in clause 9.6.1:

9.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 9.3.1.

9.4 To avoid doubt, clause 9.2.1 is not limited by clauses 9.2.2 or 9.2.3.

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

NGĀTI RANGITIHI

9.6 In this deed, **Ngāti Rangitihi** means –

9.6.1 the collective group composed of individuals who descend from one or more of Ngāti Rangitihi's tīpuna (ancestors); and

9.6.2 every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 9.6.1, including the following groups:

(a) Ngāti Mahi; and

(b) Ngāti Tionga,

being hapū of Ngāti Rangitihi; and

(c) Ngāti Hinerangi:

(d) Ngāti Ihu:

(e) Ngāti Te Whareiti:

(f) Ngāti Tutangata:

(g) Ngāti Hinehua,

being historical hapū of Ngāti Rangitihi; and

9.6.3 every individual referred to in clause 9.6.1.

9.7 For the purposes of clause 9.6.1 –

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

(a) birth; or

(b) legal adoption; or

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

9.7.2 **Ngāti Rangitihi's tipuna (ancestor)** means an individual who –

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

(i) Rangitihi through the union of Mahi and Rangitihikahira; or

(ii) a recognised ancestor of any of the descent groups of Ngāti Rangitihi / the groups listed in clause 9.6.2; and

(b) exercised customary rights predominantly in relation to the Ngāti Rangitihi area of interest after 6 February 1840.

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

(a) rights to occupy land; and

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

ADDITIONAL DEFINITIONS

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

INTERPRETATION

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

SIGNED as a deed on 5 December 2020

SIGNED by the trustees of **TE MANA O NGĀTI RANGITIHI TRUST** in their capacity of trustees of that trust and for and on behalf of **NGĀTI RANGITIHI**

_____
Leith Comer, Chairperson

_____
Catherine Moana Dewes, Trustee

_____
Tia Warbrick, Trustee

_____
Merepeka Raukawa-Tait, Trustee

_____
Melanie Cheung, Trustee

_____
Taiche Playle, Trustee

_____
Donna Semmens, Trustee

WITNESS

_____

Name:

Occupation:

Address:

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

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

_____
Hon Andrew James Little

WITNESS

_____

Name:

Occupation:

Address:

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

_____
Hon Grant Murray Robertson

WITNESS

_____

Name:

Occupation:

Address: