

TE KOROWAI O WAINUIĀRUA
and
TE KOROWAI O WAINUIĀRUA TRUST
and
THE CROWN

TE TIHI O TE RAE
DEED OF SETTLEMENT OF
HISTORICAL CLAIMS

29 July 2023

DEED OF SETTLEMENT

PURPOSE OF THIS DEED

This deed –

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

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DEED OF SETTLEMENT

DEED OF SETTLEMENT

THIS DEED is made between

TE KOROWAI O WAINUIĀRUA

and

TE KOROWAI O WAINUIĀRUA TRUST

and

THE CROWN

DEED OF SETTLEMENT

Ka ata titiro ki nga maunga ki nga tihi *I slowly look out to the mountains, to the summits*
Mai I te taha maui ko te Manganui a te Ao *To the left I follow the Manganui a te Ao river*
Ko nga maunga tapu *To the sacred mountains,*
Ko Arawhata *Arawhata*
Ko Paturangi *Paturangi*
Ko Rakautangi *Rakautangi*
Ko Murumuru *Murumuru*
Ko Pikiariki *Pikiariki*
Ko Otautu *Otautu*
Ko Hauhungatahi *Hauhungatahi*
Me maunga Ruapehu. *And mount Ruapehu.*
Mai I a maunga Ruapehu *From mount Ruapehu I gaze down to,*
Ko Raetihi *Raetihi*
Ko Ngataumaro *Ngataumaro*
Ko Pipipi *Pipipi*
Ko Ameku *Ameku*
Ko Ngatauhao *Ngatauhao*
Ko Meremere *Te Meremere*
Ko te Ruakaka *Te Ruakaka*
Ki Takuu. *Returning to Takuu,*
E noho nei a au I te taha I tenei pito *Where I sit beside the pito*
Kei muri ko te awa tupuna o Whanganui *Behind me is the sacred river of Whanganui*
I muri I tera ko te maunga tapu a *Behind there is the sacred mountain*
Matemateaonga *Matemateaonga*
Kei mua I a au ko te ngutu o te awa o Te *In front of me is the mouth of the Manganui a te*
Manganui a te Ao *Ao*
I raro I te tihi a Takuu he pito e takato nei. *Near the summit of Takuu is the pito.¹*

¹ WAI 903#E21, WAI1130#D29 Brief of Evidence of Turuhira (Jim) Edmonds p 3-4

DEED OF SETTLEMENT

1: BACKGROUND

1 BACKGROUND

BACKGROUND

- 1.1. In this background section, Te Korowai o Wainuiārua describe their kōrero tuku iho (traditional history) about their origins and rohe (traditional area). Te Korowai o Wainuiārua also discuss their pursuit of redress and the Waitangi Tribunal inquiries into their claims.
- 1.2. Te Korowai o Wainuiārua represents the descendants of three tūpuna - Uenuku, Tamakana, and Tamahaki - whose ancestral lands encompass Mount Ruapehu and the middle and upper reaches of the Whanganui River in the central North Island.
- 1.3. The people of Te Korowai o Wainuiārua are tangata whenua within their rohe. They have held, and continue to hold, ahi-ka-roa (long occupation) being the original inhabitants that settled the land.

THE ORIGINS OF THE PEOPLE OF TE KOROWAI O WAINUIĀRUA

Uenuku

*Nā Rangī a Uenuku e areare ana mai i a Papa ki a Tangaroa
Kore ai te whai ki te kohu e whakawairua kau ana
Ko Kahukurapango, ko Pou te Aniwaniwa ka ora
Kahukura tohu whenua, Tūkorako tohu rangi
Uenuku te kei o tōku tira hei maru māku*

- 1.4. The principal tupuna of Uenuku, named Uenuku, connects the iwi to many of their neighbouring iwi and hapū through whakapapa. Uenuku ki Manganui-o-te-Ao was the son of Tūkaihoru, who was the grandson of Tamatuna and Tainui, Tamatuna's second wife. They had five children and, over time, many Hapū emerged through their union. Although not directly descended from Tamahaki, through close whakapapa and intermarriage these Hapū remained closely linked to Tamahaki iwi.
- 1.5. The iwi Uenuku resided in the Manganui-a-te-ao Valley and the Mākōtuku Valley, as well as the Waimarino plains. Their kāinga in this area are called Waikurekure, Papatupu and others. In the decades prior to 1840, Uenuku also moved into settlements on the Whanganui River called Pīpīriki, Autumutu and others. Two of their principal rangatira in the nineteenth century were Te Pare-o-te-rangi and his mother, Hinepare-o-te-rangi.

Tamakana

*E ua e te ua, maringi roimata
Tau mai te makariri, whakapiri mai
Ruapehu te maunga, mangawhero te awa
Tamakana te iwi, maranga mai*

DEED OF SETTLEMENT

1: BACKGROUND

- 1.6. Tamakana, the tupuna, derives his status as a descendant of Whanganui River iwi from his mother Ruakaupō, from the ancient tupuna Ruatipua. Through his father, Totokia, he was descended by five generations through Tūwharetoa's son, Rākeipoho.
- 1.7. Tamakana lived throughout the central plateau and their lands stretched westwards across Taurewa, near Tongariro maunga to the Waimarino plains, and down the Manganui-o-te-Ao valley. At times, he resided in the Murimotu area south of Mount Ruapehu, and at other times east of Tongariro at Lake Rotoaira.
- 1.8. Tamakana married women from the Manganui-a-te-ao and the descendants of his three grandchildren (Tangowhara, Tūkiriwai, and Tuatapa) became established there and also west of Tongariro and Ruapehu on the Waimarino plains. Ngāti Tamakana's interests stretch across from Taurewa into Waimarino, where Te Rangihuatau claimed the whole block in the name of Tamakana. They included interests down to Manganui-a-te-ao.

Tamahaki

Aue te mamae o Tamahaki kei whea, te taura nei e taiki I noho, whati o runga, o runga, me a raro nei e ngangara, e kai kino ai Pokarekare te marino, a awa e, Aue Tupua manu ki moana, I rere noa iho eee, takahi, pepehi a Tamahaki

- 1.9. Tamahaki, the tupuna, was a child of Tamatuna and Tauira and a descendant of Ruatipua, the original tangata whenua of the district. He married Hinetute and from their union came many children and grandchildren, some of whom later formed hapū in their own right upon their land, spreading out along the River and its tributaries.
- 1.10. Many centuries have passed and the Tamahaki people remain, to this day, proud descendants of this tupuna and their respective hapū on the lands. The Tamahaki rohe is mainly on the western side of the Whanganui River as it is known today. Tamahaki and its associated hapū have lived in settlements both sides of the Whanganui River from Taunoka in the south to south of Taumarunui.

THE DISTINCT IDENTITY OF THE HAPŪ OF TE KOROWAI O WAINUIĀRUA

- 1.11. Native Land Court records and other primary sources identify Uenuku, Tamakana, and Tamahaki as the eponymous tupuna of their own discrete tribes. These tribes are also known as tribes of the Whanganui River. This is in line with the traditional histories of Te Korowai o Wainuiārua. Each tribe had numerous hapū aligned to them.
- 1.12. Uenuku, Tamakana, and Tamahaki have found it difficult to maintain a distinct identity and to ensure that their identity and mana is acknowledged by other parties, including the Crown. As a result, Te Korowai o Wainuiārua seeks re-instatement of recognition from the Crown and other parties of the Uenuku, Tamakana, and Tamahaki rangatiratanga within their rohe.
- 1.13. Te Korowai o Wainuiārua believe that there has been a tendency to conflate all groups living in the wider Whanganui region (in a geographic sense) as all being "Whanganui", implying that all the descent groups of this very large region are, more or less, the same.

DEED OF SETTLEMENT

1: BACKGROUND

The identity of Te Korowai o Wainuiārua tribes is much more complex than merely being a segment of "Whanganui". The Whanganui region (geographically speaking) contains many hapū and iwi groups who are distinct from one another due to other descent lines and very different political histories.

- 1.14. The so-called "upper Whanganui" region is, in reality, a large part of the North Island interior, today with large areas of Crown land mostly held by the Department of Conservation (whether in National Parks or otherwise), and with a high percentage of the resident population being Māori.
- 1.15. Te Korowai o Wainuiārua consider that to assume that the identities and historical issues of "Whanganui" Māori are the same makes little sense when Māori living in the Whanganui River catchment are demonstrably not the same, their histories and political allegiances are not the same, nor are their historical grievances. For example, the historical experiences of the groups living in the inland regions of the Waitangi Tribunal's Whanganui district inquiry were quite different from the southern region at the mouth of the Whanganui River where there was a New Zealand Company township. The people of Uenuku, Tamakana, and Tamahaki were largely unaffected by early European settlement, were opponents of the Crown (and closely linked to the Kingitanga); and their engagement with the colonial state came late, and was sudden, dramatic, and devastating.

THE ROHE OF UENUKU, TAMAKANA, AND TAMAHAKI

- 1.16. The ancestral lands of the descendants of three tūpuna – Uenuku, Tamakana, and Tamahaki –encompass Ruapehu and the middle and upper reaches of the Whanganui River in the central North Island. It extends from Taumarunui to the Tongariro National Park and north of Waiouru across to the Whanganui River north of Whanganui and up to Tangarakau. Their rohe included the rivers of the Whanganui, Manganui-a-te-ao, Taringamotu, Tāngarākau, Whakapapa, Whangamōmona and many others.
- 1.17. This area, in pre-European times, was at the heart of a vital north-south and east-west access route and featured dense populations and complex iwi and hapū connections. This meant that Uenuku, Tamakana, and Tamahaki were of critical importance in the forging of social, political and economic relationships. Te Korowai o Wainuiārua consider that this position was greatly altered by the Crown's breaches of te Tiriti o Waitangi/the Treaty of Waitangi.
- 1.18. The lands of the affiliated tribes extend across four Waitangi Tribunal inquiry districts: National Park, Whanganui, Te Rohe Pōtae, and the Taihape district.

PURSUIT OF REDRESS & THE WAITANGI TRIBUNAL

- 1.19. For generations the people of Te Korowai o Wainuiārua have sought redress for the many breaches of the Treaty by the Crown. The people of Te Korowai o Wainuiārua have filed various claims with the Waitangi Tribunal, to have their grievances heard, reported on and acknowledged.

DEED OF SETTLEMENT

1: BACKGROUND

- 1.20. The people of Te Korowai o Wainuiārua have been active participants in the Waitangi Tribunal Inquiry into the National Park (Wai 1130), Whanganui District (Wai 903) and the Te Rohe Pōtae (Wai 898) Inquiries. Te Korowai o Wainuiārua claimants actively supported the Whanganui River Inquiry before the Tribunal.
- 1.21. The Waitangi Tribunal inquired into Te Korowai o Wainuiārua historical grievances relating to the Tongariro and Whanganui national parks in the National Park Inquiry and the Whanganui District Inquiry respectively.

Te Kāhui Maunga Report

- 1.22. The Waitangi Tribunal's Te Kāhui Maunga Report relating to its National Park district inquiry was released in 2013. The Tribunal concluded that the Crown had breached the Treaty of Waitangi in a number of ways and made a number of findings. In relation to the land required for defence purposes at in the lead up to the First World War, including Waimarino 4B2, the Waitangi Tribunal recommended that any of this land remaining in Crown ownership should be returned to the beneficial owners.

He Whiritaunoka Report

- 1.23. The Waitangi Tribunal released its report He Whiritaunoka: The Whanganui Land Report in respect of its inquiry into the Whanganui District in 2015. The Tribunal concluded that the Crown had breached the Treaty in a number of ways. In respect of the Whanganui National Park, the Tribunal recommended that –
- 1.23.1. title to the land in the Whanganui National Park be transferred to iwi for the purpose of a national park;
- 1.23.2. a plan be developed under which Whanganui National Park transitions over a period of several years to joint governance and management by the Crown and Whanganui iwi, with tangata whenua as at least equal partners;
- 1.23.3. title to certain sites of special significance pass from the Crown to their traditional owners, with ancillary agreements and arrangements (including Crown funding) to secure environmental protection as necessary and appropriate. Particular sites of significance that fall into this category are : Waiora Spring, Tīeke Kāinga (kāinga and urupā), Mangapāpapa (wāhi tapu and several urupā), urupā on Ahuahu A and Ahuahu B, Puketapu maunga (and urupā), and Kirikiriroa (kāinga and pā site). The Tribunal did not consider this list to be comprehensive, and Whanganui iwi and the Crown should augment it as appropriate; and
- 1.23.4. legislative change occur as required to facilitate the new arrangements.

DEED OF SETTLEMENT

1: BACKGROUND

TE KOROWAI O WAINUIĀRUA NEGOTIATIONS WITH THE CROWN

- 1.24. In August 2014, the Minister for Treaty of Waitangi Negotiations recognised Central Whanganui as a Large Natural Group (LNG) for the purpose of Treaty settlement negotiations, stipulating that the group must include Uenuku and Tamahaki. The Crown expectation that Uenuku, Tamakana, and Tamahaki settle in one collective, in particular, the inclusion of Tamahaki, caused significant discomfort and unrest amongst the various tribal entities and is a complicating factor in settling historical claims.
- 1.25. Uenuku and Tamahaki are resilient and pragmatic people. In response to the Crown directive, Uenuku and Tamahaki agreed to remember the historical commitment of the two peoples to work together. For that purpose, it was agreed that Tamahaki would look after the awa (Whanganui) and Uenuku would look after the maunga (Ruapehu).
- 1.26. Uenuku and Tamahaki thus renewed the historical commitment to work together to progress the settlement of all of their historical Treaty claims, and to unify and strengthen their people moving forward.
- 1.27. The Central Whanganui LNG was re-named "Te Korowai o Wainuiārua" to appropriately reflect the inclusion of Tamahaki. Three tūpuna - Tamakana, Tamahaki and Uenuku ki Manganui-o-te-Ao, na Tūkaihoru were identified as unifying the people of Te Korowai o Wainuiārua as an LNG.

TE KOROWAI O WAINUIĀRUA TREATY OF WAITANGI SETTLEMENT ASPIRATIONS

- 1.28. On 16 May 2017 Te Korowai o Wainuiārua delivered a presentation to the Minister of Treaty of Waitangi Negotiations on the settlement aspirations that Te Korowai o Wainuiārua are seeking to achieve through the settlement process.
- 1.29. These aspirations have laid the foundation for the pursuit through its Treaty settlement and serves as a basis on which Te Korowai o Wainuiārua can move forward as an iwi with our mana and rangatiratanga intact. Te Korowai o Wainuiārua recognise that a Treaty settlement presents an opportunity to build a foundation for the restoration of the wellbeing of Te Korowai o Wainuiārua people and lands.
- 1.30. Three pou form the basis of and represent the vision, principles, and aspirations of the people of Uenuku, Tamakana and Tamahaki for the settlement of Te Korowai o Wainuiārua claims against the Crown for its breaches of te Tiriti o Waitangi/the Treaty of Waitangi:
 - 1.30.1. **Pou Tangata:** this aspirational pou reflects the desire to achieve economic and commercial revitalisation in the Te Korowai o Wainuiārua rohe. The broad aspiration is to re-establish the economic viability of land and resources, sustain commercial development of these resources and ensure strong industry relationships for economic growth;

DEED OF SETTLEMENT

1: BACKGROUND

- 1.30.2. **Pou Wairua:** this aspirational pou focuses on the desire to achieve social and cultural development for the people of Te Korowai o Wainuiārua. This development will be based on reconciliation between the Crown and Te Korowai o Wainuiārua, and the Crown's acknowledgement of its breaches of te Tiriti o Waitangi/the Treaty of Waitangi. Te Korowai o Wainuiārua aspire to secure the social and cultural wellbeing of their people, and the revitalisation of identity, language, culture, tikanga and kōrero; and
- 1.30.3. **Pou Whenua:** this aspirational pou reflects the role of Uenuku, Tamakana, and Tamahaki as kaitiaki and the importance of environmental protection and conservation of their ancestral lands. Te Korowai o Wainuiārua aspire for this settlement to support the exercise of kaitiakitanga and rangatiratanga over wāhi tapu, protection and conservation of taonga species, the natural landscape, biota, flora and fauna and the recognition of Uenuku, Tamakana and Tamahaki as customary guardians of their tribal lands.
- 1.31. These pou represent the aspirations of the people of Uenuku, Tamakana and Tamahaki in relation to their Treaty settlement and are interdependent. The role of Te Korowai o Wainuiārua people as kaitiaki cannot be fulfilled without ensuring that the social and cultural wellbeing of the people is safe and secure. In turn, social and cultural wellbeing is interconnected with the tribes' economic and commercial resources, which provide support and sustenance to Te Korowai o Wainuiārua whānau, hapū and iwi.
- 1.32. Each of the three aspirational pou will be strategically implemented according to the vision, values and principles of Te Korowai o Wainuiārua people, assisted by the redress provided by their Treaty settlement.
- 1.33. Te Korowai o Wainuiārua have a particular aspiration to establish and manage the first iwi led ecosanctuary to be created in New Zealand. Te Korowai o Wainuiārua also wishes to ensure that the flora and fauna (including fisheries) are well managed not only within the eco-sanctuary but within all of their traditional lands and that their rangatiratanga and cultural rights in their fisheries are respect and acknowledged.

NEGOTIATIONS

- 1.34. In July 2015 Te Korowai o Wainuiārua gave Uenuku Charitable Trust a mandate to negotiate a deed of settlement with the Crown by a series of mandate hui and a vote.
- 1.35. The Crown recognised the mandate on 20 June 2016.
- 1.36. The mandated negotiators and the Crown –
- 1.36.1. by terms of negotiation dated 20 February 2017, agreed the scope, objectives, and general procedures for the negotiations; and

DEED OF SETTLEMENT

1: BACKGROUND

- 1.36.2. by agreement dated 23 November 2018, agreed, in principle, that Te Korowai o Wainuiārua and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement; and
- 1.36.3. since the agreement in principle, have –
 - (a) had extensive negotiations conducted in good faith; and
 - (b) negotiated and initialled a deed of settlement.

RATIFICATION AND APPROVALS

- 1.37. Te Korowai o Wainuiārua have, since the initialling of the deed of settlement, by a majority of –
 - 1.37.1. 95%, ratified this deed; and
 - 1.37.2. 95%, approved its signing on their behalf by the trustees of Te Korowai o Wainuiārua Trust; and
 - 1.37.3. 94%, approved the governance entity receiving the redress.
- 1.38. Each majority referred to in clause 1.37 is of valid votes cast in a ballot by eligible members of Te Korowai o Wainuiārua.
- 1.39. The governance entity approved entering into, and complying with, this deed by resolution of trustees on 15 July 2023.
- 1.40. The Crown is satisfied –
 - 1.40.1. with the ratification and approvals of Te Korowai o Wainuiārua referred to in clause 1.37; and
 - 1.40.2. with the governance entity's approval referred to in clause 1.39; and
 - 1.40.3. the governance entity is appropriate to receive the redress.

AGREEMENT

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

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT IN TE REO

2 HISTORICAL ACCOUNT IN TE REO MĀORI

A UENUKU RĀTOU KO TAMAKANA, KO TAMAHAKI I TE TAU 1840 ME TE TIRITI O WAITANGI

Te Tuakiri o Uenuku rātou ko Tamakana, ko Tamahaki i te tau 1840

- 2.1. I noho ngā iwi matua e toru o Te Korowai o Wainuiārua, a Uenuku, a Tamakana, me Tamahaki, i te puku o te rohe o Whanganui i te wā ka tae mai te Karauna ki te takiwā i te tau 1840. Ki ō rātou nā whakaaro, he iwi motuhake ia iwi ahakoa e tata ana ō rātou hononga nā ō rātou whakapapa me te hītori.

A Uenuku

- 2.2. He mea hono te iwi e Uenuku, e te tupuna matua o Uenuku, ki ngā iwi me ngā hapū maha e pātata ana ki a rātou mā te whakapapa. I te tau 1840, ka noho a Uenuku iwi ki ngā riu o Manganui-a-te-ao me Mākōtuku, ki ngā mānia hoki o Waimarino. Ko ngā ingoa o ō rātou kāinga i tēnei wāhi, ko Waikurekure, ko Papatupu me ētehi atu. I ngā tekau tau o mua i te tau 1840, ka hūnuku hoki a Uenuku ki ngā kāinga i te awa o Whanganui e kīia nei ko Pīpīriki, ko Autumutu me ētehi atu.

A Tamakana

- 2.3. I noho te tupuna nei, a Tamakana, me tana iwi, ki te riu o Manganui-a-te-ao i te taha o Uenuku me ētehi atu whanaunga o rātou. Ka toro te rohe o Tamakana i Taurewa, e tata nei ki te maunga o Tongariro, ki ngā mānia o Waimarino.
- 2.4. Ko ētehi o ngā uri a Tamakana, nā rātou nei te iwi i ārahi i te rautau tekau mā iwa, ko Tūkaiaora te Tuarua, ko Te Pikikōtuku, ko Te Whetū Kākahi me tana tama, me Winiata Te Kākahi, ko Te Wharerangi me tana tama, me Matuaahu Te Wharerangi, ko Te Rangihuatau, ko Kaioroto, ko Te Riaki, ko Uenuku Tūwharetoa me tana tama, me Taurerewa Tūwharetoa, ko Hītaua me tana tama, me Te Pēhi Tūroa te Tuatahi, ko Hekeāwai hoki.

A Tamahaki

- 2.5. He uri whakaheke a Tamahaki, te tupuna o te iwi, o Tamahaki, nā Ruatipua rāua ko Paerangi, ko rāua nei ngā tāngata whenua taketake o te takiwā. Ko ngā rangatira o te rautau tekau mā iwa, ko Uenuku Tūwharetoa rātou ko Taiwiri Toho, ko Te Rangihuatau, e whakapapa ana ki a Tamahaki. Ko te nuinga o te rohe o Tamahaki kei te taha uru i te puku tonu o te awa o Whanganui. I noho te iwi o Tamahaki me ōna hapū i ngā kāinga o ngā tahataha o te awa o Whanganui, tae atu ki a Pīpīriki, ki a Tīeke, ki a Mangapāpapa, me Kirikiriroa.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT IN TE REO

TE TIRITI O WAITANGI

- 2.6. He iti noa ngā pānga a Te Korowai o Wainuiārua ki te Pākehā i mua i te waitohutanga o te Tiriti o Waitangi i tō rātou rohe tuawhenua e tūhāhā ana. I te toronga a tētehi mihinare o te Rōpū Hāhi Mihinare ki Whanganui i te marama o Mei, i te tau 1840, me tētehi tāruatanga o te Tiriti, kāore ia i toro ki tuawhenua, ki te rohe o Uenuku rātou ko Tamakana, ko Tamahaki.
- 2.7. I te 23 o Mei, e iwa ngā rangatira o Whanganui i waitohu i te Tiriti i te pūaha o te awa o Whanganui. Ko tētehi o ngā tāngata waitohu, ko te tumu whakarae, ko Te Pēhi Tūroa te Tuatahi, nō Patutokotoko. I te 25 o Mei, ka waitohu tana tama, a Te Pēhi Pākoro Tūroa te Tuarua, i taua tānga o te Tiriti i Waikanae, i te taha o ētehi atu Māori tokowhā. E ai ki ngā iwi o Te Korowai o Wainuiārua, nā te waitohutanga o te Tiriti, i tōna tikanga kua tīmata mai tētehi hononga e tū ana i runga i te tika, i te pono me te mana.

A UENUKU RĀTOU KO TAMAKANA, KO TAMAHAKI ME TE WHENUA MANATĀMI I NGĀ TAU 1840-1860

Te Kamupene o Niu Tireni

- 2.8. Nā ngā iwi me ngā hapū o te puku me te taha whakararo o te awa o Whanganui, tae atu hoki ki ngā iwi o Te Korowai o Wainuiārua, te pūaha o te awa i whakamahi mō te hī ika, mō te tauhokohoko, ka mutu, he rite tonu tā rātou pērā i ētehi marama karapipiti.
- 2.9. I te tau 1839, nā tētehi kamupene motuhake mō te whakatau i ngā tāngata o Peretānia, nā te Kamupene o Niu Tireni, tētehi māngai i tuku kia whakawhiti kōrero mō te hoko whenua i te Māori i mua i te taenga mai o te Karauna. I whakarite te Kamupene i tētehi whakataunga hoko whenua kia neke atu i te kotahi miriona eka i ngā whenua o Whanganui, mai i te takutai ki Tongariro maunga. He mea waitohu te whakataunga e ngā tūpuna e rua o Te Korowai o Wainuiārua, e Te Rangingiwhakarurua rāua ko tana tama, ko Te Kurukaanga, e noho pātata nei ki Waikanae i te marama o Noema, i te tau 1839, nō rāua i runga i te kaupuke o te Kamupene e tau ana i te moana i Kāpiti.
- 2.10. I te marama o Māehe, i te tau 1840, ka haere tahi a Te Kurukaanga me te māngai o te Kamupene ki Pūtiki. I tētehi hui, i reira rā tōna 300-400 tāngata, ka tukuna e te māngai o te Kamupene ētehi koha ki a Te Pēhi Tūroa te Tuatahi, nō Patutokotoko, me ētehi atu rangatira nui e rua, heoi, kāore i whakaritea hei utu mō te whenua. I te upoko o te rautau tekau mā iwa, ka whakakotahingia a Patutokotoko i raro i te mana o Te Pēhi Tūroa te Tuatahi, ka mutu, ka whai tautoko i ētehi atu wāhi puta noa i te awa.
- 2.11. I te marama o Mei, i muri i te waitohutanga o te Tiriti, ka karangatia e te Kamupene tētehi hui nui ki Pākaitore kia matapakia te whakataunga o te tau 1839, ka mutu, ka kohia ngā waitohu nā ngā Māori e 32 o Whanganui. Nō te taenga ki te marama o Hepetema, kua whakatūngia e ngā Māori o Whanganui ngā whare e toru tekau kia rite mō te taenga mai o ngā manene, ka mutu, nā Te Kurukaanga tētehi whare i hanga mō te māngai o te Kamupene. I tae tuatahi mai ngā manene i te upoko o te tau 1841. Ko Petre te ingoa nā te Kamupene i tapa ki tō rātou wāhi noho. Heoi anō, he mea aukati te whakamātau a te

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Kamupene ki te rūri i ngā whenua, i whai rā ia ki te hoko, nā ētehi Māori kāore nei i whai wāhi atu i ngā whakawhitinga kōrero a te Kamupene.

Te Kōmihana o Peina

- 2.12. I te marama o Hānuere, i te tau 1840, ka puta te pānui a Kāwana Hopihana mō te korenga i whai mana o ngā hokotanga tūmataiti katoa i muri i taua rā. I te tau 1841, ka whakatūria e te Kāwana tētehi kōmihana mō ngā kokoraho whenua o mua kia rangahaua te whai mana rānei o ngā hokotanga i oti i mua i te putanga o te Tiriti. I te tau 1843, ka whakatūria e te Kaikōmihana, e Wiremu Peina, ngā whakawā hei rangahau i tā te Kamupene whai ki te hoko i ngā whenua o Whanganui.
- 2.13. I whai wāhi atu ngā tūpuna o Te Korowai o Wainuiārua ki ngā whakawā, heoi, kāore a Te Kurukaanga i reira. I tuku kōrero a Te Pēhi Tūroa te Tuatahi, ā, ko tāna, nā te waitohutanga o te whakataunga, i pēnei ia ka utua ia. Heoi anō, ka mea ia, i riro kē te utu ki ētehi atu, kua ki a ia. I mea hoki a Ngāpara, nō Te Patutokotoko anō, kāore i whakamāramatia te whakataunga ki a ia i te wā i waitohungia e ia i te marama o Mei, i te tau 1840. I mea hoki ia, i whakahē te nuinga o te iwi i te hokotanga nā te iti rawa o te utu. Ka tere mōhio a Peina ki te rahi o ngā hē o tā te Kamupene hokotanga e kōrerotia nei.
- 2.14. I te marama o Hepetema, i te tau 1843, ka mea a Peina, i tētehi pūrongo tārewa, kāore ā te Kamupene taunakitanga mō tana hoko i te whenua e kokorahotia ana e ia. Heoi anō, i whakaaro hoki ia ki te tokomaha o ngā Māori o Whanganui i pīrangi rā kia noho ngā manene ki te tāone iti kua whakatūria e rātou. I mahara a Peina kia utu te Kamupene i tētehi atu £1,000 ki te Karauna e tukuna ai e te Karauna ngā eka takuhe e 40,000 huri noa i te wāhi noho o Petre, otirā, o Wanganui, ā, i pānui hoki ia i te nohonga o tērā hei whakawhiwhinga ki ngā Māori o Whanganui i te tau 1844. I te marama o Māehe, i te tau 1845, ka oti i a Peina tēnei tūtohunga te whakatau ki te Karauna. Heoi anō, kāore a Kāwana Whitiroi i whakaae ki te tūtohunga, ka mutu, ka ākina e ia ngā manene kia wehe i Petre.

Ngā Whakawhitinga Kōrero a te Karauna mō te Hoko

- 2.15. Ko Kāwana Kerei te kaiwhakakapi i te tūranga o Kāwana Whitiroi, ā, ka tae mai ia ki Aotearoa i te marama o Noema, i te tau 1845, me ngā tohutohu kia oti i a ia ngā hokotanga mā te Kamupene. Ka haere a Kerei ki Petre i te marama o Māehe, i te tau 1846, ki te aromatawai i te pīrangi o ngā rangatira nui ki te whakatutuki i te hokotanga i tūtohungia ai e Peina. Nā Te Pēhi Tūroa, nā Ngāpara, me ētehi atu i whakaū ō rātou pīrangi ki te pērā.
- 2.16. I te marama ka whai mai, ka tukuna ngā māngai hoko a te Karauna ki Whanganui ki te whakatutuki i te hokotanga. I te pūrongo a Peina tētehi mahere o te whenua i kokorahotia rā e te Kamupene (e 89,600 eka), ka mutu, he rārangi e taiāwhio ana i ngā eka e 40,000 i tūtohungia rā e Peina hei hokotanga. Ka tīmata tā te Karauna rūri i te poraka e 89,600 eka nei te rahi, otirā, kāore i pērāngia te 40,000 eka i whakaaetia rā, ka mutu, kāore ngā Māori o Whanganui i whakamōhioia ki taua rerekētanga.

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Nā te Tutūnga o te Puehu ka Tārewa ngā Whakawhitinga Kōrero

- 2.17. Ka whakawhiti kōrero ngā Māori o Whanganui me ngā āpiha ki te whakatau i ngā rohenga me ngā rāhui. Heoi anō, ka tārewa te hokotanga nā te pakarutanga o te riri ki Heretaunga i waenga i te Karauna me ngā Māori o te taha whakararo o te awa, i te marama o Hune, i te tau 1846. Ka kī a Te Pēhi Pākoru Tūroa ki te mihinare e noho pātata ana, ko tana pīrangī, ko te noho tahi me te Pākehā i runga i te rangimārie, ā, ko tana teina, ko Tāhana Tūroa, kua haere ki te whakakīkī i ngā Māori o Whanganui i Heretaunga rā kia hoki ki Whanganui.
- 2.18. I te marama o Hūrae, i muri i te taenga o tētehi tānga o tētehi reta ki ngā Māori o Whanganui e kimi tautoko ana mō te pakanga i Heretaunga, ka whakatauria e Kerei te ture hōia hei ture mō te takiwā o Whanganui. I te taunga o te puehu i Heretaunga, ka heke mai tētehi tauā o te taha whakararo o te awa ki Petre i te marama o Oketopa, ā, nā te mea i rongo ngā manene i te wehi, ka whakatūria e te Karauna ngā hōia 180 ki te tāone. I te marama o Āperira, i te tau 1847, i muri i te whakamatenga o ētehi rangatahi Māori, mō rātou i patu i ngā manene tokowhā kia mate, ka whakaroangia ake te tauria o Whanganui e te ture hōia. I te marama ka whai ake, ka tae ake anō tētehi tauā o te taha whakararo o te awa ki Petre, ā, ka tū ngā kakari mō ētehi marama. Ko te whawhai nui katoa, ko tērā i tū rā ki St John’s Wood, i te marama o Hūrae, engari he tumu ka hua ake i te whawhai, ā, ka whakatahi atu te tauā ki te taha whakararo o te awa.

Ka Oti i te Karauna te Hokotanga

- 2.19. Nō te taenga ki te marama o Pēpuere, i te tau 1848, kua tau te rangimārie ki waenga i ngā taha e rua, heoi, e rere tonu ana te āmaimai i taua wā, ā, i puritia tonutia e te Karauna ana hōia ki te tāone. I te marama o Mei, ka whai te Karauna ki te tīmata anō i ana whakawhitinga kōrero mō te hokotanga o te poraka i Whanganui. I tētehi hui, i te 25 o Mei, o tōna 600 Māori o Whanganui, e 80 ngā tāngata i waitohu i te whakataunga hoko a te Karauna, ā, nā tētehi 126 atu anō i waitohu i te rā i muri mai. He mea whakawehewehe te £1,000, i āpitingia atu rā hei moni hoko, ki waenga i ngā hapū tekau mā rima. E £50 i whakawhiwhia ki a Tāhana Tūroa mā ērā o Te Patutokotoko. Kāore tonu te Karauna i whakamōhio i te hunga nō rātou te whenua, ko taua £1,000 rā hei utu i ngā whenua nui ake i te 86,000 eka, ka mutu, i whakaaritia tonutia taua hokotanga hei mahi whakatutuki i te hokotanga o ngā eka e 40,000 i tūtohungia ai e Peina.

Ngā Poraka Rāhui i Whanganui

- 2.20. Ko ngā kupu o roto i te whakataunga tuatahi a te Kamupene e mea ana, ka rāhuitia tētehi wāhanga o te whenua ka hokona, ā, ka nui tonu “hei wāhi noho e tika ai te manaakitia o aua rangatira me ā rātou whānau”. I te tau 1843, nā te Karauna te kawenga kia rāhuitia he whenua mai i te hokotanga. I te tau 1845, ka takoto i a Peina tana tūtohunga ki te Karauna kia rāhuitia mō te Māori ngā eka e 4,000 (he hau-tekau nō te hokotanga i Whanganui i tūtohungia ai) hei āpītanga ki te pā, ki te urupā, ki ngā māra anō hoki. Heoi anō, i te tau i muri mai, ka tohutohu a Kāwana Kerei kia whakakīkīngia ngā Māori e ngā māngai hoko kia whakarērea ngā māra kāore nei ngā māngai i mahara me pupuri e rātou, ka “auwaha ki ngā whāinga a ngā manene me tō rātou tōnuitanga”. I

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te tau 1848, he mea whakawātea ki a Te Patutokotoko tētehi whenua rāhui e kīia nei ko Waipākura, e 2,358 eka nei tōna rahi.

A UENUKU RĀTOU KO TAMAHAKI, KO TAMAKANA I NGĀ RIRI WHENUA I NGĀ TAU 1860-1872

Te Whakatūnga mai o te Kīngitanga

- 2.21. I ngā wā o mua, ka whakatū rūnanga, ka whakatū hui hoki a Te Korowai o Wainuiārua ki te whakatau i ngā uauatanga i mua i a rātou. Ka huri ā rātou rautaki i muri i te tau 1848 kia pai te whakapā ki tō rātou hoa hou i hua mai i te Tiriti. I te roanga o te tekau tau 1850 me tō te 1860, ka kaha kē atu te whai a ngā rangatira o Te Korowai o Wainuiārua ki te mahi tahi ki te whakatau i ngā take i mua i a rātou. Mai i te hiku o te tekau tau 1850, ka nui ake, ka ōkawa ake hoki te rūnanga, ka mutu, he rite tonu te karangatia hei rūnanga nui.
- 2.22. I te tau 1856, ka tae atu ētehi Māori o Whanganui ki te rūnanga nui i Pūkawa, ki reira matapakingia ai te whakatūnga o tētehi Kīngi Māori. Ko te tūmanako kia noho te kaupapa, i karangatia rā i muri mai ko te Kīngitanga, hei āhuatanga nui ake i ngā raruraru i waenga i ngā iwi mā te waihanga i tētehi whakahaere Māori ā-motu hei whakatau i ā rātou ake take i waenga i ō rātou rohenga. I te hui i Pūkawa, i whakaaetia te whakaritenga o tētehi 'rohe tapu', i kīia rā ko Te Rohe Pōtae i muri mai, i te take o Tongariro maunga, ā, kia kua ōna whenua e hokona. I te tau 1857, kua whakapekangia e Tōpia Tūroa (me ētehi atu) te tono kia tū hei kīngi, ā, ko Pōtatau Te Wherowhero i whakataungia hei kīngi Māori tuatahi. I te tau 1858, nā Tōpia Tūroa te kaupapa o te Kīngitanga i kōkiri i te takiwā o Whanganui, ā, ka tere te horapa o te tautoko i waenga i ngā iwi o Te Korowai o Wainuiārua.

Ngā Riri Whenua ki Taranaki me Waikato

- 2.23. I te tau 1860, ka pakaru anō te riri i te whakaekenga o te pā o Te Kōhia, i Taranaki, e te Karauna kia ūruhingia te hokotanga o Waitara. I whakatau ngā iwi o Te Korowai o Wainuiārua kia kua e whai wāhi atu. I te marama o Māehe, i te tau 1860, ka whai wāhi atu ngā iwi o Te Korowai o Wainuiārua ki tētehi hui nui e tāpua ana i Kōkako, i te taha whakatetonga o Ruapehu maunga, ki te matapaki i ngā rohenga i waenga i ngā iwi, i te hokotanga o te whenua, me te Kīngitanga. Nō muri tata mai, ka whakaritea e ngā kaitautoko o te Kīngitanga he aukati ki Maraekōwhai, ki te pūtahitanga o ngā awa o Whanganui me Ohura, ka mutu, ko te rahinga o te rohe o Te Korowai o Wainuiārua i te raki kē o tēnei aukati. He mea āta whakarite te aukati hei whenua ā-mana Māori kāore nei i whakaaetia kia haerengia mehemea kāore te Kīngi i whakaae. I te tau 1861, i Taranaki, ka tū te rangaawatea i waenga i te Karauna me te Kīngitanga.
- 2.24. I te tau 1862, nā Te Ua Haumēne o te Kīngitanga ki Taranaki i tīmata te whakapono o te Pai Mārire. I whai te Kīngitanga i ētehi wāhanga o taua whakapono, ā, nāwai, nāwai, ka noho ko te Pai Mārire hei whakapono mōna. Ka whai ngā apataki ki te whakahaere i tō rātou whakapono, i ō rātou whenua hoki, ki te kaupare hoki i te mana hāhi Pākehā.

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2.25. I te tau 1863, i muri i tā te Karauna noho wheta anō ki ngā poraka o Omata me Tataraimaka, ka pupū ake anō te riri ki Taranaki, ā, i tēnei wā, ka tūhono atu a Tāhana Tūroa me ētehi atu Māori o Whanganui ki te pakanga ki te Karauna. I te marama o Hune, ka patua a Hōri Pātene, tētehi rangatira o Pīpīriki, he nui nei tōna mana, ā, he rongonui, i te pakanga i Katikara ki Taranaki. I te marama o Oketopa, ka whakaritea e Te Pēhi Tūroa tētehi tauā, ā, ka tūhono atu ki ngā Māori o Taranaki, ko te kimi utu mō te matenga o Hōri Pātene tētehi take. Ka whawhai te tauā o Whanganui i Taranaki tae noa ki tā rātou hoki tōmua ki te kāinga nā te paunga o ā rātou rawa i te tau 1864.

2.26. I te marama hoki o Hūrae, i te tau 1863, kua whakawhiti ngā tauā a te Karauna i te aukati o te taha whakateraki o Te Rohe Pōtae, i te awa o Mangatāwhiri, me te aha, ka tīmata te riri whenua ki Waikato. Kāore ngā tūpuna o Te Korowai o Wainuiārua i whai wāhi ki tēnei pakanga.

Ka Horapa te Riri ki Whanganui

2.27. I te marama o Hānuere, i te tau 1864, ka puta i te Karauna tētehi whakapuakanga e kī ana me mātua whāki ngā 'kaiwhana' i tō rātou ngākau pono ki a Kuīni Wikitōria. Ka tūpono mauheretia pea rātou mehemea ka whawhai rātou ki te Karauna. Kāore he apataki kotahi o te Kīngitanga ki Whanganui i whāki i tōna ngākau pono ki te Kuīni, heoi, ko tā Te Pēhi Tūroa kōrero, i te marama o Āperira, e kore ia e whawhai anō, tae noa ki te wā ka whakaekengia tōna kāinga i te taha whakararo o te awa.

2.28. Nō te taenga ki te marama o Āperira, ka whai wāhi atu te Pai Mārire ki te riri whenua ki Taranaki, ka mutu, ka hau ōna rongo i waenga i te Pākehā me te Karauna mō tōna tūkino. Nāwai rā, i taua marama tonu, ka hoki a Mātene Rangitauira i te riri whenua ki Taranaki ki te takiwā o Whanganui. Kua tū hoki ia hei apataki mō te Pai Mārire, ka mutu, i te whai ia kia huri ngā Māori o Whanganui ki taua whakapono. I tana toronga ki tōna kāinga i Pīpīriki, i kite ia i ngā takahuri tokomaha e tangi tonu ana i te matenga o Hōri Pātene.

2.29. I te marama o Mei, ka arahina e Mātene Rangitauira tētehi tauā, 120-150 ngā apataki Māori o te Pai Mārire, ki te taha whakarunga o te awa o Whanganui ki te tuki atu i te tāone o te pūaha o te awa. Ka tūtaki ia ki a Te Pēhi Tūroa i Pīpīriki, i te wāhi i kī ai a Te Pēhi Tūroa kia kua tētehi tauā e haere ki te taha whakarunga o te awa ki te takahi i te rangimārie i taua takiwā. Ka pikitia taua kōrero e Mātene Rangitauira, ā, ka haere tonu ia ki te taha whakarunga o te awa. Hei urupare, ka tonu a Te Pēhi Tūroa i ētehi Māori o te taha whakarunga o te awa kia aukatingia te taenga o te tauā ki te tāone. I tōna toru tekau ki te whā tekau ngā apataki o te Kīngitanga, e 300 anō hoki ngā Māori nō te taha whakarunga o te awa i tūtaki ki ngā tāngata o te Pai Mārire i te moutere o Moutoa, e pātata nei ki Rānana, i te 14 o Mei. He poto te tuinga, engari, i tōna 65 te tapeke o ngā tāne i patua, tae atu hoki ki a Mātene Rangitauira. Nō muri i tō rātou toanga i te moutere o Moutoa, ka haere tonu te tauā o te Kīngitanga me te taha whakarunga o te awa ki ngā pā e toru nō Mātene Rangitauira te mana o mua, ka mutu, i eke ki tōna 40 ngā apataki o te Pai Mārire ka hopungia hei mauhere.

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Ngā Pakanga i ngā Pā o Ōhoutahi me Pīpīriki

- 2.30. I muri i te pakanga i Moutoa, ka tīmata tā te Karauna whakakaha i te pā o ōna hoa Māori nō Whanganui mai i te hiku o Mei, ka mutu, i tukuna hoki ki a rātou he pū. Noho tonu ana ko tētehi maniore nui i te takiwā ā pau noa te tau 1864, ka mutu, he tokomaha atu anō ngā Māori o te Kīngitanga ka huri hei Pai Mārire. I te marama o Hune, ka whakatūpato a Tāhana Tūroa i ērā e tautoko ana i te Karauna ki te whakatūnga o tētehi pakanga ki te Kīngitanga i Hiruharama, heoi anō, kāore i tū mai. I te 2 o Noema, ka tonu te Kāwana kia mutu ngā riri, ā, ka unuhia ngā hara o runga i te hunga ka oati i te piriponotanga ki a ia. Heoi anō, me whakaae hoki rātou ki te tuku whenua atu ki te Karauna. I whakanau atu te Kīngitanga i aua ritenga, ka mutu, ko tā rātou, mā te whakaae rawa kia mau tonu i a rātou tō rātou Kīngi me ō rātou whenua e whakaae ai rātou ki te rongomau.
- 2.31. Nāwai rā, i te marama tonu o Noema, nā Te Pēhi Tūroa te Kīngitanga i ārahi ki te whakakaha i te pā o Ōhoutahi. I te marama o Hānuere, i te tau 1865, ka tukuna e te Karauna tētehi ope Māori nō Whanganui, e 400 nei tōna tokomaha, ki te awa o Whanganui kia kotahi maero te tawhiti i Ōhoutahi. I te 24 o Pēpuere, ka whakaekea te pā o Ōhoutahi e ngā hoa o te Karauna, ā, ka riro i a rātou. E rua tekau mā whitu ngā apataki o te Kīngitanga i patua kia hemo. Nō te whānau o Tūroa ētehi o te 100 o ngā apataki o te Kīngitanga i mauheretia rā. I te marama o Māehe, ka haere a Te Pēhi Tūroa ki te tāone o Whanganui, ka oati ai i tana piriponotanga ki te Karauna. Heoi anō, kāore a Tōpia Tūroa i whakaae ki te oati i tana piriponotanga ki te Karauna. E 24 hāora i tukuna kia pūrere atu a Tōpia, ā, ka tāpaengia e te Karauna te £1,000 hei utu i tōna mautanga. Kāore te nuinga atu anō o Te Korowai o Wainuārua, e whai ana i te Kīngitanga, i tautuku ki te Kāwana.
- 2.32. Nō te taenga ki te hiku o Māehe, kua whakatau te Karauna ki te raupatu i te pā o Pīpīriki. Nāna i tuku tētehi ope, e 200 nei ōna hōia nā te Karauna, ā, ka whakatūria ōna pā tūwatawata e whā. I te marama o Hūrae, ka whakamōhiotia te Karauna ki te whakaekenga o rātou i Pīpīriki e te Kīngitanga. Kāore te whakaekenga o te pā i roa, heoi anō, ka rere tonu ngā whawhai a ngā ope a te Karauna ki ngā ope o te Kīngitanga i ngā rā tekau mā rua. I te taha anō o te Kīngitanga a Te Pēhi Tūroa e whawhai ana i tēnei pakanga, ahakoa tana oati i tana piriponotanga ki te Karauna i te marama o Māehe.

Te Mutunga o ngā Riri Whenua

- 2.33. I te marama o Hepetema, ka tukuna e te Kāwana tana pānui kia tau te rangimārie. I wetekina e te Karauna ngā hara o runga i te katoa i pakanga ki a ia, atu i a Te Pēhi Tūroa mā, i whakapaetia rā e ia mō ētehi kōhurutanga. I te tau 1865, ka whai te Karauna i ētehi wāhanga o te Suppression of Rebellion Act, o te tau 1863, me te New Zealand Settlements Act kia raupatungia ai tētehi whenua rahi i Taranaki.
- 2.34. Nā te korenga o tā te Karauna wete i ngā hara o runga i a Te Pēhi Tūroa, kāore te rangimārie i whakatauria ōkawatia ki runga o Whanganui. Heoi anō, i te tau 1869, ko Hona, ko tētehi whanaunga nō Tōpia Tūroa, ka patua e tētehi ope i arahina rā e Te Kooti Arikirangi Te Turuki, e whāia nei e te Karauna i te nuku o te whenua o Te Ika-a-Māui. I te marama o Hepetema, i tētehi wāhi e tata ana ki te moana o Rotoaira, ka patua hoki

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tētehi pirīhi, tētehi 'Papa' rānei nō Tōpia. Nā ēnei kaupapa i hono ai a Tōpia ki ētehi atu Māori nō Whanganui e whai haere ana i a Te Kooti ki te taha whakararo o Whanganui, ki tua atu hoki o te aukati o Te Rohe Pōtae. Heoi anō, nō te taunga o Te Kooti ki Te Rohe Pōtae, ka mutu tā te tauā o Whanganui whai haere i a ia.

- 2.35. I waenga i te marama o Hānuere 1871 me Āperira 1872, ka whakatūngia e ngā iwi o Whanganui, tae atu hoki ki ērā o Te Korowai o Wainuārua, ngā hui nui e toru kia matapakingia te rangimārie me te kotahitanga i waenga i ngā Māori o Whanganui, mai i te mātāpuna o te awa o Whanganui ki te pūwaha. Ka whakataungia te rangimārie ki Whanganui i tētehi hui i Pūtiki, i te tau 1872.

NGĀ TURE WHENUA MĀORI

Te Whakataunga o ngā Ture Whenua Māori

- 2.36. I te tekau tau 1860, ka whakatūngia e te Karauna he ture mō te whenua Māori. Ko tētehi o ana whāinga, ko te whakawātea i ngā whenua ā-mana Māori hei wāhi whakatū kāinga mō te Pākehā. Ka waihangatia e te Karauna te Kōti Whenua Māori mā te Native Land Acts o te tau 1862, o te tau 1865 hoki, me te korenga i kōrero ki te Māori, i whai rānei i tana whakaaetanga. Ko tētehi mahi ā-mātāpono a te Kōti Whenua Māori ko te tiroiro i ngā taitara ā-mana Māori ki te whenua. I muri i te tirohanga, ka āhei te tono a te hunga nō rātou ngā whenua ki te Kāwana kia hoatu he takuhe Karauna ki a rātou. I muri iho, ka whakarerekēngia te pūnaha mō ngā taitara ki ngā whenua Māori, i whakatūria rā i te tekau 1860, nā ngā panonitanga o muri mai me ētehi atu ture. Nā te Native Land Act 1873 i whakatakina ai ngā whakamaharatanga mō te mana pupuri whenua, ā, nā reira me whakarārangi ērā nō rātou te whenua ā-mana Māori ki te tiwhikete a te Kōti.
- 2.37. Nā te pūnaha hou o te ture whenua Māori i hua ai ngā taitara takitahi ki te whenua Māori i āhei ai tā te tangata kotahi whakawhiti i ngā pānga whenua Māori ki hunga kē, me te kore e mate ki te whakapā atu ki tōna iwi, ki tōna hapū hoki. Nā taua pūnaha i tino rerekē rawa atu ai te pupuritanga o te whenua ā-mana Māori, ka mutu, nā reira hoki i ngoikore ai te takitinitanga o tā te Māori pupuri ki te whenua, te takitinitanga hoki o te whakatau take. I mate ērā, nō rātou nei te whenua ā-mana Māori, ki te whai wāhi ki tēnei pūnaha hou mehemea i pīrangi rātou kia uru ō rātou whenua ki te ōhanga o te ao hurihuri, ki te tohe rānei i ō rātou pānga ki te whenua ā-mana Māori ina kokorahotia e tētehi kē atu. Nā te takitahitanga o te pupuri taitara ki te whenua, i matapae te Karauna ki tā ngā Māori whakarere i ō rātou takenga ā-iwi, ā-rōpū hoki ki ō rātou mana whenua taketake.
- 2.38. I tū te whakawā tuatahi o te Kōti Whenua Māori i te wāhanga whakatetonga o te takiwā o Whanganui i te tau 1866. Takamuri ake ana te pānga o Te Korowai o Wainuārua e ngā ture whenua Māori tēnā i te pānga o iwi kē nā te mea e tawhiti kē ana tō rātou rohe i ngā kāinga Pākehā. I te tāone o Whanganui te wāhi māmā ki te Kōti Whenua Māori, nō reira, ka kawea ana e ngā hapū ā rātou take hei whakawā mā te Kōti, ka mate rātou ki te haere tawhiti tonu i ō rātou nā rohe. I te tau 1876, ka tono ngā tūpuna o Te Korowai o Wainuārua kia tirohia te taitara ki te poraka o Tawhitoariki. Ka oti te whakawā i mua i te tōnga o te rā kotahi, ka mutu, ka whakawhiwhia atu te taitara o te whenua ki te kaitono me ngā hapū maha tonu i tū rā ia hei māngai. Nā te Karauna te katoa o te poraka i hoko

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i mua i te tau 1879. I te tau 1880, ka kawea e ngā tūpuna o Te Korowai o Wainuiārua ngā taitara ki ngā poraka o Atuahae, o Mangapukatea, me Raoraomouku kia whakawāngia e te Kōti, i muri i ngā utu tōmua a te Karauna. Me mātua whai taitara ki te poraka e oti ai te hokotanga, me te aha, i hokona katoatia atu ki te Karauna i muri iho.

Ngā Utu i Mua i tā te Kōti Whenua Māori Whakatau Taitara

- 2.39. Mai i te tau 1879, ka tīmata tā te Karauna whakawhiti kōrero mō ētehi o ngā poraka āhua iti i ngā whenua o Te Korowai o Wainuiārua. I te kaikā te Karauna ki te hoko i te whenua i tēnei rohe, ka mutu, ko tētehi take i pērā ai rātou, ko te noho a te hunga, nō rātou te whenua ā-mana Māori, hei kaitautoko i te Kīngitanga; ko tā taua hunga rā hoki i mua he ātete ki te katoa o ngā kaitaonga whenua a te Karauna. I whai hoki te Karauna kia riro i a ia tētehi wāhi nui katoa i taea rā nā runga i tana āwangawanga ki ngā mahi a ētehi kaihoko tūmataiti i te rohe. I te tau 1879, ka tīmata te Karauna ki te tuku utu tōmua ki ērā i mahara ai ia nō rātou ngā poraka o Aratawa Huikumu (1,645 heketea), o Mangapukatea (1,008 heketea), o Raoraomouku (3,422 heketea) hoki i mua i te tāpae tonu ki te Kōti Whenua Māori kia whai taitara ngā whenua.
- 2.40. Ka mate te Karauna ki te whakapae ki ngā tāngata takitahi e whakataungia rā e te Kōti hei kaupuri taitara ki aua poraka whenua ā tōna wā, ki te rahi hoki o te poraka i mua i te rūritanga o ngā rohenga, me te aha, he uauatanga ka puta ake e pā ana ki te poraka o Raoraomouku. Nāwai rā, i taua tau 1879 tonu, ka whakahau te Karauna i ngā āpiha hoko kia kaua e tuku i ngā utu tōmua i mua i te whakataunga o te taitara.
- 2.41. He rite tonu tā te Karauna mahi hei kaihoko makitaunu. I te tau 1877, ka whakatairangahia e te Karauna he ture e āhei ai tana pānui kia aukatingia ngā hokotanga tūmataiti katoa me te rīhitanga o ngā whenua Māori i muri i tāna tuku utu ki ngā tāngata takitahi nō rātou aua whenua rā. I te tau 1879, ka tukuna e te Karauna tētehi pānui pērā mō ngā poraka o Raoraomouku me Huikumu. Ka tāpua pea te pānuitanga a te Karauna i ōna mana makitaunu ki te iwi o Te Korowai o Wainuiārua nā te mea ko tā rātou kōwhiringa kotahi anake i raro i tētehi pānui pērā, ko te hoko rānei, ko te rīhi rānei i te whenua ki te Karauna ina pīrangī rātou kia whakawhitingia ki hunga kē. Nā ētehi ture i muri mai i āhei tonu ai tā te Karauna aukati i ngā whakawhitinga o ngā whenua ki ngā kaihoko tūmataiti i ngā poraka kua oti kē i te Karauna te whai hei hokotanga māna.
- 2.42. I te tau 1880, he rerekē noa atu te rahi o te poraka o Raoraomouku i whakapaetia rā e te Karauna, i tāna rūri tonu i ngā eka o reira. E ai ki te whakapae o te āpiha hoko a te Karauna, e 60,000 eka te rahi o te poraka, ka mutu, i tukuna kētia e ia te £1120 hei utu tōmua i te hokotanga o taua poraka. Heoi anō, i te rūritanga o te poraka o Raoraomouku o te tau 1880, ka kitea noa ihotia ngā eka e 8,697, me te aha, ka whakahaungia ngā āpiha hoko kia whakahokia mai ētehi wāhanga o ngā utu tōmua i ngā tāngata o Te Korowai o Wainuiārua nō rātou nei ngā whenua.
- 2.43. I te tau 1881, i muri i te whakataunga o ngā taitara ki ngā poraka o Aratawa, o Huikumu, o Maungapukatea, me Raoraomouku, ka tukuna e te Karauna he utu atu anō ki ngā tāngata nō rātou te whenua, e ai rā ki te ture, ā, ka waitohungia ngā whakataunga hoko. I te āhua rā, i tau pai ngā whakaaro o te Karauna me ngā tāngata nō rātou te whenua ki

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tētehi utu hei hoko i te poraka o Raoraomouku, inā rā, i utua hoki e te Karauna tētehi utu tāpiri o te £1500 i te marama o Tīhema, i te tau 1881, kua ko te tapeke o tua atu i te £2000 i whakaaengia tuatahitia rā i te tau 1879. Nō konā, ka tonu te Karauna ki te Kōti kia riro ki a ia ōna pānga ki ngā poraka e whā, me te aha, i waenga i te marama o Hepetema me Noema, i te tau 1881, ka whakawhiwhia e te Kōti te katoa o ngā eka 16,605 o aua poraka e whā rā ki te Karauna.

KO TE RŌPŪ KAITIAKI A KEMP, KO UENUKU RĀTOU KO TAMAKANA, KO TAMAHAKI

- 2.44. I te tau 1880, ka tautoko ngā tūpuna o Te Korowai o Wainuiārua i te whāinga kia tukuna te mana whakahaere i ō rātou whenua ki tētehi rōpū kaitiaki hei huarahi whai tikanga ki te whakatū kāinga a te Pākehā. Ko Te Keepa Te Rangihwinui (Meiha Kemp) tētehi rangatira Māori nō Whanganui i matekiri rā ki te kaha o te Māori ki te whakahaere i te whakawhitinga o ngā whenua ki hunga kē, ka mutu, i whai wāhi ia ki tētehi whakawākanga whakawehewehe a te Kōti Whenua Māori i te takiwā whakaterāwhiti o Whanganui i ngā rā tōmua o te tau 1880. I te marama o Āperira, kua tīmata tana whakatairanga i te whakaaro ki tētehi rōpū kaitiaki, i mōhiotia rā i muri mai ko te Rōpū Kaitiaki a Kemp. I te marama o Mei, ka whakatū hui a Te Keepa i te takiwā o Whanganui ki te tāpae i tana mahere kia tū ia hei kaitiaki mō ngā whenua ā-mana Māori i waenga i tētehi rohenga kua āta tohua. Nō te taenga ki te tau 1881, i matapaetia ko tōna 600-700 ngā Māori nō Whanganui kua waitohu i te whakataunga kaitiaki, heoi anō, kāore i tukupū te horapa o te tautoko. He mea whakatū ētehi pou hei tohu i ngā rohenga o ngā whenua o te rōpū kaitiaki 1.5 – 2 miriona eka, ka mutu, e tū tonu ana tētehi o aua pou rā, arā, te Pou a Kemp kei Raorikia, i te awa o Whanganui.
- 2.45. I te marama o Hepetema, i te tau 1880, ka whakaatu te rōia o Te Keepa i te mahere mō te Rōpū Kaitiaki ki tētehi reta atu ki te Minita mō ngā Take Māori. Ko te whāinga hoki o te whakatūnga o te Rōpū Kaitiaki, ko te whakataua i ngā tohetohe i waenga i ngā rōpū nō rātou te whenua, me te Karauna mā te whakatika i ngā rohenga o ngā poraka, mā te tuku i te mana whakahaere o aua poraka ki te Rōpū Kaitiaki, mā te whakataua hoki i tō rātou mana whenua, mā te tū hei māngai mā ērā nō rātou te mana whenua i ngā whakawhitinga kōrero mō te hokotanga, mā te tuari haere hoki i te utu. I whai rātou kia tautoko te Karauna i te Rōpū Kaitiaki. I tētehi reta i tuhia ai i muri mai, ka whakamārama ngā rōia i te aronga o te Rōpū Kaitiaki hei huarahi “karo, mehemea ka taea, i te whiua o ngā Māori e te pūnaha Hoko Whenua e kino ana, e whakakino ana
- 2.46. Ka tuhia e te Minita mō ngā Take Māori ki te rōia o Te Keepa tana korenga i tautoko i tā ngā Māori nō Whanganui tuku i te mana whakahaere o ō rātou whenua ki te Rōpū Kaitiaki. I whakamārama ia i ngā kōrero mō te nui o taua whenua e noho kē ana i raro i ngā here o te Native Land Purchases Act 1877 a te Kāwanatanga nā te mea kua tukuna kētia e te Karauna he utu tōmua ki ētehi nō rātou te whenua.
- 2.47. I taua wā tonu, ka tīmata tā Te Keepa whakatū i tētehi kaunihera, 180 tāngata, i noho rā, kāore e kore, hei māngai mō ia iwi i ngā rohenga o te Rōpū Kaitiaki. I tōna tikanga, ka riro māna e kawē ngā mahi a te Rōpū Kaitiaki, ka tū hoki hei rōpū mana motuhake māna rā ētehi ture e whakatū, e whakaū anō hoki.

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- 2.48. Ahakoa te whai a ngā kaitautoko i te Rōpū Kaitiaki ki te papare i te Kōti Whenua Māori, nāwai, nāwai, ka tōia rātou ki ana whakaritenga i te wā i whakatakoto tonu ai ētehi atu e pā ana ki te whakataunga taitara mō ētehi poraka i waenga i ngā rohenga o te Rōpū Kaitiaki. I te 1 o Ākuhata, i te tau 1881, ka whakahaerengia e te Kōti Whenua Māori he whakataunga taitara ki ngā poraka o Huikumu me Umumore. Kua tukuna e te Karauna he utu tōmua mō aua poraka e toru katoa rā i mua i te tirohanga, me te aha, ka noho here i te Native Land Purchases Act 1877 a te Kāwanatanga. I te mutunga iho, kāore i ōkawa te whakatūnga o te Rōpū Kaitiaki nā te korenga o te Karauna i whakaae ki te mahi tahi me te rōpū.
- 2.49. Ahakoa tēnei, i whai te Rōpū Kaitiaki ki te mahi i tāna mahi e tika ana mō ngā tau maha tonu nei. Nō te taenga ki te tau 1882, kua whakatauria e te Rōpū Kaitiaki tētehi aukati ki ōna rohenga, kāore nei i whakaaetia kia whakawhitingia ki te kore e whai whakaaetanga. I āta whakahē hoki ia i te tokomaha haeretanga o te Pākehā ki roto i te takiwā mā te kōpeka i ngā mahi rūri, engari e whai whakaaro ana a Te Keepa ki te whanaketanga o te ōhanga hei painga mō te Māori. Ko tētehi o ngā hua o te tohe a te Rōpū Kaitiaki ki te whakawhitinga o te whenua ki hunga kē, ko te tārewatanga o ngā hokotanga a te Karauna i ngā whenua o Te Korowai o Wainuiārua i waenga i te tau 1881 me te tau 1884. Kua mutu kē te mahi a te kaunihera i te taenga ki te tau 1885. Kāore ngā whakataunga o ngā ture whenua Māori i tuku kia whai hua te takitinitanga o te whai taitara mō te whenua Māori tae noa ki te tau 1894.

TE ROHE PŌTAE ME TE ŌHĀKĪ TAPU

- 2.50. Nō muri i te mutunga o ngā Riri Whenua, ka whakataungia e te Kīngitanga tētehi 'aukati' i te haerenga o ngā Pākehā mā Te Rohe Pōtae mehemea kāore i whakaaetia e ngā rangatira o te Kīngitanga. I mōhio whānuitia e te Māori me te Pākehā ko Pīpīriki te tohu whakaatu i te rohenga whakawehe i te mana o te Karauna i te mana o te Kīngitanga. Ko te whakahaere i te urunga o Te Rohe Pōtae mai i te taha whakatetonga tētehi haepapa nui ki ngā haporī Māori e noho ana i ngā tahatika o te taha whakararo o te awa o Whanganui. Kāore te Karauna i kawē i tōna mana ki runga o Te Rohe Pōtae tae noa ki te wā ka tīmata ngā whakawhitinga kōrero i waenga i ngā āpiha me ngā māngai o te Kīngitanga i te puku o te tekau tau 1880.
- 2.51. I ngā tau tōmua o te tekau tau 1880, ka tīmata tā te Karauna whakatakoto i Te Ara Tereina Matua o Te Ika-a-Māui ki te rohe. Ka tūmanako te Karauna ki te whai huamoni i te hokotanga o tētehi whenua rahi hei hoko atu māna ki ngā kaiwhakatū kāinga, ā, mā taua huamoni rā e utu te ara tereina, e wātea ai hoki ngā tuawhenua o Te Ika-a-Māui hei wāhi whakatū kāinga mō te Pākehā.
- 2.52. I ngā tau tōmua o te tekau tau 1880, nō te toronga o te ara tereina ki Tūtaenui i Te Whanganui-a-Tara, ki Te Awamutu anō hoki i Tāmaki Makaurau, ka tīmata te huritao o te Karauna ki ētehi ara mā Taranaki, i Heretaunga anō hoki ki te moana o Taupō, hei kōwhiringa ara tereina i mua i tana whakatau i tētehi ara matua e whakawhiti ana i Whanganui ki Waikato. Ka tere mōhio tonu ngā āpiha, me mātua mahi tahi mai ngā iwi o ngā whenua i waenga i aua wāhi rā, pēnei i a Te Korowai o Wainuiārua, ki te hiki i te aukati e rere whakamua tonu ai ngā mahi. I te tau 1882, ka tīmata tā te Karauna

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whakawhiti kōrero ki ngā rangatira o Te Rohe Pōtae, i whai rā kia whakaaetia e te Karauna tō rātou mana, kia tiakina hoki tō rātou tino rangatiratanga, i mua i tā rātou whakaae kia takoto te ara tereina i ō rātou whenua.

- 2.53. I te marama o te Māehe, i te tau 1883, ka mau i te Karauna tētehi whakaaetanga kōkau i ngā rangatira nō ngā iwi e noho pātata ana, kia whakahaerengia he 'rūri hūhunu' e kitea ai pea he kōwhiringa ara tereina. Ka mau tēnei whakaaetanga i runga i te here ka whai te Karauna i tētehi atu whakaaetanga i ngā rangatira katoa o Te Rohe Pōtae, ā, ka tere tonu hoki te whakahoki pūrongo mai mō te ara.
- 2.54. I te marama o Hune, i te tau 1883, ka tūhono ētehi uri o ngā iwi o Whanganui ki ētehi atu iwi e toru ki te petihana i te Pāremata hei whakaatu i ngā herenga me ea i te Karauna e hikitia ai te aukati. I waenga i ngā rohenga i whakaahuangia rā i te petihana, ko ngā whenua o ētehi iwi kē, engari i kaha kē atu te mahi tahi a te Karauna me iwi kē nō raro. I te petihana ngā tono kia kua a Te Rohe Pōtae e noho i raro i te mana o te Kōti Whenua Māori, kia rāhuitia hoki e te Karauna te whakawhitinga o ngā whenua o Te Rohe Pōtae ki hunga kē mā te hoko, kia tukuna hoki ngā iwi ki te whakarite i ā rātou ake pūnaha hei whakatika i ngā rohenga whenua o ia hapū o Te Rohe Pōtae. Ko ētehi o ngā whenua o te poraka o Te Rohe Pōtae, i tautohua rā i te petihana, ko ērā o te taha rāwhiti o Ruapehu, o te tonga o Taumarunui i te rohe tonu o Te Korowai o Wainuiārua. Ahakoa te whakaae a te Karauna ki te panoni i ētehi tikanga whakahaere whenua mā reira e kaha ake ai te tiakanga o ngā whenua Māori, kāore te nuinga o ngā tono a ngā kaitāpae petihana i tino whakautua, ka mutu, kāore a Te Rohe Pōtae i tukuna kia wātea i te mana o te Kōti Whenua Māori.
- 2.55. I te marama o Tīhema, i te tau 1883, ka whakaae ngā iwi e rima kia rūringia te pae whakawaho o te takiwā o Te Rohe Pōtae. Nā Te Pikikōtuku te whakaaetanga i waitohu mā ngā uri o Whanganui. I te marama o Hānuere, i te tau 1884, ka tīmata tā te Karauna rūri i te pae whakawaho.
- 2.56. Kua tīmata tā te Karauna rūri i te ara tereina i te marama o Tīhema, i te tau 1883. Heoi anō, ehara i te mea i te whakaaro kotahi ngā uri katoa e pā ana ki te urunga o te Karauna ki ō rātou whenua. Hei tauira, i te marama o Hānuere, i te tau 1884, ka aukati ētehi e noho ana i Manganui-o-te-Ao i te haere a te rōpū rūri mā reira, ka arahina rānei rātou e ngā Māori ki waho o tō rātou rohe, ā, ko ētehi i āta āwhina i ngā kairūri me kore noa e riro mā reira e whakatītinatia ai ngā hua me te tōnuitanga ā-ōhanga i pehapehatia rā e ngā āpiha. Heoi anō, ka tau noa te raruraru o te kōpeka haere tonu a ētehi Māori o te taha whakararo o Whanganui i te wā ka wehe rātou ki te nānā i ā rātou māra, me te aha, ka wātea ngā kairūri ki te whakaoti i ā rātou mahi mā te whenua i tapaina rā i muri mai ki te ingoa o te poraka o Waimarino, me te kore o te whakaaetanga a Te Korowai o Wainuiārua i whāia.
- 2.57. I waenga i te tau 1883 me te tau 1885, ahakoa kāore anō kia mau i te Karauna te whakaaetanga a ngā Māori o Te Rohe Pōtae, ka tīmata tana pōhēhē anō kua oti kē te whakaaetanga o te ara tereina, me te aha, ka tīmata tana whakarite i ngā ture me ngā kaupapa here e rere ai te tukanga o te kaitaonga whenua mō te ara tereina me te whakatū kāinga. Nā te Native Land Alienation Restriction Act 1884 i aukati te hokotanga

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- tūmataiti o ngā eka e 4.5 miriona i te whānuitanga o te wāhi i marohitia ai hei wāhi mō te ara tereina. Nā te Railway Authorisation Act 1884 i whakaaetia ai te whakatakotoranga o te ara tereina ki ngā whenua o Te Korowai o Wainuiārua, otirā, ki ngā poraka o Waimarino me Raetihi. I te marama o Ākuhata, i te tau 1884, ka whakamahara tētehi rangatira nō tētehi atu iwi o Te Rohe Pōtae i te Karauna, ko te rūri whakataki anake te mahi kua whakaaetia, ā, ko te whakatakotoranga o te ara e herea tonutia ana ki tā te Karauna whakaae ki ngā herenga e pā ana ki te tino rangatiratanga i whakamāramatia rā i te petihana.
- 2.58. I te marama o Hānuere, i te tau 1885, ka tukuna e te Karauna te Minita mō ngā Take Māori ki tētehi hui i reira rā ngā rangatira e whā, e rima rānei nō Manganui-o-te-Ao e whai nei kia whakaae te Māori ki te 'whakawātea' i ētehi wāhanga o Te Ika-a-Māui, otirā, ko Te Rohe Pōtae me te taha whakararo o te rohe o Whanganui ngā wāhi e tino whāia ana. I te marama o Pēpuere, i tētehi hui i Kihikihi, ka whakaū te Minita mō ngā Take Māori, a John Ballance, i ngā huarahi wātea mō ngā mahi, mō ngā hua tautini ā-ōhanga ka puta i ngā rori me ngā ara tereina ki ngā haporī Māori mā te whakatū kāinga, mā te tauhokohoko me te mahi pāmu. Heoi anō, nā te whakahē tonu a te tokomaha o ngā Māori nō Whanganui i te kaupapa a te Karauna mō ngā whenua Māori, i iti noa iho tana kōrero mō te whānui me te āhua o te whakatūtū haeretanga o ngā kāinga e matapae nei te Karauna ka hua ake i te whakatakotoranga o te ara tereina. He āhua nui tonu ngā wā ka whakaū a Ballance i ngā kōrero pai e pā ana ki te ara tereina, ka mutu, i te whakakotahitanga ki ētehi rārangi whakawhitinga kōrero me ētehi whakaaetanga i whakaritea ai i te taha o ngā Māori mai i te tau 1833, ka tapaina taua whakaaetanga ki te ingoa e mōhiotia nei ko Te Ōhākī Tapu.
- 2.59. Nā tētehi rangatira o Te Rohe Pōtae te Karauna i whakamōhio ki tana whakaae kia hikitia te aukati kia rere ai ngā mahi whakatakoto i te ara tereina i te marama o Māehe, i te tau 1885. E ai ki a Te Korowai o Wainuiārua, kāore i tukuna kia āta whai wāhi atu ngā Māori nō Whanganui ki Te Ōhākī Tapu, me te aha, kāore ō rātou huringa kē atu i te whakaae noa ki ngā whakaritenga i waenga i te Karauna me ētehi atu iwi o Te Rohe Pōtae. Nāwai tētehi rangatira ka tautoko i te rūritanga mō te ara tereina, ka whai hua nui rawa atu ki te whakapakepaketanga o te tokomaha o ngā Māori nō Whanganui ki ngā hua tērā tonu ka puta i te ara tereina. Nāwai rā, ā, nā te tohe tonu a ngā Māori nō Whanganui ki te 'pūnaha hoko' e pā ana ki te whenua mō te ara tereina, ka whakamārama te Karauna i te utua o te utu paremata, ina tonoa, ki ērā anake i kīia rā e te Kōti Whenua Māori he kaupuri taitara rātou.
- 2.60. Ahakoa te petihana a ngā iwi e whā ki te Karauna i te tau 1883, kia kua a Te Rohe Pōtae e noho i raro i te mana o te Kōti Whenua Māori, kāore i whakaaetia e te Karauna. Nā reira, nā te whai wāhi a te Kōti Whenua Māori i ngoikore ai tētehi o ngā whāinga matua a ngā iwi e whā, i whakamāramatia rā i tā rātou petihana i te tau 1883.
- 2.61. I te tau 1885, ka tīmata tā te Karauna whakatakoto i te ara tereina i ngā whenua o Whanganui, ahakoa kāore i tutuki tā te Minita mō ngā Take Māori tonu kia tautokona e te Rūnanga o te Kāwanatanga i ētehi o ana kī taurangi ki ngā rangatira o Te Rohe Pōtae. I te tau 1886, ka whakarerekēngia e Ballance tana kōrero kia kīia ko te ara tereina tonu te whakaaetanga o te utu.

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Te Poraka o Aotea

- 2.62. I te puku o te tekau tau 1880, ka tāpaea e ētehi Māori he tonu kia whakataungia he taitara ki ngā whenua nunui e toru i te puku o Te Ika i whai wāhi rā ētehi wāhanga rahi o Te Rohe Pōtae: ngā poraka o Aotea, o Taupō-nui-a-Tia, me Waimarino. E ai ki ēnei Māori, kua kore e taea te aranga mai o te Kōti Whenua Māori te karo.
- 2.63. I te 23 o Oketopa, i te tau 1886, nā te whakatau a te Kōti i wāwāhingia ai te nuinga o te poraka o Aotea ki “ngā iwi e rima”, ka mutu, ko “Whanganui” tētehi i kōrerotia.
- 2.64. I te tau 1888, ka tīmata tā te Kōti whakatau i ngā rohenga ā-iwi mō ngā iwi e rima nō rātou katoa te poraka. I te marama o Māehe, ka tāpaea ki te Kōti tētehi rārangi ingoa o ngā tāngata o Whanganui nō rātou te whenua e ngā rangatira o Te Rohe Pōtae mō te wāhanga o te taha whakarunga o Te Rohe Pōtae ka tapaina ko te poraka o Ohura ki te Tonga. Ko te whakatau a te Kōti, i te marama o Ākuhata, i tōna 95,000 eka te rahi o te poraka o Ohura ki te Tonga, ka mutu, e 225 ngā tāngata nō Whanganui nō rātou te whenua. I te tau 1892, ka whakawehea te poraka o Ohura ki te Tonga ki ngā wehenga iti e 20. Ahakoa he nui ngā wehenga o te poraka o Ohura ki te Tonga i whakawhiwhia ki ngā hapū me ngā uri whakaheke i ngā tūpuna o ētehi atu iwi o Whanganui, i whai wāhi hoki ki aua wehenga ngā tūpuna o Te Korowai o Wainuiārua.

TE WHAKAHAERETANGA O TE KŌTI WHENUA MĀORI

- 2.65. Nō te tīmatanga o te tirohanga o ngā poraka i te rohe o Te Korowai o Wainuiārua e te Kōti Whenua Māori, ka tere tonu te tirohia o ngā taitara. I waenga i te tau 1886 me te tau 1887, ka whakawāngia e te Kōti ētehi o ngā poraka nui katoa e whakahirahira katoa ana ki ngā iwi o Te Korowai o Wainuiārua. I whai wāhi atu ki ērā ko ngā poraka o Waimarino, o Whitianga, o Taumatamāhoe, o Raetihi, o Urewera me Whakaihūwaka, ā, kei paku kō atu i te 730,000 eka te tapeketanga. Koirā te nuinga o tō rātou rohe.
- 2.66. E ai ki ngā tūpuna o Te Korowai o Wainuiārua, he nui te utu o ngā whakataunga taitara. Ko te utu nui katoa, ko ngā rūri. E ai ki te Ture o te tau 1865, me rūri te whenua i mua i tā te Kōti tuku i tētehi tiwhikete mō te taitara. Nāwai, i runga i te Native Land Court Act 1886, me rūri rawa ngā whenua i mua i te whakataunga o te taitara. Nā te utu o te rūri whenua i mate ai ngā tāngata o Te Korowai o Wainuiārua, nō rātou te whenua, ki te whakawhiti i te whenua ki hunga kē i ōna wā, hei utu i ā rātou nama. Hei tauira, i te tau 1904, he mea whakawhiwhi ki te Karauna ngā eka 1072 i te poraka o Urewera e ea ai ngā nama o ngā rūri i whakahaungia rā e te Karauna.
- 2.67. I muri i te hokotanga a te Karauna, ka tonu ia ki te Kōti kia whakawehea ngā wāhanga whenua o te Karauna, o ngā ‘kaihoko-kore’ anō hoki. Ka mate tonu pea ērā kāore i hoko atu i ō rātou whenua ki te utu i te rūritanga o ō rātou whenua e toe ana. Ka kino kē atu tēnei āhuetanga i te tonu a te Karauna kia āhua maha tonu ngā whakawehenga e tini ai ngā hokotanga a te Karauna i tētehi poraka kotahi. Hei tauira, mai i te tau 1889 ki te tau 1896, ka kaitaonga te Karauna i ngā eka e 7,458 o te poraka o Raetihi mā ngā hokotanga motuhake e rima. Me whai whakawehenga, me whai rūri hoki ia hokotanga.

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- 2.68. He uaua te rūri whenua i te rohe o Te Korowai o Wainuiārua nā te tūhāhā me te uaua o te whenua. He rite tonu te puta o ngā hapa rūri, pēnei i te pōhēhē o te tau 1886 i kotahi ai te rohenga i waenga i ngā poraka o Taumatamāhoe me Maraekōwhai. Engari, e 26,400 kē ngā eka whenua e whakawehe ana i ēnei poraka e rua. I te tau 1894, ka kīia tēnei poraka ko Whitianga, i te wā ka tirohia tēnei wāhi whenua e te Kōti.
- 2.69. Ko ētehi atu o ngā utu i mate rā ngā iwi o Te Korowai o Wainuiārua ki te pīkau, nā tā rātou whai wāhi ki te Kōti, ko ngā utu ā-Kōti, ko te huhua o ngā utu e pā ana ki te haere ki te Kōti i ngā tāone o Whanganui, o Ōtorohanga, o Taupō hoki, ko te korenga hoki o te noho i te kāinga ki te manaaki i ō rātou whenua. Nā te taenga hoki ki te Kōti i hua ake ai ngā raruraru ā-pāpori, ā-ōhanga hoki ki ngā iwi o Te Korowai o Wainuiārua. I mate ngā tūpuna o Te Korowai o Wainuiārua ki te takahi i te nuku o te whenua e tae ai rātou ki ngā whakawā a te Kōti i ngā tāone. I ētehi wā, ka oti i te Kōti ngā tirohanga ki ngā taitara ki ngā whenua, e ai rā ki a Te Korowai o Wainuiārua, he pānga ō rātou ki ngā whenua i Taupō me Whanganui, i te wā kotahi. I ētehi wā, ka nui kē atu te utu o tā rātou whai wāhi ki ngā whakataunga taitara i te roa o te noho ki te tāone o Whanganui.
- 2.70. I te rautau tekau mā iwa, ehara i te mea ko ngā kaikokoraho me ngā kaitaunaki anake ka tae ki ngā whakawā a te Kōti, engari ka haere atu hoki te katoa o ngā haporī, tamariki mai, pakeke mai anō hoki, ki te tautoko i a rātou. I te tau 1880, ka hoea e ngā iwi o Te Korowai o Wainuiārua te roanga o te awa o Whanganui ki te Kōti o Whanganui, ki te whakawākanga o te poraka o Raoraomouku, i tōna tikanga rā ka tīmata i te 2 o Hune. Nā te takaroa o tētehi atu whakawākanga, ka tīmata kē te tirohanga o te taitara i te 30 o Hūrae. Heoi anō, tae rawa ki taua wā rā, e ono kē ngā tāngata o te rōpū kua mate nā te āhua o te noho nō rātou e wheta roa ake ana i te tāone. Ko te tuhi a Tautahi Wiremu Pākau ki te Karauna e mea ana:

Inā kē te pakeke o tō mātou ao i ēnei marama e rua me te hāwhe kua mahue ake nei, ka mutu, inā kē te nui kua riro atu, ko ō mātou tēneti kua raruraru i te hau me te ua, ā, he nui te kai kua pau; e whā, e rima kē rānei ngā putunga kai kua haria mai hei whakapau mā mātou... Hāunga rā tērā, e whā ā mātou tamariki, e rua ō mātou pahake kua mate nā te pakeke o tā mātou mātakitaki i ngā mahi a te Kōti ki ngā whenua, kei riro ō mātou mana ā-ture i te tamōtanga.

- 2.71. Ko tētehi atu uauatanga ki ngā iwi o Te Korowai o Wainuiārua, ko ngā pānga ka hua ake i ngā whakahau a te Kōti mō te whenua tuku iho. Ka hinga ana he tangata nōna ake ngā poraka whenua Māori, ka tokomaha ake ngā kaipupuri taitara, ka mutu, ka wāwāhingia ngā wāhanga o tēnā, o tēnā, ki ngā uri whakaheke mai i a rātou. Ka pēnei tonu te tukanga i ngā reanga kaipupuri taitara, i te wā hoki e nui ake ana te taupori Māori i te rautau rua tekau.

TE HOKOTANGA A TE KARAUNA I TE RAUTAU TEKAU MĀ IWA

- 2.72. I muri i te tirohanga o ngā taitara, he rahi ngā wāhi whenua ka hokona e te Karauna i ngā iwi o Te Korowai o Wainuiārua. He mea mahi ēnei hokotanga mā te whakawehenga kore me te takitahi o ngā hea i hokona rā e ngā āpiha a te Karauna mō te Hoko Whenua

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Māori. I te mea e hoko whenua ana te Karauna i ngā tāngata takitahi o Te Korowai o Wainuiārua, me te korenga o ō rātou iwi, o ō rātou hapū rānei i whai wāhi atu, kāore i taea e ngā rangatira Māori ngā hokotanga o te whenua te whakahaere. I te nuinga o te wā, putuputu ana tā te Karauna kohikohi i ngā waitohu mō te whakataunga hoko, ka mutu, ka pērā mō te hia tau nei i ētehi wā.

- 2.73. I te tekau tau 1880, i tō 1890 hoki, ka hokona e te Karauna te whenua hei takotoranga mō te Ara Tereina Matua o Te Ika-a-Māui, mō te whakatū kāinga hoki mō te Pākehā i te takiwā o Whanganui. He rahi rawa atu ngā wāhanga whenua o Te Korowai o Wainuiārua i hokona rā e Te Karauna hei kaihoko makitaunu, pēnei i ngā poraka o Waimarino, o Taumatamāhoe, o Whitianga, me Raetihi.
- 2.74. I te nuinga o te wā, ka whai ngā āpiha hoko whenua ki te kaitaonga whenua i runga i te utu iti katoa ka taea kia ū ai ki te ine whānui mō ngā utu i whakaaetia rā e te Karauna. I te rautau tekau mā iwa, i noho kūware ngā tāngata nō rātou ngā whenua ki te tika rānei o te utu mō ō rātou whenua, ka mutu, i tino pērā i ngā wā he tino rawa i aua whenua rā nā te mea kāore rātou i whai wāhi atu ki ngā whakatau uara takitahi, ki ngā kaiwhakataetae tūmataiti rānei ka nui ake pea ā rātou utu i ā te Karauna. Nō te tau 1905 rā anō i whakaturengia ai tētehi herenga e mate ai te Karauna ki te utu i tētehi utu kāore i iti ake i tā te Tari Whakatau Uara i whakatau ai.
- 2.75. I te Kōti te mana ki te here i te whakawhitinga o te whenua Māori ki hunga kē i muri i te whakataunga o te taitara. Heoi anō, i āhehi hoki te unuhanga o aua here rā mā te pānui a te Kāwana, otirā, i te nuinga o te wā, he mea tonu tērā e ngā tāngata nō rātou te whenua. I te tau 1909, ka whakakore katoangia ngā herenga o te whakawhitinga o te whenua ki hunga kē nā te Native Land Act 1909.

TE PORAKA O TAUMATAMĀHOE

- 2.76. He wāhi nui te poraka 146,000 eka o Taumatamāhoe, kei reira rā te awa o Tāngarākau me te riu o te awa o Whangamōmona, i te rohe taketake o Tamahaki. Kei reira anō hoki ētehi whenua tino rahi e whakahirahira ana, i takoto rā hei ara i te takutai o Taranaki ki te awa o Whanganui, i takahia rā e ō Whanganui apataki o te Kīngitanga i ngā Riri Whenua. Rere ai ko te awa hei rohenga i te rāwhiti o te poraka, ā, ka pātahi tana rohenga o te uru ki te whenua i Taranaki i raupatungia rā e te Karauna i te tau 1865. Nō te mutunga o ngā Riri Whenua, ka whakaritea he aukati i te taha whakararo o te takiwā o Whanganui, tae atu ki te nuinga o te whenua ka whai wāhi atu ki te poraka o Taumatamāhoe i muri mai. Ko te rohenga whakarunga o te aukati i te awa o Whanganui, i Parinui, ka mutu ko te rangatira o reira, ko Taumatamāhoe. E ai ki ngā whakaaro, ko tōna ingoa te pūtaka o te ingoa o te poraka.
- 2.77. I te hiku o te tekau tau 1870, i te whai te Karauna ki te hoko i te maha o ngā whenua ka taea e ia mai i te taha whakararo o te rohe o Whanganui, me kore noa e turakina te aukati a te Kīngitanga. I te tau 1879, ka whai te Karauna ki te hoko i te whenua e kīia nei ko Tāngarākau, ko te wāhi i te tonga i komongia rā ki te poraka o Taumatamāhoe, ka mutu, ka tīmata tana tuku tōmua i te moni i mua i tā te Kōti Whenua Māori whakatau i ngā kaupupuri taitara. I muri i ana utu tōmua, ka pānuitia e te Karauna tētehi katinga i te

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hokotanga ā-tūmataiti i taua whenua. Heoi anō, nā ngā tohe e pā ana ki te tuaritanga o te moni me te ātete ki te rūritanga, ka unuhia e te Karauna tana hokotanga, engari i ū tonu ia ki tana pānuitanga.

- 2.78. I te tau 1886, ka tono a Te Rangihuatau i tētehi whakataunga taitara mō te poraka o Taumatamāhoe mā tōna hapū, mā Ngāti Tamahaki. I te 23 o Pēpuere, ko te tirohanga o te taitara mō te poraka ka oti i te Kōti i te tāone o Whanganui. I muri i tā Te Rangihuatau whakaatu taunaki mō tana noho ki reira, ka karangatia e te Kōti he kaiwhakahē, ā, i te korenga o ētehi i reira, ka whakaputaina e ia ngā whakahau i tonoa ai. E 495 ngā ingoa i te rārangi i tāpaea rā e Te Rangihuatau, ā, ka whakaurua e te Kōti ngā ingoa o ngā uri e 474 a Tamahaki, mai i ētehi hapū, ki te rārangi kaipupuri taitara. Kāore i eke ki te haurua, o te hunga i whakawhiwhia rā ki te pūtea mō te poraka o Tāngarākau, te tokomaha nō rātou ngā ingoa i te taitara mō Taumatamāhoe. I ōrite, i kurehu hoki te whakawhiwhinga o ngā pānga poraka ki ia kaipupuri taitara, ka mutu, ka pērā tonu ngā hea tae noa ki te wā kua hokona atu rānei, kua whakawehea rānei e rātou ō rātou pānga.
- 2.79. I te whai kē a Te Rangihuatau kia kore e taea te poraka o Taumatamāhoe te whakawhiti ki hunga kē, ā, ka tono ia kia herea e te Kōti te hokotanga o te poraka tae noa ki te wā kua tau i te Kōti te wāwāhitanga o te whenua mō ngā hapū. I te 5 o Māehe, ka whiria e te Kōti he herenga i te whakawhitinga o te whenua ki hunga kē, hāunga ia mā tētehi rīhi kotahi mō te 21 tau. E rehurehu tonu ana ngā take i wetekina ai e te Kāwana taua herenga i te marama o Hūrae, i te tau 1886.
- 2.80. I te marama o Pēpuere, i te tau 1889, ka tīmata tā te Karauna hoko hea i te poraka o Taumatamāhoe, i mua i tā ngā tāngata nō rātou te whenua whakaputa tonu kia wāwāhingia te whenua, i te wā tonu hoki e ōrite ana ngā hea o tēnā ki ō tēnā i te poraka. I te 26 o Pēpuere, ka tohea e tētehi rōpū nui o ngā tāngata nō rātou te whenua, tae atu hoki ki a Tōpia Tūroa, ngā mahi hoko a te Karauna. Ki ō rātou whakaaro, ka mau tonu te herenga i te whakawhitinga o te whenua ki hunga kē “tae noa atu ki te wā kua wāwāhingia e te kōti te poraka ki ngā hapū i wahi wāhi atu rā ki te tiwhikete”.
- 2.81. I te marama o Māehe, ka tuhi a Te Rangihuatau, mā tētehi atu rōpū nō rātou te whenua, ki te Minita mō ngā Take Māori, e whakapuaki ana i te āwangawanga ki te korenga o ētehi rāhui i whakaritea mō ngā kaihoko atu i te poraka o Taumatamāhoe, ā, e rawaka kē ana te nui o te whenua i te poraka o Waimarino kua hokona atu ki te Karauna. Ko tāna i kī rā, ko te poraka o Taumatamāhoe “me rāhui hei painga mō te āpōpō o te iwi Māori”. Ko te urupare a te Minita mō ngā Take Māori i kī rā, “kei tēnā, kei tēnā anake te tikanga o tana tuku i ana hea i te wā pai ki a ia. Nō reira, tukuna ērā e pīrangi ana ki te hoko atu kia pērā, ā, tukuna ērā kāore e pīrangi ana ki te pērā kia pupuri ki ō rātou hea”. He tohu tēnei urupare i te kaha o tā te Karauna hoko nā runga i te takitahitanga o te pupuri hea.
- 2.82. Ahakoa ēnei tohe, ka hoko pānga tonu te Karauna i ngā tāngata nō rātou te whenua. I te tau 1893, ā, i te tau 1896 hoki, ka oti i te Kōti ngā whakawehenga rahi e rua i ngā hea i hokona rā e te Karauna, i eke rā ki tua atu o te 100,000 eka. I te tau 1896, he mea petihana te Karauna e Rīwai-te-Pōkaitara mā rātou ko kaihoko-kore, mō te whakapae o te Kōti, e kī nei he ōrite ngā hea o ia tangata nō rātou te poraka, i te korenga o ngā

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pānga o tēnā, o tēnā i whakataungia e te Kōti. Ko tā rātou i tohe ai, ko te iti tonu o ngā hea o ērā i hoko atu rā i ō rātou pānga. I uia hoki e rātou te huarahi i taea rā e te Karauna ngā pānga o te poraka te hoko i te mea, ki tō rātou mōhio, ka mau tonu ngā here a te Kōti i te whakawhitinga o te whenua ki hunga kē tae noa ki te wā kua whakatau ngā hapū i te wāwāhitanga o te whenua. Kāore te Karauna i paku aha rā ki te petihana.

2.83. I oti i te Karauna tētehi anō hokotanga i te tau 1899. Nō te taenga ki taua wā, kua hokona e te Karauna te 80 ōrau o te poraka o Taumatamāhoe. I te tau 1906, ka haere tonu te hoko a te Karauna i ngā pānga o te whenua e toe ana. E ai ki tētehi pūrongo a tētehi Kōmihana Uiui i te marama o Āperira, i te tau 1907, i te akiaki ngā kaihoko-kore o te poraka o Taumatamāhoe, kia mutu te hokotanga a te Karauna. Ko tā te Kōmihana o te tau 1907 ki te Karauna, kia mutu te hokotanga o te whenua o te poraka. I te marama o Mei, i te tau 1907, ka whakawhiwhia atu e te Kōti ngā eka 17,402 ki te Karauna nā ngā pānga i hokona ai e ia i te tau 1906.

2.84. I te tau 1915, ahakoa ngā tūtohunga a te Kōmihana o te tau 1907, ka tukuna e te Karauna tana pānui aukati i tā ngā tāngata, nō rātou nei te whenua, hoko atu i ngā pānga o te poraka 2B2B o Taumatamāhoe ki ngā kaihoko tūmataiti, ka mutu, ka tīmata anō tā te Karauna hoko whenua. I pīrangi te Karauna ki te kaitaonga i te poraka hei wāhi whakatū kāinga i mua i te whakatakotoranga o ngā kōtuinga rori. I waenga i te tau 1916 me te tau 1923, ka oti i te Karauna ngā mahi hoko 13 nā reira i riro ai i a ia ngā eka 12,536 me whakawehe katoa, nā konā hoki, i mate te hunga, nō rātou te whenua, ki te pīkau i ngā utu rūri. Nā te hokotanga a te Karauna me tana kaitaonga whenua, i raro i te here ā-ture, mō ngā rori me ngā rāhui manea i ngā taha o te awa o Whanganui, he iti ake i te 3,600 eka o te 146,000 eka o te poraka o Taumatamāhoe ka toe mai ki ngā iwi o Te Korowai o Wainuiārua.

TE PORAKA O WAIMARINO I TE KŌTI WHENUA MĀORI

2.85. Ko tā te Karauna hoko i te poraka o Waimarino tētehi taura whakamamae e whakaatu ana i te huarahi i whāia rā e ia ki te hoko whenua i te puku o te tekau tau 1880. Nā te pāhekohekotanga a te Karauna ki ngā tāngata nō rātou te poraka o Waimarino i tere ai te whakawhitinga o tētehi wāhanga whenua rahi rawa atu e whakahirahira nei ā-ōhanga, ā-pāpori, ā-tōrangapū, ā-wairua anō hoki ki te iwi o Te Korowai o Wainuiārua. I akiaki te Karauna i te hunga nō rātou te whenua kia kaua e tono i ngā whakawehenga whenua, ā, ka hoko hea ia me te kore i arotake i ngā pānga o tēnā, o tēnā, i te whakawāteatanga mai rānei o ngā whenua rāhui ka hua mai i reira. Ko te hokotanga o te poraka o Waimarino, i te tau 1887, te whakawehenga nui katoa o ngā wāhanga whenua o te Karauna me ngā kaihoko-kore. E 417,500 eka o tēnei poraka nui e 452,196 eka nei te rahi i whakawhiwhia atu ki te Karauna.

Tā te Kōti Whenua Māori Whakatau Taitara mō te Poraka o Waimarino

2.86. E tata ana ki te toru tekau ōrau o te rohe o Te Korowai o Wainuiārua te poraka nui whakaharahara o Waimarino. He rawa puiaki i te poraka o Waimarino, e toro nei i ngā pīnakitanga o te uru o Ruapehu ki ngā whenua mānia me ngā rohe waoku, i whakamahingia rā i roto i ngā tikanga, ka mutu, e noho whakahirahira ana ā-rautaki ki

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- ngā iwi o Te Korowai o Wainuiārua. E rere ana hoki ngā awa o Rētāruke, o Whakapapa me Manganui-o-te-Ao i te poraka, ā, ko te awa o Whanganui te ripa tauārai o te uru o te poraka. Mātuatua ana ēnei arawai ki ngā iwi o Te Korowai o Wainuiārua, i whakatū rā i ō rātou kāinga pūmau ki ngā tahataha o aua awa rā.
- 2.87. I te 27 o Tthema, i te tau 1885, ka tonono a Te Rangihuatau rātou ko Tāwhirimātea, ko Tūrehu-o-te-motu ki te Kōti Whenua Māori kia whakatauria he taitara mō te poraka o Waimarino. I whai wāhi nui a Te Rangihuatau, nāna nei i kokoraho ngā pānga o te poraka mā Ngāti Tamakana, engari he hononga hoki ōna ki a Ngāti Tamahaki, ki a Ngāti Maringi, me Ngāti Taipoto, ki tā te Karauna whakatutuki i tana hokotanga i te poraka o Waimarino.
- 2.88. I te 21 o Hānuere, i te tau 1886, he mea tuhi ki te Kāhiti te pānui mō te whakawākanga mō te poraka o Waimarino. E rima wiki te roa i tukuna e te Kaiwhakawā Matua i muri i te pānui mō te whakawākanga o te poraka o Waimarino, otirā, kāore i rawaka taua wā kia tae atu te pānui ki ngā hapori kei ngā wāhi tūhāhā, ki te whakarite i ngā tūāhuatanga mō te whakawākanga, ki te haere hoki ki te tāone o Whanganui i reira rā te whakawākanga e tū ana. I ngā tau e rua ka whai mai i te tirohanga o te taitara, ka nui ngā petihana i tae atu ki te Karauna i ngā Māori kāore i kīia e te ture nō rātou te poraka o Waimarino, tae atu ki ngā iwi o Te Korowai o Wainuiārua, i whakaū i tō rātou korenga i tae atu ki te tirohanga o te taitara nā te poto rawa o te wā i te taenga o te pānui ki a rātou. I whai ngā kaitāpae petihana kia whai wāhi rātou ki te rārangi ingoa o te hunga i kīia e te ture nō rātou te whenua o te poraka o Waimarino, engari kāore te rārangi ingoa i panonitia.
- 2.89. I te 2 o Māehe, i te tau 1886, ka tīmata tā te Kōti whakawā mō te poraka o Waimarino i te tāone o Whanganui. Nā te wāhi i tū rā te whakawākanga i nui rawa ai te utu me te hōhā hei pīkau mā ngā iwi o Te Korowai o Wainuiārua. I tū hoki te whakawā mō te poraka o Taupō-nui-a-Tia i Taupō i te upoko o te tau 1886. I tū te whakataunga a te Kōti mō te whakataunga o te taitara i ngā rā e whā i ngā wiki e rua. Ko Te Rangihuatau anake te kaikokoraho i tuku taunakitanga e whakaatu ana i tana noho ki te poraka o Waimarino. I kī ia, e noho ana ia ki Tīeke, ā, he mea kokoraho te poraka i raro i te mana o tōna tupuna, o Tamakana. E toru ngā kaiwhakahē i whakapuaki kōrero, ka mutu, i whakaaetia ā rātou kōrero e Te Rangihuatau i tētehi o ngā hikitunga, me te aha, ka oti te whakawākanga o ngā taunakitanga i te rā kotahi. Ka pau ērā atu rā e toru o te tirohanga o te taitara ki te whakaritenga o ngā rārangi ingoa o te hunga nō rātou te whenua. I te 16 o Māehe, i te tau 1886, ka whakawhiwhia e te Kōti te poraka o Waimarino ki ngā tāngata 1010, ā, nāwai, ka whakahekengia ki te 921, tae atu ki ngā uri tokomaha o ngā iwi o Te Korowai o Wainuiārua.
- 2.90. I muri tonu iho i te whakawākanga o Māehe i te tau 1886, ka whiwhi te Kōti i ngā tonono e ono kia whakawehea te poraka o Waimarino i ngā Māori nō rātou te whenua. I whakapāhunu te Karauna i ngā tonono kia wāwāhingia te whenua mā te whakaupaupa i te whakaurunga o tā rātou pānui ki te *Kāhiti o Aotearoa*. Kāore te Karauna i pīrangi kia tū ngā whakawākanga mō te whakawehe whenua i a ia e whai ana i tana hōtaka hoko, nā te mea ka hua i ngā whakawākanga ōna akūtōtanga. Nā konā, kāore te Karauna i whakaputa i tana pānui ōkawa mō ngā tonono kia tū he whakawākanga whakawehe whenua tae noa ki te wā ka oti tana hoko i te poraka o Waimarino i te marama o

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Pēpuere, i te tau 1887, ki te wā hoki kua pānuitia tāna anō tonu kia whakawehea te whenua mō ngā pānga kua kaitaongatia e ia. He rite tonu tā te Kaiwhakawā Matua whakanau i ngā tonu kia whakawāngia anō tā te Kōti whakatau.

TE HOKOTANGA O TE PORAKA O WAIMARINO

- 2.91. Mai i te tau 1886 ki te tau 1887, e whai ana te Karauna ki te hoko i te nui o te whenua ka taea e ia i te poraka o Waimarino hei wāhi whakatū kāinga pea mō te Pākehā, kia kaitaonga whenua ki te whakatakoto, ki te whakahaere hoki i te Ara Tereina Matua o Te Ika-a-Māui, mō ngā rawa poro rākau hoki o taua poraka e puiaki ana. I te whai huamoni te Karauna i tāna hoko atu i te wāhanga rahi o te whenua ki ngā kaiwhakatū kāinga, ka mutu, ko tētehi take o te pērā, ko te utu i te pūtea taurewa o te £1,000,000 i tonoa rā e ia hei utu i te whakatakotoranga o te ara tereina.
- 2.92. I te 20 o Māehe, i te tau 1886, ka tukuna e te Karauna ana utu tuatahi mō te poraka o Waimarino ki ngā tāngata takitahi e rua o te hunga nō rātou te whenua. I puta ake ēnei utu i ngā rā e whā i muri i tā te Kōti tuku i tētehi tiwhikete takitaro mō te taitara, i mua hoki i te paunga o te toru marama i āhei ai tā wai ake rānei tonu kia whakawāngia anō te tirohanga o te taitara. I te mea kāore anō te Karauna i whakatau utu hoko, kua herea aua tāngata takitahi e rua, o te hunga nō rātou te whenua, ki te hokotanga a te Karauna ahakoa kāore anō te utu mō te poraka kia whakaaetia.
- 2.93. Mai i te tau 1879 rā anō i mōhio ai te Karauna ki ngā rawa poro rākau e puiaki ana i te poraka o Waimarino. Ahakoa tērā, kāore ngā utu hoko a te Karauna i whakaatu i te uara o taua rawa. E ai ki tētehi āpiha, “ka ea tonu te tapeke o te utu o te hokotanga” nā te uara o te poro rākau. I te marama o Āperira, i te tau 1886, ka whai te Kaikōmihana Hoko Whenua i te whakaaetanga ki te hoko i tōna 400,000 eka i te poraka o Waimarino mō te £50,000. I whakaae te Minita mō ngā Take Māori kia eke te utu o runga katoa i te whakataunga hoko ki te £50,000, ā, kia kua te utu hoko e iti iho i te £35,000. I tōna tikanga, i te nuinga o te wā, me whai ngā āpiha hoko a te Karauna kia kaitaonga rātou i te whenua o te Māori i runga i te utu iti katoa ka whakaaetia e te Māori, mai i te whānuitanga o ngā utu i whakaaetia ai. Kāore i iti ake i te £35 ki ia tangata, o ngā tāngata 1,010 he pānga o rātou ki te whenua, mai i te tohanga o te utu hoko iti katoa, o te £35,000.
- 2.94. Nā te Kaikōmihana Hoko Whenua i tuku utu i runga i tāna anō whakatau i ngā pānga o tēnā, o tēnā ki te poraka. Ko tāna whakatau kia noho ko te £35 hei utu iti katoa mō te pānga o te tangata takitahi, ki ōna nei whakaaro e ririki ana, ā, ki ērā hoki kāore e noho ana i te whenua. He mea utu ētehi rangatira, pēnei i a Tōpia Tūroa, ki te £170 mō ia pānga nā te mea, hei tā te Kaikōmihana Hoko Whenua, he nui ake o rātou whenua i te poraka, ka mutu, he nui ake hoki tō rātou mana i taua rohe. Kāore hoki te Karauna i paku aha ki ngā tonu a ngā tāngata nō rātou te poraka kia huraina te utu mō ia eka, mō tētehi inenga i taunga rā te Māori. Nō reira, he iti te utu i utua rā e te Karauna ki te nuinga o ngā tāngata takitahi mō te poraka o Waimarino, ahakoa āna anō whakatau tata ki tētehi utu hoko e tika ana, ka mutu, he makihuhunu tērā nā runga i tōna mōhio ki te puiaki o ngā rawa o te poraka.

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- 2.95. I hoko hoki te Karauna i ngā hea takitahi i ngā uri o Te Korowai o Wainuiārua ahakoa tana kūware ki te rahi o ngā pānga o tēnā, o tēnā, ki ngā wāhi rānei o te poraka i reira rā aua pānga. Ka hē kē atu tēnei take i te rahi rawa atu o te poraka me te nui ake o te uara o ētehi whenua i tō ētehi atu. I raro i ngā whakataunga o te Native Land Act 1873, he rite tonu te kīia, e pērā ana te nui o ngā pānga o te hunga nōna te whenua, i whai wāhi rā ki tā te Kōti tiwhikete takitaro mō te taitara, ki te katoa o te poraka i ō ētehi katoa atu, tae noa ki te wā kua whakatauria e te Kōti ngā pānga o tēnā, o tēnā nō rātou te whenua. Nā konā, i noho ngākaurua ngā tāngata nō rātou te whenua o te poraka o Waimarino ki ngā whenua ka whai wāhi atu ki ngā hokotanga a te Karauna, ka mutu, i ngā māngai o te Karauna anake te tikanga.
- 2.96. I waenga i te marama o Māehe, i te tau 1886, me te marama o Pēpuere, i te tau 1887, i hokona e te Karauna te 94.7 ōrau o ngā pānga o ērā e tamariki ake ana i te tekau mā waru tau te pakeke nō rātou te whenua i te poraka o Waimarino. I hokona e te Karauna ngā pānga o te hunga ririki i ngā tāngata takitahi kāore anō kia kopoua hei kaitiaki, nō reira, kāore i a rātou te mana ā-ture ki te hoko atu i te whenua.
- 2.97. I te marama o Hānuere, i te tau 1887, ka whakaaetia e te Kairūri Matua tētehi rūritanga i te poraka o Waimarino, ahakoa te rere tonutanga o ngā mahi āpiti ki te mahere rūri tae noa ki te whakawākanga mō te whakawehe whenua, i tīmata rā i te marama o Māehe, i te tau 1887, i te tau kotahi noa iho mai i te whakataunga o te taitara. Nō te taenga ki te marama o Pēpuere, i te tau 1887, kua hokona e te Karauna ngā hea e 821 i ngā tāngata e 921, nō rātou te whenua, otirā, ko te rahi o te whenua, ko te 417,500 eka. He whakahē i puta ki tā te Karauna take i te whakawākanga mō te whakawehe whenua, tae noa ki tā Tōpia Tūroa i mūhore nei tana whai kia matapaki rāua ko te Kaikōmihana Hoko Whenua i te wāhi o ngā pānga o te Karauna. I te 1 o Āperira, i te tau 1887, ka whakawhiwhia e te Kōti te poraka Nama 1 o Waimarino ki te Karauna, koia rā te poraka nui katoa i hokona rā e te Karauna i te takiwā o Whanganui.

Ngā Poraka Kaihoko-Kore

- 2.98. I te whakawākanga mō te whakawehenga whenua, ka puta te Kaikōmihana Hoko Whenua ki te Kōti ki te tonu kia whakawehea te pānga o te Karauna. Ka wāwāhingia hei poraka kaihoko-kore ngā eka e 41,000 o te poraka o Waimarino kāore rā i āhei tā te Karauna hoko i ngā tāngata 100 nō rātou te whenua. I te marama o Tīhema, i te tau 1886, he mea tā ki te *Kāhiti o Aotearoa* ngā tonu kia whakawehea ngā whenua i ngā tāngata nō rātou te whenua engari i te Karauna e mau ana mai i te marama o Māehe, i te tau 1886. I te marama o Āperira, i te tau 1887, ka tirohia e te Kōti ngā tonu a ngā kaihoko-kore mō ngā whakawehenga whenua i te taha o te tonu a te Karauna.
- 2.99. He nui tonu ngā taunakitanga ka rangona e te Koti i te Kaikōmihana Hoko Whenua, i ērā hoki o ngā tāngata nō rātou te whenua i tautoko rā i a ia, engari, i te āhua nei, kāore te Kōti i whakapono ki ngā taunakitanga a ētehi atu tāngata nō rātou te whenua. E toru noa iho o ngā kaihoko-kore i puta ake ki te whakawākanga, ka mutu, kāore te Kōti i whai whakaaro ki ngā taunakitanga a tētehi o rātou. Ka mea te Kaiwhakawā Matua i te whakawākanga, nā te korenga i tae ake, “nō ngā kaihoko-kore tonu te hē mehemea rātou ka whakanohongia ki ngā tūpari me ngā tihī” o te poraka o Waimarino. I

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whakawehengia e te Kōti ngā poraka e whitu mō ngā 'kaihoko-kore': Waimarino Nama 2 ki te 8. Kāore he mauhanga kōrero e whakaatu ana i te huarahi i whakatauria ai e te Kōti te nui o ngā eka me ngā wāhi e tū ai ngā rāhui mō ngā kaihoko-kore. Ka riro atu ngā kāinga me ngā urupā e whakahirahira ana ki ngā kaihoko-kore o Te Korowai o Wainuiārua nā te hokotanga a te Karauna i te poraka o Waimarino. Waihoki, ko te wāhanga o te poraka o Waimarino, i reira rā tētehi wāhanga nui o te maunga o Ruapehu, i te wāhanga o te poraka kua riro ki te Karauna.

- 2.100. Nā te tokoiti o ngā kairūri, ka takamuri te rūritanga o ngā poraka nō ngā kaihoko-kore tae noa ki te tau 1891, ka mutu, nō te tau 1896 rā anō i whakaotingia ai. I takamuri anō hoki tā te Kōti tuku i ngā tiwhikete mō ngā taitara mō ngā poraka o ngā kaihoko-kore mai i te tau 1887 ki te puku o te tekau tau 1890, i muri i te whakaotinga o ngā rūri mā te Karauna, heoi, i whakaurua te tau 1887 e te Kōti ki te tiwhikete. I mua i te tau 1900, i noho rangirua ngā tāngata o Te Korowai o Wainuiārua, nō rātou te whenua, ki te wāhi o ō rātou pānga, me te aha, kāore i āhei tā rātou ahu whenua.

NGĀ RĀHUI O TE PORAKA O WAIMARINO MŌ NGĀ KAIHOKO

- 2.101. E ai ki te whakataunga hoko mō te poraka o Waimarino, ka whakaaengia e te Karauna me “tētehi māngai rangatira nō ia hapū” te nui o ngā eka o te rāhui mō ngā kaihoko. Nō te taenga ki te marama o Mei, e 50,000 eka i oatingia e te Kaikōmihana Hoko Whenua hei rāhui mō ngā kaihoko.
- 2.102. Heoi anō, i te marama o Hūrae, i te tau 1887, ka pūrongo te Kaikōmihana Hoko Whenua i tana whakarite i ngā eka e 33,140 hei rāhui mō ngā kaihoko ki ngā poraka e ono (Waimarino A ki F), ā, i waenga i te 10 ki te 50 eka te nui i whakawāteangia ki ia tangata nōna te whenua. I whakamārama ia i te huarahi o tana tuku kōrero mō te wāhi o ngā rāhui mō ngā kaihoko, tēnā i te whai i te huarahi o tā rāua ko tētehi māngai rangatira nō ia hapū whakaae tahi, pērā i tā te whakataunga hoko i kī ai. Ko tā te Kaikōmihana i tuhi ai e mea ana, nāna i whakatau te wāhi mō ngā rāhui kia tū ki “ngā wāhi, ki ōku nei whakaaro e tika ana mō rātou”. Hei tauira, i te tau 1886, ka oti i te Kaikōmihana Hoko Whenua tētehi whakaritenga motuhake i te taha o tētehi tokorima o Ngāti Kahukurapango nō rātou te whenua, e mea ana, ka rāhuitia e te Karauna ngā eka e 300 ki “tōna wāhi e pīrangi nei rātou” i mua i te whakaae a te hunga nō rātou te whenua ki te hoko atu i ō rātou pānga. Heoi anō, i te tau 1887, ka whakawāteangia e te Karauna ngā eka e 225 ki a Ngāti Kahukurapango mai i te rāhui o Waimarino E, i tētehi wāhi nā te Karauna tonu i kōwhiri.

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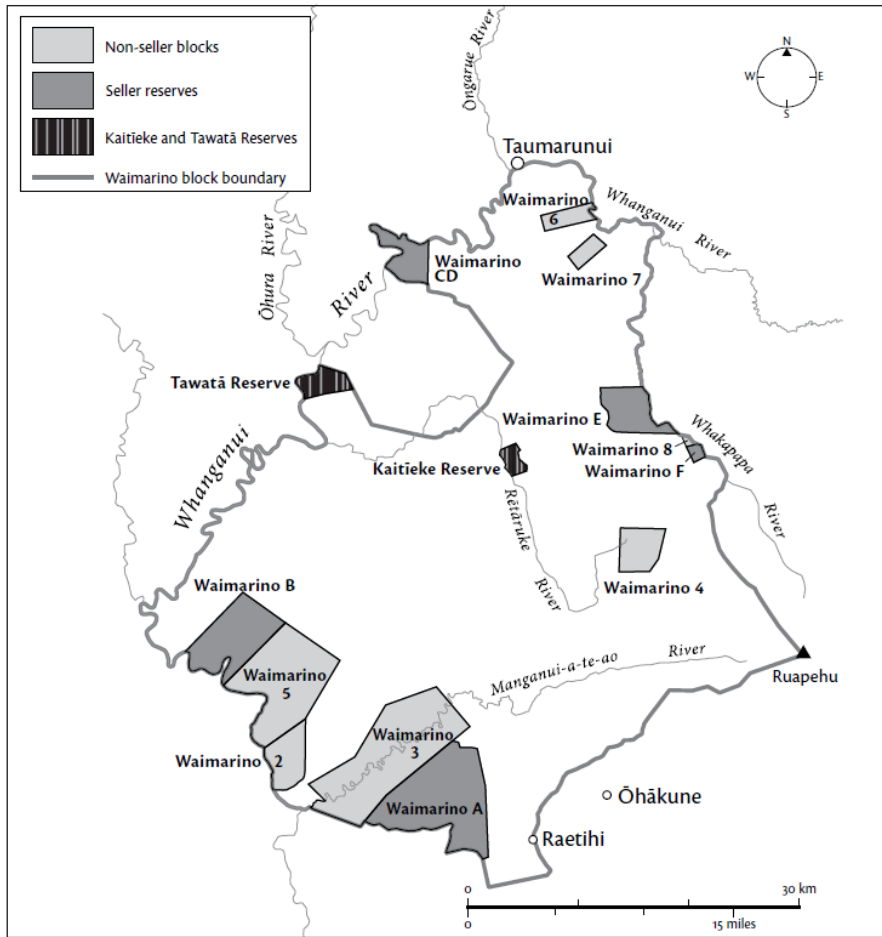


Figure 1: Seller Reserves (A-F) and Non-Seller Blocks (1-8) in the Waimarino Block²

Te Tohe a Te Korowai o Wainuiārua mō te Wāhi o ngā Rāhui

2.103. I ngā tau ka whai mai i te hokotanga a te Karauna i te poraka o Waimarino, ka petihana ētehi o ngā uri o Te Korowai o Wainuiārua i te Karauna kia rāhuingia he whenua motuhake kāore i whakaurua e te Karauna ki ngā rāhui mō ngā kaihoko. Hei taurira, i te tau 1887, ka petihana a Wiari Tūroa kia rāhuitia ngā eka e 3,000 hei urupā mō Te Pēhi Pakoro Tūroa. I whakanautia te tono e te Karauna.

2.104. Ko Kirikiriroa tētehi kāinga i reira te mahi a te tangata, i tētehi taha o te awa o Whanganui, ā, kāore i rāhuitia mō ngā iwi o Te Korowai o Wainuiārua, engari i whakaurua ki ngā whenua i whakawhiwhia rā ki te Karauna. I te tau 1892, ka pānui te Karauna i te whakatūnga o Kirikiriroa hei wāhi tūmatanui i raro i te Whanganui River Trust Act 1891. Mai i te tau 1903 ki te tau 1912, e hia nei ngā petihana ka whakaritea e ngā tāngata takitahi o Te Korowai o Wainuiārua hei tuku ki te Karauna kia whakahokia mai a Kirikiriroa ki ō rātou ringaringa, engari kāore i tutuki.

² Waitangi Tribunal, *He Whiritauonoka: Whanganui Land Report*, volume two, p.630

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2.105. I te tau 1895, ka petihanangia te Karauna e Winiata Te Kakahi o Ngāti Tara me Ngāti Hinekoropango mō ētehi urupā whakahirahira i whakaurua rā ki te poraka Nama 1 o Waimarino, tae atu ki a Tama te Aroha, ki a Te Akatahi, ki a Pākarukaru me Koaikou. I te tau 1910, i muri i te petihana a ētehi o ngā kaihoko o Ngāti Hinewai, ka whakamārama tētehi āpiha i tā te Karauna kōwhiri i te wāhi o ngā rāhui mō ngā kaihoko, ki ōna whakaaro e noho nei hei “koha mā te Karauna ki ngā Māori nō rātou te whenua i mua”. I te tukituki pū tēnei whakaaro ki ērā o roto i te whakataunga o te tau 1886 e kī nei, ka whakaae tahingia te wāhi o ngā rāhui mō ngā kaihoko e te Karauna me tētehi māngai rangatira nō ia hapū.

Tieke

2.106. Ko Tīeke tētehi o ngā kāinga me tētehi urupā tino tapu ki a Te Korowai o Wainuiārua. Ahakoa tōna whakaurunga ki te wāhanga o te poraka o Waimarino i riro i te Karauna, i noho tonu ngā uri o Te Korowai o Wainuiārua ki te kāinga, tae noa ki te tekau tau tuatahi o te rautau rua tekau.

2.107. Ko Tīeke te kāinga noho o Te Rangihuatau, o te rangatira nāna nei te tono tuatahi ki te kōti e pā ana ki te poraka o Waimarino i te tau 1886. I tautoko ia i te Karauna i ngā whakawākanga, ā, i tautoko hoki ia i te Karauna i tana hokotanga i te poraka. I te wā o ngā whakawhitinga kōrero mō te hokotanga a te Karauna i te tau 1886 me te tau 1887, ka oti i te Kaikōmihana he whakaritenga motuhake i te taha o ētehi rangatira, tae atu ki a Te Rangihuatau, e pā ana ki te whenua, ki te moni rānei hei utu i tā rātou āwhina i tā te Karauna hoko i te poraka o Waimarino, engari kāore he mauhanga ōkawa i whakaritea mō ētehi o ēnei whakaritenga.

2.108. I te tau 1887, ka whakahau ngā āpiha i ngā kairūri a te Karauna kia whakaurua a Tīeke ki tō te Karauna poraka Nama 1 o Waimarino, tēnā i te waiho hei rāhui mō ngā kaihoko-kore. I te wā i takitaro tā te Kōti whakawehe i tā te Karauna hokotanga i te poraka Nama 1 o Waimarino i te marama o Āperira, i te tau 1887, e whakaatu ana ngā rārangi penerākau o te huahua mahere, o te poraka o Waimarino, i ngā ripa tauārai o ngā poraka nō ngā kaihoko-kore. E whakaaturia ana e ēnei rārangi te whai wāhitanga o Tīeke ki te poraka Nama 1 o Waimarino, heoi, kāore i te mōhiotia te wā i āpitingia ai aua rārangi rā ki te mahere. He mea whakawhiwhi ki a Te Rangihuatau mā, e noho tonu ana ki Tīeke, he whenua mai i te rāhui o Waimarino E mō ngā kaihoko.

2.109. I te tau 1892, ka whakapuakina e te Karauna tētehi poraka kāore anō i rūringia, e 267 eka tōna rahi, i ngā tahataha o te awa o Whanganui, tae atu ki a Tīeke, hei Wāhi Tūmatanui, me te aha, ka tukuna atu hei whakahaeretanga mā Whanganui River Trust. He taitara takitaro noa iho tō te Karauna ki tēnei whenua. Heoi anō, i whakaae te Karauna ki te noho tonutanga a Te Rangihuatau ki taua wāhi. I te tau 1894, ka toro te Pirīmia, a Seddon, ki a Te Rangihuatau i tōna kāinga, i Tīeke.

2.110. I te marama o Hānuere, i te tau 1895, ka tuhi a Te Rangihuatau ki te Minita mō ngā Take Māori e ui ana i te take ka rūringia te urupā i Tīeke nā te mea kua unuhia mai “te poraka o Tīeke i runga i te tika, i mua i te Kōti me te tangata nāna nei taua whenua i hoko”. Ko tāna whakamārama, he mea unu a Tīeke i te hokotanga, i te whakawākanga tuarua a te

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Kōti, e te Meiha, e Te Keepa, i mua i tonu i te aroaro o te Minita mō ngā Take Māori. Ahakoa kāore he kōrero i ngā pukapuka āmiki a te Kōti e whakaatu ana i taua āhuatanga, i Whanganui te Minita i te wā o te whakawākanga.

- 2.111. Kāore ō Te Rangihuatau me Ngāti Maringi paku pīrangi ki te wehe i Tīeke. I tuhi a Te Rangihuatau mō tā rāua ko te Minita mō ngā Take Māori, ko John Ballance, hui i te tau 1887 ki te matapaki i te rāhuitanga o te whenua i Tīeke hei nohoanga mō ngā kaihoko. Kei roto hoki i te reta a Te Rangihuatau te kōrero mō tā te hapū whakatū i ētehi whare tūpuna me ētehi whare karakia hou, otirā, kua kitea e te Minita mō ngā Take Māori, e Richard Seddon, i tōna haerenga ki reira i te tau 1894.
- 2.112. Kāore te Karauna i kaupare i ngā kōrero o te reta a Te Rangihuatau, nō te tau 1895, i taua wā tonu, pērā i tāna kaupare i ētehi kokoraho whenua i te poraka o Waimarino, engari ka oati ia ki te tuku i ētehi āpiha ki Tīeke kia hāngai te matapaki i te kaupapa nei. Heoi anō, kāore he kōrero i mau e whakaatu ana i te putanga o tēnei hui. I te tau 1898, ka mea te Āpiha Matua mō te Hoko Whenua, ko Tīeke “he whenua nō te Karauna e whakaaengia ana kia nohongia e te Māori me te kore e whai taitara”. Ka mate a Te Rangihuatau i te tau 1908, ā, ka tanumia ki Tīeke, e tū mokemoke kau ana.
- 2.113. I te tau 1916, ka tuku taunakitanga te whānau a Te Rangihuatau ki te Kōmihana Uiui mō ngā Rāhui i te Awa o Whanganui e pā ana ki te kaitaonga a te Karauna i ngā whenua o Tīeke. I whakamārama te Kōmihana i te “hapa e pā ana ki tēnei wāhi tūmatanui” kua puta ake, i te āhua nei. Ko tā rātou i whakatau ai, i hē te whakaurunga o ngā eka e rua tekau mā rima ki te wāhi tūmatanui, e 267 eka te nui, i te tau 1892, i tū rā ngā kāinga o Tīeke me te urupā, ā, me “whakahoki” ki ngā Māori nō rātou tonu nei te whenua. Kāore te Karauna i paku aha i tēnei tūtohunga.

TE PORAKA NAMA 4 O WAIMARINO NŌ NGĀ KAIHOKO-KORE

- 2.114. E 3,450 ngā eka i te poraka nama 4 o Waimarino nō ngā kaihoko-kore, ka mutu, i whakawhiwhia atu e te Kōti Whenua Māori ki ngā tāngata tekau mā rima o ngā hapū e whā o Te Korowai o Wainuiārua. E whakaatungia ana i tētehi mahere tawhito, i te tapa whakarunga o ngā mānia o Waimarino tētehi rori kōkau mō ngā waka tō e takoto ana i te poraka, tētehi ngahere pōruru, me ngā kāinga Māori e rua, ka mutu, he māra i tētehi o aua kāinga.
- 2.115. Ahakoa tā te Karauna whakarite kia huri te ‘ara waenga’ o te Ara Tereina Matua o Te Ika-a-Māui i te poraka nama 4 o Waimarino nō ngā kaihoko-kore, i te mutunga rā anōtanga o te rūri, i mua i te tau 1895, kua weheruatia te poraka e te tīaroarotanga o te ara tereina. Kāore anō kia kitea he taunakitanga e whakaatu ana i ngā whakawhitinga kōrero me ngā tāngata nō rātou te poraka e pā ana ki te huarahi o te ara tereina e whakatata haere ana, ki te pānga o taua huarahi ki ngā wāhi pēnei i te urupā me te kāinga, ki te tuku paremata hoki mō te whenua, mō ngā poro rākau, mō ngā rawa hanganga hoki i tangohia rā i te poraka. I waenga i te tau 1903 me te tau 1908, i whakatakotoria e ngā kaimahi te nuinga o te ara tereina kia pae i ngā mānia o Waimarino.

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- 2.116. I te tau 1910, ka riro i te Karauna ngā eka e 64 o te poraka nama 4 o Waimarino nō ngā kaihoko-kore hei whenua wātea mō te Ara Tereina Matua o Te Ika-a-Māui. Nā tēnei tangohanga i haukotia ai tētehi urupā i te whānuitanga katoa atu o te whakawehenga o Waimarino 4A5 nā tōna whakataratahitanga i waenga i te ara tereina me te huarahi matua e tūmatanui ana. Kāore te urupā i whai wāhi ki ngā whakawhitinga kōrero i te wā o te tangohanga, ka mutu, kāore anō kia kitea he taunakitanga i tō te Karauna whakaaro ki te tuku paremata, ki te tuku rongoā hoki e pā ana ki te toronga ki taua urupā.
- 2.117. Nō te taenga ki te tau 1907, ahakoa i a ia kē te 99 ōrau (ngā eka e 412,000) o te poraka nama 1 o Waimarino me ngā eka e 62,300 huri noa i te maunga hei papa taiao ā-motu, ka tūtohu te Karauna kia kaitaongatia ētehi atu whenua o te Māori i te taha o te 'ara waenga' o te ara tereina kia pai ai tana whakarite i tētehi rāhui manea. Ka tohe ngā tāngata nō rātou te whenua, nā tā rātou whakaepaepa ki te korenga i whai utu paremata mō ngā whenua i tangohia ai hei rori, hei ara tereina hoki, nā ngā oneone hoki me ngā kirikōhatu i tangohia ai me te kore i whai utu paremata, nā te tangohanga hoki o ngā whenua mō te kaupare hoariri. I pīrangi te Māori kia noho ō rātou whenua "hei papa kāinga tonu, hei māra hoki mā ā mātou tamariki ka whai mai i a mātou". I whakanau ngā āpiha ki te whakatau i ngā take, hāunga rā ērā e pā ana ki te tangohanga o te whenua mō ngā rāhui manea, otirā, i tahia atu e rātou hei take tātakimōri noa, ā, ka pikitia ngā kokoraho a te hunga tohe e pā ana ki te papa kāinga me ngā māra. I te marama o Mei, i te tau 1912, he mea tango e te Karauna ngā eka i paku kō atu i te 128 i te poraka nama 4 o Waimarino nō ngā kaihoko-kore hei rāhui manea i utua ai e ia ki te paremata i te tau ka whai mai.
- 2.118. Hei āpitihanga ki ngā mahi tango whenua i Waimarino hei ara tereina, ka rapu whenua hoki te Karauna mō ngā take kaupare hoariri. I te tau 1911, ka tangohia e te Karauna ngā eka 1,417 i te poraka nama 4 o Waimarino nō ngā kaihoko-kore mō ngā take kaupare hoariri. I muri i ngā amuamu a te hunga nō rātou te whenua e kī nei i te tango te Karauna i "ō rātou kāinga me ngā urupā", ka whakakore te Karauna i tētehi wāhanga e 376 eka o taua tangohanga. Ahakoa, i tōna tikanga, ka takoto taua whenua hei papa whakangungu i ngā whakatūtū (otirā, hei papa wātea kāore nei ōna whare), kāore kau he taunakitanga e whakaatu ana i te pērātanga o te whakamahinga o taua wāhi i mua rānei, i te wā tonu rānei o Te Pakanga Tuatahi o te Ao, i muri mai rānei i te tekau tau 1920, me te tekau tau 1930.
- 2.119. I te tau 1922, he mea whakauru ngā whenua i tangohia rā i te poraka nama 4 o Waimarino nō ngā kaihoko-kore ki te whakawhānuitanga o Te Papa Taiao ā-Motu o Tongariro. Engari, ka hē te whakaurua o ngā eka e 367 i whakahokia rā, i te tau 1911, ki te hunga nō rātou te whenua ki te āpitihanga o te Tongariro National Park Act 1922. Nō te tau 1924 rawa i whakatikangia ai taua hē, i te wā i whakahokia anō ai te whenua ki ngā Māori nō rātou te whenua.
- 2.120. I te tekau tau 1960, ka hoko te Tari o te Ture i te toenga o ngā whenua i ngā wehenga iti o Waimarino 4A mō ngā 'take whakawhanake'. Nō te taenga ki te tau 1970, kua hokona e te Karauna tētehi atu anō hautoru o te poraka nama 4 o Waimarino i ngā tāngata nō rātou taua poraka. He mea hoko e te whānau Pēhi te whenua pakupaku nō te Māori e toe tonu ana i te poraka nō ngā kaihoko-kore kia mau tētehi taitara whānui hei whenua

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tuku iho mō ā rātou uri ā haere ake. I te tau 1969, nā ōna mana i raro i te Māori Affairs Amendment Act 1967, ka pānuitia e te Karauna taua whenua rā hei whenua whānui, me te kore i whai whakaaetanga i te hunga nō rātou te whenua, i kore ai a reira e noho i raro i ngā whakamarumarutanga i wātea rā ki taua whenua hei whenua herekore mō te Māori.

2.121. I tēnei rā, e toe ana te 0.02 eka o te poraka nama 4 o Waimarino nō ngā kaihoko-kore hei whenua herekore mō te Māori.

NGĀ MAHI TŪMATANUI

2.122. I waenga i te tau 1893 me te tau 1929, nā te here ā-ture, ka kaitaonga te Karauna i ngā eka whenua e nui ake ana i te 207, i ngā iwi o Te Korowai o Wainuiārua hei whenua mō te Ara Tereina Matua o Te Ika-a-Māui, otirā, ko te nuinga i tangohia mai i ngā rāhui o Waimarino me ngā poraka o Raetihi. Ka tuhi a Haitana Te Kauhi mā ki te Minita mō ngā Mahi Tūmatanui tae noa ki te tau 1912 e whakaatu ana i ō rātou āwangawanga ki te korenga tonu i ea o te paremata mō te whenua i tangohia rā i te poraka o Waimarino. I pērā tā te Minita urupare i tā Ballance karere o te tau 1887 e kī ana ka ea tonu te paremata i te pikitanga o te uara o te whenua e toe ana. Ahakoa ngā oati i te tau 1885 e kī nei, ka ea te paremata mō ngā kaitaonga whenua i raro i te here ā-ture, i te huringa o te rautau, kua noho kūware ngā āpiha i te Tari mō ngā Mahi Tūmatanui ki te tārewa tonutanga o te paremata e tika ana hei utu ki te Māori mō ngā whenua i tangohia rā mō te ara tereina. Kāore ngā iwi o Te Korowai o Wainuiārua i utua ki te paremata mō ngā eka whenua e 207 i tangohia rā mō te Ara Tereina Matua o Te Ika-a-Māui.

NGĀ HOKOTANGA A TE KARAUNA I TE RAUTAU RUA TEKAU

2.123. I tētehi hui i Pūtiki, i te tau 1898, i tae ake ai ngā rangatira e whakapapa ana ki Te Korowai o Wainuiārua, ka mea te Pirīmia, a Seddon, me mutu te hokotanga atu o ngā whenua Māori nā te mea “ina tiakina te whenua, e tiakina ana [e rātou] te iwi Māori”. Ahakoa i tārewa ngā hokotanga mai i te tau 1900 ki te tau 1906, ka tīmata anō ngā hokotanga a te Karauna i te rohe o Te Korowai o Wainuiārua i te rautau rua tekau. I waenga i te tau 1906 me te tau 1907, ka neke atu i te 80 ōrau o ngā eka e 63,463 o te poraka o Whakaihuwaka i hokona hoki e te Karauna. I te tau 1907, nā te Kōmihana a Stout-Ngata i tiro tiro ngā whenua e toe tonu ana ki te Māori, ā, ka puta ana tūtohunga ki te Karauna mō ngā wāhi me mutu te hokotanga. Ko te tohutohu a te Kōmihana e pā ana ki te takiwā whānui o Whanganui, me aukati te rere tonutanga o tā te Karauna pūnaha hoko o taua wā. Otirā, ka tiro tiro te Kōmihana i ngā hokotanga a te Karauna i te poraka o Whakaihuwaka, me te aha, ka kōrero ia mō te akiaki a ngā tāngata nō rātou te whenua kia mutu ngā hokotanga a te Karauna. Ko te tūtohunga a te Kōmihana e mea ana, me waiho ngā whenua e toe ana i te poraka o Whakaihuwaka ki ngā Māori hei pāmu mā rātou, hei rīhitanga atu hoki mā rātou ki ngā kaupāmu Pākehā.

2.124. I te tau 1909, ka whakatairangahia e te Karauna te Native Land Act o taua tau, i raweketia ai te ture mō ngā here e hāngai ana ki te whakawhitinga o te whenua ki hunga kē. Mai i te tau 1910, ka tīmata anō tā te Karauna hokotanga i te rohe. I waenga i te tau 1917 me te tau 1927, ahakoa ngā tūtohunga i te Kōmihana a Stout-Ngata, e 20,000 atu

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anō ngā eka ka hokona e te Karauna i te poraka o Whakaihūwaka. Kei tōna 1,252 noa iho ngā eka e toe ana ki te Māori i tēnei poraka. I kaitaonga hoki ngā hunga tūmataiti i tētehi wāhanga rahi o te whenua iti e mau tonu nei i ngā iwi o Te Korowai o Wainuiārua. Hei tauira, i waenga i te tau 1911 me te tau 1956, e 3,272 ngā eka o te whenua i te poraka o Mairekura i hokona e ngā hunga tūmataiti, i toe mai ai ko tōna paku kō atu i te 270 eka ki te Māori.

- 2.125. I waenga i te tau 1910 me te tau 1930, i tua atu i te haurua o te whenua e toe ana i ngā poraka kaihoko-kore i Waimarino, me ōna rāhui mō ngā kaihoko, ka kaitaongatia e te Karauna. Ko te hokotanga rahi katoa a te Karauna i taua wā, ko te hokotanga o te rāhui mō ngā kaihoko, nō Te Korowai o Wainuiārua, e 6,195 eka te nui, mai i te poraka B3B2B o Waimarino, i te tau 1913. Nā te katoa o tētehi huihuinga tāngata, i tae ake rā tētehi tokotoru o ngā tāngata 172 nō rātou te whenua, i whakaae kia hokona te poraka ki te Karauna. Nō te taenga ki te tau 1929, kua mutu te hokotanga a te Karauna i ngā whenua rarahi. I taua wā anō, he mea hoko ngā eka e 28,000 o ngā whenua Māori, e toe ana i te poraka o Waimarino, e ētehi hunga tūmataiti. I te rāhui mō ngā kaihoko, i Waimarino E, arā, i te wāhi i whakawāteangia ai he whenua mō Te Rangihūatau, he mea hoko e ngā hunga tūmataiti te katoa o ngā whenua Māori e toe ana. Nō te taenga ki te tau 1930, o ngā eka e 74,140 i whakawātea tuatahinga ai hei rāhui mō ngā kaihoko, hei poraka kaihoko-kore hoki i Waimarino, kāore ngā eka e toe ana ki te Māori i eke ki te 35,000.

TE PAPA TAIAO Ā-MOTU O TONGARIRO

- 2.126. Inā kē te nui o te tāpua o ngā maunga o te puku o Te Ika-a-Māui ki te iwi o Te Korowai o Wainuiārua, otirā, ki a rātou, he wairua tapu. He whenua kura e tauria nuitia nei e te rawa taiao mō Te Korowai o Wainuiārua hei whāngai i ō rātou tinana me ō rātou wairua. Kāore i ārikarika ngā īnanga me ngā tuna i ngā moana me ngā roma, ka mutu, kapi ana te ngahere i te kākā, i te kererū, i te kiwi, i te tītī me ngā hua miro. E takoto ana, huri noa i te horanuku, ngā ara kua mahue i te hunga aru kai ā-tau me te hunga kohi kai me ngā paparahi o ngā manuhiri e hīkoi ana i tētehi kāinga ki tētehi atu. Nā runga i te whakaaro “ko tētehi waewae kei runga i ngā maunga, ā, ko tētehi kei te awa”, kua roa te whanaungatanga i waenga i ēnei rawa e takoto ana hei tūāpapa ārahi i tā Te Korowai titiro ki te ao, arā: e whakapapa ana te iwi ki te whenua.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT IN TE REO

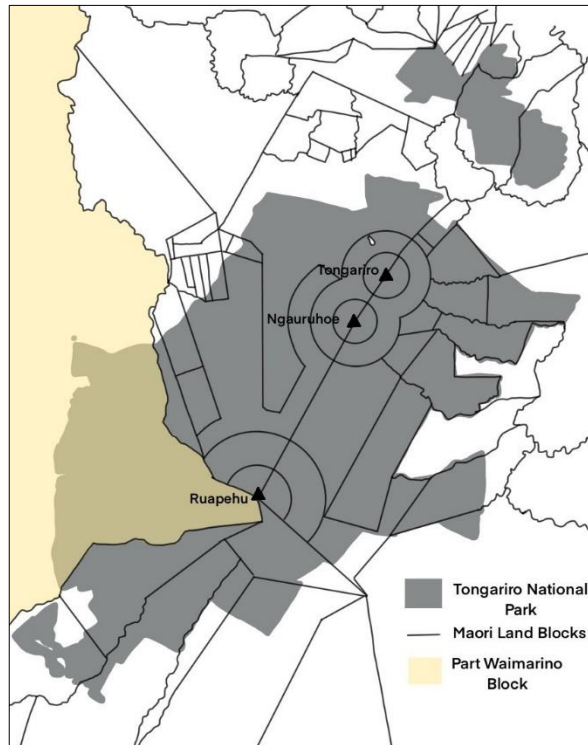


Figure 2: Tongariro National Park with Māori Land Blocks and Part Waimarino Block

- 2.127. Nō te taenga ki te tekau tau 1870, kua mārama ki te Karauna te tāpuatanga o ngā maunga ki te hapū me ngā iwi e noho ana huri noa i ngā maunga (tae atu hoki ki a Te Korowai o Wainuiārua) nōna i kōkiri i tētehi kaupapa e kaha ai te hekenga mai o ngā tauwiwi hei whakahihiko anō i te ōhanga o Aotearoa. Hei wāhanga mō taua kaupapa, ka mino te Karauna i ngā moni nui hei whāngai i te pūtea ki ngā mahi tūmatanui, hei hoko hoki i ngā whenua o te Māori. I tohua te tāpua o ngā wāhanga whenua rahi rawa atu i waenga o Whanganui me Taupō hei whenua whakahirahira mō tā te Pākehā whakatū kāinga.
- 2.128. Ko tētehi wāhanga whakahirahira o tēnei whakaritenga me ōna wero, ko te tiaki i ngā rawa taiao i te hunga hoko ā-tūmataiti ka mahi nanakia rānei, ka takakino rānei i aua rawa rā, ko te whakaotinga o te Ara Tereina Matua o Te Ika-a-Māui i ngā mānia o te puku o Te Ika, ko te whakatenatena hoki i te tāpoitanga ā-motu, ā-ao whānui hoki. I taua wā, ka tīmata ngā matapakitanga e pā ana ki te rāhuitanga o Ruapehu, o Ngāuruhoe, o Tongariro anō hoki hei āhuatanga tāpua. Hei tauira, i te upoko o te tekau tau 1870, ka whai wāhi ki ngā marohitanga ngā puna waiariki o Tongariro me ētehi o Ruapehu hei 'Takiwā Puna Waiwera' mō Te Ika-a-Māui, i marohitia rā kia noho i raro i te mana o te hāpori tūmatanui. I te upoko o te tekau tau 1880, i te wā i rāhuitia a Aoraki e te Minita mō ngā Whenua, ka puta i te marea tētehi whakaaro kia whakaritea tētahi 'wāhi tūmatanui' ki Tongariro. Nō te taenga ki te hiku o te tau 1884, ka mea te Minita mō ngā Whenua ki te Whare o ngā Māngai, ka whai te Karauna i ētehi mahi hei aukati i te rironga o Ruapehu, o Ngāuruhoe, o Tongariro, o Rotoaira, o Tokaanu hoki ki ngā ringaringa o te hunga hoko ā-tūmataiti. Nā konā, kua tīmata tā te Karauna whai whakaaro ki te whakarite i tētehi papa rēhia tūmatanui huri noa i ngā maunga i te wā tonu e tāpae tono ana te Māori ki te Kōti Whenua Māori e pā ana ki ngā whenua huri noa i ngā maunga.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT IN TE REO

Te Tukitukinga o ngā Whakawā a te Kōti Whenua Māori

- 2.129. I te hiku o te tau 1885, i muri i Te Ōhākī Tapu, ka tāpaea he tono ki te Kōti Whenua Māori e ētehi atu iwi e pā ana ki ngā eka e rua me te haurua miriona o te poraka o Taupō-nui-a-Tia, me ngā eka haurua miriona o te poraka o Waimarino nō Te Korowai o Wainuiārua. E rua ēnei ka noho hei poraka whakahirahira i te whakaritenga o te Papa Taiao ā-Motu o Tongariro, ka mutu, i te marama o Hānuere, i te tau 1886, ka whakahaungia e te Minita mō ngā Whenua tētehi āpiha hoko a te Karauna kia whai i ētehi mahi e tū ai ngā tihi hei rāhui mō ngā take a te hāpori whānui.
- 2.130. He mea whakatū ngā whakawā mō ngā poraka o Taupō-nui-a-Tia me Waimarino i te upoko o te tau 1886. Ahakoa te mōhio o ngā āpiha ki te tono a ngā rangatira matua o te rohe o Whanganui kia kua te whakawā mō Waimarino e tīmata i te tau hou kia wātea ai rātou ki te haere ki te whakawā mō Taupō-nui-a-Tia i Tapuaeharuru, i whakatau te Kōti ki te whakawā i te tāone o Whanganui.
- 2.131. I mate ngā kaitono o Te Korowai o Wainuiārua, e whakarite nei, e haere nei hoki ki ētehi wāhi tūhāhā ki te tohe i ō rātou pānga i ngā whakawākanga, ki te whiriwhiri i te kōti hei haerenga mō rātou. I whakahē ngā uri o Te Korowai o Wainuiārua i te tautokoruatanga o ngā whakawā e tū ana i Whanganui, i Taupō, i Ahuriri hoki, ā, i tohe rātou mō te whakatūnga o ngā whakawā a te Kōti Whenua Māori i te marama kotahi i kore ai e taea te tae atu ki ngā whakawā a te Kōti Whenua Māori i te wā kotahi. Nō reira, i tērā, kāore ngā taunakitanga e whakaatu ana i te taenga atu o te tokomaha o ngā Māori o te takiwā o Whanganui ki te whakawā mō Taupō-nui-a-Tia.

Ruapehu ki te Uru, tae atu ki te Papa Taiao ā-Motu o Tongariro

- 2.132. I te wā e rere ana te whakawā mō Waimarino i Whanganui, i te upoko o te tau 1886, ka tae atu ki te Karauna te kōrero whakaū i te whakaaetanga a ngā uri o tētehi iwi kē kia rāhuitia tētehi pūtoro e rua maero te roa, me tētehi atu pūtoro e toru maero te roa, kia huri i ngā tihi o ngā maunga hei papa rēhia mō te hāpori whānui. Ahakoa te mōhiotanga ki ngā pānga o Te Korowai o Wainuiārua ki te maunga o Ruapehu i mua i te marohitanga rānei, i te kuhunga rānei ki tēnei whakaritenga, kāore kau he taunakitanga e whakaatu ana i tō te Karauna whakaaro ki aua pānga rā.
- 2.133. Kāore kau hoki he taunakitanga e whakaatu ana i tā ngā āpiha hoko a te Karauna hura ki ngā takitahi kaihoko atu o Te Korowai o Wainuiārua i ngā hiahia o te Karauna ki te whakarite i tētehi papa taiao ā-motu i te wā i hokona ai e aua āpiha ngā pānga o aua takitahi kaihoko atu. I ngā wā pai, pēnei i te wā i tū ai te hui ki Aramoho i Whanganui i te marama o Māehe, i te tau 1886, ka kōrero ngā āpiha i te kōkiritanga o tētehi kaupapa whakatakoto ara tereina i 'te puku o Te Ika', engari kāore he kōrero i mau e pā ana ki te marohitanga o tētehi papa taiao e tūmatanui ana. Kāore noa iho pea ngā āpiha hoko i paku kōrero ki a Te Korowai o Wainuiārua e pā ana ki te take i kaitaongatia ai ngā pīnakitanga o Ruapehu o runga i te poraka o Waimarino.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT IN TE REO

2.134. Ahakoa, hei tā te Karauna, kāore ō ngā pīnakitanga uara pūmau, ka mutu, ko tāna whakaahua i ngā roherohenga o te papa taiao e marohitia ana kei “tua noa atu i te nui o tērā i whakaaro tuatahitia ai”, i te wā i whakawhiwhia e te Kōti Whenua Māori ngā eka e 420,000 o te whenua pātata o te poraka nama tahi o Waimarino ki te Karauna, ka kitea ake e Te Korowai o Wainuiārua, kua whakaurua ki taua whakawhiwhinga ngā whenua katoa mai i te ara tereina ki runga ake i ngā pīnakitanga o te uru o Ruapehu ki tōna tihi.

Te Tautohe me te Petihana

2.135. Me uaua ka kitea te korenga o te Māori i tuku reta, i tuku petihana rānei ki te kāwanatanga, ki te Pirīmia, me te Minita mō ngā Take Māori, i ia wā i whai wāhi ai te Kōti me te Karauna ki ngā take e pā ana ki ngā poraka o Waimarino me Taupō-nui-a-Tia. I tono ētehi ki te Kōti Matua, ko ētehi i whakapā atu ki ngā mema Māori o te Pāremata. Ko tētehi rōpū petihana i haere rawa ki Te Whanganui-a-Tara rā anō ki te whakatakoto i tā rātou take ā-kanohi ki te kanohi nei.

2.136. I pā ēnei tohe ki ia wāhanga o ngā whakawhiwhinga me ngā whakawehenga iti a te Kōti Whenua Māori, me ngā hokotanga a te Karauna. Hei tauira, i waenga i te marama o Noema, i te tau 1887, me te marama o Ākuhata, i te tau 1888, kāore i iti iho i te 24 ngā tono i tāpaea rā e ngā Māori, tae atu ki ērā o Te Korowai o Wainuiārua, mō tētehi atu whakawākanga anake te take. Ka whakaahua a Topia Tūroa i te whakatau a te Kōti Whenua Māori e pā ana ki ngā whenua i Taurewa hei “kōhuru tino hē”, ka mutu, ka uaparetia e ia te Karauna. Ko te tohe a te tokomaha o ngā kaipetihana, ko te korenga i taea e rātou te karo te tamōtanga i ngā whakawā, ko te hē rānei o te whakawhiwhinga atu o ngā whenua.

2.137. Kāore tētehi kaitohe kotahi, tētehi kaipetihana kotahi hoki i angitu. I waenga i te tau 1886 me te tau 1896, kāore tētehi kaiwhakawā matua kotahi i whakaae ki tētehi tono kotahi kia whakawāngia anō ngā whenua e hono ana ki te wāhi i kīia rā i muri mai ko te Papa Taiao ā-Motu o Tongariro. Kāore tonu hoki te Kōmihana a te Karauna hei Uiui i ngā take mō Taupō-nui-a-Tia i tiroiro i tētehi wāhanga kotahi o ngā whenua ka whakaurua ki te papa taiao i muri mai. I whakanau noa iho rānei te Karauna ki ngā tono, ka mutu, ka nonoi ia kia whai rānei rātou i huarahi pīra kē, ka whakanano rānei rātou i ngā kaipetihana hei hoariri mō te Kōti Whenua Māori, hei kaitautoko rānei mō te tino rangatiratanga o te Māori.

Ka Whakaritea e te Karauna he Kaupapa Here mō te Papa Taiao

2.138. I te marama o Pēpuere me tō Māehe, i te tau 1887, ka whakamārama ngā niupepa o Aotearoa i te whakaritenga o tētehi pire kia takoto tētehi papa taiao ā-motu e huri ana i Tongariro, i Ruapehu, me Ngāuruhoe. Ka oti anake i te Karauna te kaitaongatanga o ngā pānga o Te Korowai o Wainuiārua ki te Poraka o Waimarino, tae atu ki ngā pīnakitanga o Ruapehu, i te marama o Āperira, i te tau 1887. Heoi anō, ka unuhia te Tongariro National Park Bill 1887 i te whakakorenga o te kāwanatanga i raro i a Stout rāua ko Vogel.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT IN TE REO

- 2.139. Nō te hiku o te tekau tau 1880, kua kore te Māori e pīrangi kia hokona ki te Karauna ētehi atu anō whenua huri noa i ngā maunga (ka pai noa iho rānei rātou ki te hoko mō ngā utu i kīia e te Karauna he 'nui rawa'). Ko tā te Minita mō ngā Take Māori i mea rā, i whakanau ngā Māori huri noa i te maunga ki te "tuku [whenua] atu anō hei koha". Nō te upoko o te tekau tau 1890, kua mutu te hokotanga a te Karauna i tēnei takiwā.
- 2.140. I te 18 o Hūrae, i te tau 1893, ka tāpaea te tuarua o ngā Tongariro National Park Bill ki te Pāremata. E whakamāramatia ana i te āpitianga o te pire tētehi pūtoro e toru maero nei te roa e huri ana i ngā tihi o Tongariro me Ngāuruhoe, tētehi pūtoro e whā maero te roa e huri ana i te tihi o Ruapehu, me tētehi kauhanganui e hono ana i aua pūtoro e rua e 62,300 ai ngā eka o tētehi papa taiao e pēnei ana i te 'maitai ringa te āhua'.

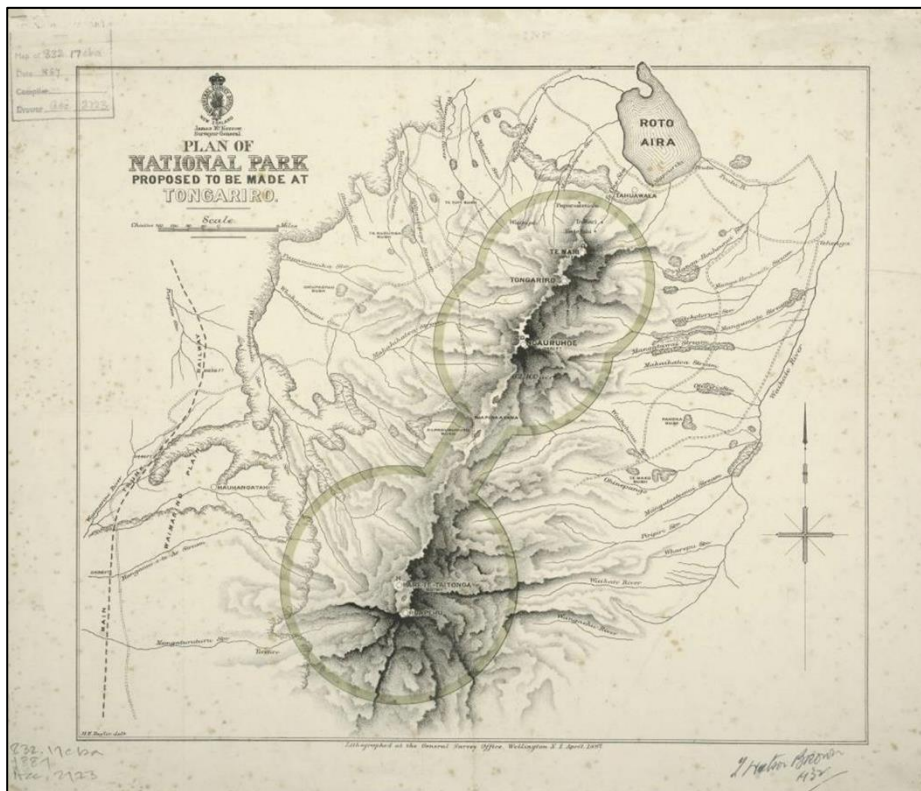


Figure 3: Plan of National Park Proposed to be made at Tongariro (April 1887)

- 2.141. I tāpaea hoki e te pire rā tētehi ritenga hei whakakaha ake i ngā mana o te Kāwana i te Kaunihera (i raro hoki i te Public Works Act 1882) kia kaitaongatia i raro i te here ā-ture ngā wāhi katoa o te Papa Taiao i ngā ringa o te Māori e puritia tonutia ana. Kāore kau he taunakitanga e whakaatu ana i te mōhio o te iwi o Te Korowai o Wainuiārua ki te tautohetanga o taua pire rā. He mea whakapūmau te Tongariro National Park Bill hei ture i te tau 1894.
- 2.142. Nō te tau 1899, kua hoko te Karauna i ngā eka katoa o te whenua i whakaritea ai mō te Papa Taiao ā-Motu o Tongariro, hāunga rā ngā eka e 5,000. I te wā i pānuitia rā te papa taiao i te tau 1907, he mea kaitaonga nā te Karauna, i raro i te here ā-ture, aua eka e 5,000 e puritia tonutia ana e te Māori, arā, ko ngā wāhanga o ngā poraka o te Nama 8 o

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT IN TE REO

Rangipō ki te Raki, o te Nama 1 me te Nama 8M o Ōkahukura. I raro i te Ture o te tau 1894, me utu te Karauna i te paremata mō ngā whenua i kaitaongatia ai i raro i te here ā-ture mō te papa taiao, engari kāore ia i pērā.

2.143. Nā te Tongariro National Park Act 1922 i nui ake ai te papa taiao, mai i ngā eka e 62,300 ki ngā eka 145,000. He mea āpiti i muri mai ētehi wāhi nui o ngā whenua e pātata ana hei whenua mō te papa taiao, ā, nāwai ka huatorutia te nui ki tōna nui o te wā nei, arā, ki te 196,500 eka (e 79,520 heketea). E 53,000 eka (e 21,500 heketea) te nui o ngā whenua pātata o te Papa Atawhai o Tongariro.

Te Whakahaeretanga o te Papa Taiao ā-Motu o Tongariro

2.144. I whai wāhi ki te Tongariro National Park Act 1894 ngā kōrero mō te whakahaeretanga o te papa taiao engari kāore i whakamanahia ngā pānga o Te Korowai o Wainuiārua. Nā reira, kāore anō ngā hapū me te iwi o Te Korowai o Wainuiārua kia whai wāhi ki ngā whakaritenga o te whakahaere tonutanga o te Papa Taiao ā-Motu o Tongariro mō ngā tekau tau e hia nei e whakaatu ana i tētehi wawata kāore nei rātou i whai, kāore nei hoki e wawatahia ana e rātou.

2.145. Kāore anō a Te Korowai o Wainuiārua kia tukuna kia hāpaitia e rātou o rātou herenga me o rātou haepapa kaitiaki hei ārai i te kino haeretanga ā-kikokiko, ā-ahurea hoki o ngā taonga o runga i te papa taiao. Nā te whakaritenga o te papa taiao i katia ai ā rātou “pātaka kai” nā te hōtaetae i te toronga ki te wairua, ki te kai me te rongoā (hei tauira, nā te National Parks Act 1952 i kīia ai he hara ā-ture te kohikohinga o ngā mea o ngāi tipu me ngāi kararehe i te papa taiao). He pānga kino kua puta i te whakaurunga o ngā momo nō whenua kē, ka mutu, e noho mōrearea tonu ana ngā manu māori me ngā mea o ngāi tipu (ko tētehi tauira, ko te whakaurunga o tētehi o ngā momo kīrea, o heather, nā te Karauna tonu i āta whakahaere tana whakaurunga ki te papa taiao, ā, kāore anō kia taea e ia te whakakore taua momo rā). Kāore anō hoki kia tika te āraia o ngā wāhi tapu, otirā, o ngā tihi o ngā maunga e toru, i ngā mahi mōrikarika ā-ahurea a ngā manuhiri o te papa taiao. Kua nui rawa hoki ngā mahi hangahanga mō ngā take ā-arumoni me ngā take ā-rēhia, me te korenga o Te Korowai o Wainuiārua i whai wāhi ki ngā kōrero, otirā, kua eke ki te taumata e nui tonu nei te kino haere o te taiao.

2.146. Ahakoa tā te Whakahaere mō te Mātauranga, mō te Pūtaiao, mō te Ahurea hoki o te Rūnanga Whakakotahi i ngā Iwi o te Ao whakamana i te tāpuatanga ā-ahurea, ā-whakapono hoki, o te maunga ki te Māori i te wā i take-rua ai tana whai mana hei Taonga Tuku Iho ā-Ao i te tau 1993, ki a Te Korowai o Wainuiārua, nā te whakaritenga o te Papa Taiao ā-Motu o Tongariro e noho nei ōna uri me te mea nei ‘kua whakina te upoko i te tinana’.

TE POARI WHENUA MĀORI KI AOTEA ME NGĀ WHENUA TUKU

2.147. I te tekau tau whakamutunga o te rautau tekau mā iwa, ka nui ake ngā tohe a te Māori mō te rironga atu o o rātou whenua me te aukatinga o rātou i te whakahaerenga o aua whenua rā. He nui ngā hui i tū rā ki Whanganui, i tae ake ai ngā āpiha Māori i aua tau ki te matapakī tahi me te Māori i tā rātou whakahaere i te whenua me te huarahi ka whāia

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2: HISTORICAL ACCOUNT IN TE REO

pea e te Karauna e tiakina ai ngā whenua Māori e toe ana. I te tau 1900, ka whakatairangahia e te Karauna te Māori Land Administration Act hei tiaki i ngā whenua Māori e toe ana kia pai ake ai hei kāinga, hei whakamahinga, hei whakahaeretanga hoki.

- 2.148. Nā te Ture o te tau 1900 i āhei ai te whakatūnga o ngā kaunihera whenua Māori hei whakahaere i ngā whenua Māori i tōna takiwā e tika ana. I te tau 1901, ka whakatūria te Kaunihera Whenua Māori ki Aotea, ā, ko te nuinga o te rohe o Whanganui i whai wāhi atu, hāunga rā te taha whakararo rawa. E whitu ngā mema o te Kaunihera; he Pākehā te perehitini me tētehi atu mema, he Māori ngā mema pōti e toru, e rua atu anō ngā Māori i kopoua e te Karauna. E whā ngā tau i noho ai ngā Māori tokorima ki te Kaunihera. I āhei tā ngā Māori, nō rātou ngā whenua o te takiwā, tuku i ō rātou whenua ki te Kaunihera. I āhei tā te Kaunihera rīhi, tāna whakawehe, tāna whakahaere, tāna whakapai ake, tāna whakamahi rānei i te whenua hei pānga rawa rānei mō tētehi pūtea taurewa. Heoi anō, kāore i āhei te hokotanga atu o te whenua.
- 2.149. I te marama o Māehe, i te tau 1902, ka hui ngā uri o Te Korowai o Wainuiārua ki te Minita mō ngā Take Māori me te perehitini o te Kaunihera, ki Hiruharama, ā, ka kōkau te whakaaetanga kia tukuna ngā eka 11,984 o te poraka o Waharangi ki te Kaunihera e marohitia ana. I muri i tērā, ka pau tētehi wā ki te kohikohi i ngā waitohu o ngā tāngata 1,007 nō rātou te nama 1, te 2, te 4 me te 5 o ngā poraka o Waharangi. He mea tuku ngā poraka o Waharangi ki te Kaunihera i te marama o Ākuhata, i te tau 1903. He aho māori tō ngā whakataunga tuku i āhei ai te rīhitanga o ngā whenua mō āke tonu atu. Heoi anō, ko tā ngā tāngata nō rātou te poraka o Waharangi i tuhi ai ki te whakataunga, kia kaua e piki ake i te 42 tau te roa o te rīhitanga.
- 2.150. I te tau 1903, ka pānuitia e te Kaunihera ētehi o ngā poraka whai whenua tuku hei rīhitanga mō te 21 tau, ka mutu, ka āhei te whakahoutanga o te rīhi kia 21 tau atu anō. Heoi anō, he iti noa iho ngā tonu rīhi i tae atu ki te Kaunihera mō ngā Whenua Māori o te Takiwā o Aotea, nā aua ritenga. Nō te korenga o te rīhitanga o ngā whenua tuku i tutuki, ka āki te Karauna me ngā mema Pākehā o te Kaunihera i ngā mema Māori kia whakaaetia te whakahoutanga o ngā rīhitanga o ngā whenua tuku mō āke tonu atu. Heoi anō, ko ngā mema Māori te tokomaha o te rōpū, ā, kāore rātou i whakaae kia rīhingia te whenua mō āke tonu atu, i runga i te mōhio ki te korenga rawa atu o ngā tāngata nō rātou te whenua e whakaae ki taua take. I whakaae kē ia te Kaunihera kia utua te hunga rīhi whenua ki tētehi paremata mō ngā whakapaipaitanga o te whenua e ngā tāngata nō rātou te whenua, ā tōna wā e whakahokia ai te whenua ki a rātou. Mehemea kāore e taea e ngā tāngata nō rātou te whenua taua paremata rā te utu i te mutunga o te rīhitanga, kua whakaae te Kaunihera kia rīhingia te whenua mō tētehi 21 tau atu anō. Heoi anō, i taua wā tonu, i pēnei ngā mema Pākehā o te Kaunihera, ka kore e taea e ngā tāngata nō rātou te whenua te paremata te utu, me te aha, ka mea rātou, i te mutunga iho, me kī, he rīhi ērā ka mau mō āke tonu atu. Heoi anō, i te tau 1907, ka whakatairangahia e te Karauna he ture e whai ana kia whakahokia ngā whenua tuku ki ngā ringa whakahaere o te Māori i mua i te tau 1957.

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2: HISTORICAL ACCOUNT IN TE REO

- 2.151. I te tau 1905, ka whakatairangahia e te Karauna te Māori Land Settlement Act i whakakore rā i ngā kaunihera kia tū kē ai ko ngā poari whenua Māori. I te marama o Māehe, i te tau 1906, ka whakatūria ko te Poari Whenua Māori ki Aotea me ōna mema e toru noa iho i kopoua rā e te Karauna, ka mutu, kotahi noa iho o ērā me Māori. I muri i te tau 1913, kāore te Karauna i kopou i tētehi mema Māori kotahi ki te Poari. I riro i te Poari ngā whenua i tukuna rā ki te Kaunihera, tae atu hoki ki te poraka o Waharangi.
- 2.152. I te tau 1907, he mea tuku e ngā tāngata nō rātou te poraka o Raetihi ngā eka e 5,200 ki te Poari, ā, i waenga i te tau 1908 me te tau 1910, ka rīhingia e te Poari ngā whenua o Te Korowai o Wainuiārua mai i ngā poraka o Raetihi me Waharangi ki ngā Pākehā whakatū kāinga i runga i ngā ritenga i whakaaetia ai i te tau 1904. Ko te nui o te reti hei utu ki ngā tāngata nō rātou te whenua i te tuatahi o ngā huinga tau e 21, ko te rima ōrau o te uara o te whenua.
- 2.153. I te tau 1909, nā te Ture Whenua Māori i mana ai tā te Minita mō ngā Take Māori whakahau i te Poari kia whakaritea he pūtea penapena mai i tētehi wāhanga o ngā whiwihinga moni i te rīhi hei āwhina i ngā tāngata nō rātou te whenua ki te utu i te paremata i te mutunga o te wā rīhi. Kāore te whakahau a te Minita mō ngā Take Māori i pērā i te 21 tau tuatahi o te rīhi, nā te mea, me utu ngā nama i hua ake i te whakaritenga o ngā hanganga matua i te whenua.
- 2.154. I waenga i te tau 1929 me te tau 1931, ka whakahoungia e te Poari ngā rīhi e 21 tau, i tino heke ai ngā whiwihinga moni ā-tau mō te reti. He mea whakahāngai te reti mō te tuarua o ngā rīhi e 21 tau te roa, ki te uara o te whenua i muri i te tangohanga mai o te uara o ngā whakapaipaitanga. He mea tatau te uara o ngā whakapaipaitanga ki te utu o te wā o te whakahoutanga o te rīhi, engari he nui ngā whakapaipaitanga, pēnei i te waere whenua, i oti i ngā tekau tau o mua, i te wā i tīmata ai te rīhitanga. Nā konā, ka nui ake te uara o ngā whakapaipaitanga i tōna utu, me te aha, i tau ki tōna 30 ōrau te hekenga o te reti i utua atu ki ngā tāngata o Te Korowai o Wainuiārua nō rātou te whenua, i te tuarua o ngā wā rīhi.
- 2.155. Nā te hekenga o ngā utu reti, nā te korenga hoki o tētehi pūtea penapena, i uaua ai ki ngā tāngata nō rātou te whenua te utu paremata mō ngā whakapaipaitanga me ea i te mutunga o te rīhi, e hoki ai te whenua ki a rātou. Kāore te Minita mō ngā Take Māori i whakahau i te Poari ki te whakarite pūtea penapena i te tuarua o ngā wā rīhi nā te pōharatanga i te tekau tau 1930 me te tekau tau 1940. I mōhio ngā āpiha a te Karauna ki te korenga i taea e ngā tāngata nō rātou te whenua te hoki ki ō rātou whenua i te mutunga o te rīhi tuarua, ā, ka matapaki rātou i ngā huarahi hei rongoa mō tērā mate i te tekau tau 1930, engari, i te mutunga iho, kāore te Karauna i paku aha hei ārai i tēnei āhuatanga. I te tau 1953, ka whakatairanga te Karauna i te Māori Land Amendment Act, i whakakorehia ai ngā poari kia whakawhitia ai ō rātou mana me ā rātou kawenga ki a Te Tumu Paeroa. Ahakoa ngā whakataunga i te Ture Whenua Māori 1907 kia whakahokia ngā whenua tuku ki ngā ringa whakahaere o ngā tāngata nō rātou te whenua i mua i te tau 1957, i noho tonu ngā whenua o Te Korowai o Wainuiārua, atu i ngā poraka whenua e toru, ki a Te Tumu Paeroa, ka mutu, i nohongia e te hunga rīhi tae noa ki te wā ka kōmitingia ki a Ātīhau-Whanganui Incorporation i te tau 1970.

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2: HISTORICAL ACCOUNT IN TE REO

NGĀ RĀHUI MANEA O TE AWA O WHANGANUI

Te Korowai o Wainuiārua me te Awa o Whanganui

- 2.156. Inā kē te pakari o ngā hononga o ngā iwi o Te Korowai o Wainuiārua ki te awa o Whanganui me ōna kautawa. E whakahono ana te mātāpuna o te awa o Whanganui i ngā iwi o Te Korowai o Wainuiārua ki ō rātou tūpuna o te kāhui maunga – ki a Tongariro, ki a Ruapehu, ki a Ngāuruhoe hoki.
- 2.157. Ko ngā kōrero i mau i ngā Pākehā hāereere o mua e whakaatu ana i te nui o te tangata e noho ana i ngā taha o te awa e rere nei i te rohe o Te Korowai o Wainuiārua, ā, he maha ngā pā tūwatawata e tū ana i te taumata o ngā puke poupou e 500-600 putu nei te teitei ake i te awa e haumarua ai te noho. He tini ngā pā i te awa o Whanganui, ka mutu, he hononga tata tonu ō ngā iwi o Te Korowai o Wainuiārua ki aua pā rā. Nā ngā iwi me ngā hapū i whakahaere ōna wāhanga o te awa, e ai rā ki ngā tikanga Māori, e ranea tonu ai ngā ika, e mā tonu ai te wai, e aukatingia ai hoki te putanga o te apo me te tōtōā. I te tekau tau 1840, e kīia ana he māra, he puna wai, he wao poro rākau hoki i aua kāinga o te awa, ka mutu “he nui tonu te wāhi hei kāinga taupuni mō te rau tangata ka mate ki te kimi whakaruruhau i reira”.

Ngā Rāhui Manea

- 2.158. I ngā tekau tau, i te huringa ki te rautau rua tekau, ka whai te Karauna ki te tiaki i te maneatanga o te awa o Whanganui, me te aha, i raro i te here ā-ture, he nui ngā whenua ka tangohia e ia mō tēnei take. He mea whakahihiri te Karauna nā te tupu haere o te āwangawanga ki te kore haeretanga o te taiao i te rohe o Whanganui i te huringa hei whenua whakataka, hei whenua ahuahu hoki. I te tau 1891, ka whakatau te Wanganui River Trust Act i te whakatūnga o Te Rōpū Tiaki i te Awa o Whanganui hei whakatairanga i te terenga o reira e te poti, i te tiakanga hoki o te taiao. I tōna tikanga, kia kaua te Ture e “pā ki ngā mana ā-ture i whakatauria mō ngā Māori e te Tiriti o Waitangi.”
- 2.159. I te tau 1892, ka whakarite te Rōpū Tiaki i te Wāhi Tūmatanui o te Rōpū Tiaki i te Awa o Whanganui hei “tiaki i te taiao”. Ko taua wāhi tētehi wāhanga kotahi maero nei te whānui, i tōna 33,000 eka te roa i ngā tahatika o te awa, mai i tōna pūtahitanga i te awa o Tāngarākau ki Taumarunui. He mea whakarite i ngā whenua i hokona rā e te Karauna i ngā poraka o Waimarino, o Kirikau, o Rētāruke, o Ōpatu, o Raoraomouku, me Mangapukatea, ā, i whai wāhi atu hoki ngā kāinga o runga i ngā whenua o te Karauna i Tīeke, i Kirikiriroa, me Mangapāpapa. Nāwai rā, ka kāhitingia te nuinga o taua whenua hei rāhui manea i te tau 1958.
- 2.160. Nō te taenga ki te tau 1903, kua whakaritea e te Rōpū Tiaki kia terea te awa e te tima atu ki Taumarunui rā anō. Heoi anō, nā te ngāhorohoro o te whenua i raru ai te pai o te awa hei ara arumoni. Ko te mahara whakamua o te Karauna, mā te tiakanga o te taiao e mutu ai taua raruraru, ka mutu, he hua ā-ōhanga ka puta i ngā mahi tāpoi ka hua ake pea i reira.

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- 2.161. I te hiku o te tau 1904 me te upoko o te tau 1905, ka hāereere te Kōmihana Tiaki Maneatanga i te awa o Whanganui ki Pīpīriki, ka kōwhiri ai i ngā wāhi ka pai pea kia tōia mai ki raro i ngā whakataunga o te Ture. I te tau 1906, ka whakakapingia te Kōmihana ki te Poari Tiaki Maneatanga.
- 2.162. I te tau 1907, mā te here ā-ture, ka whakamahia e te Karauna ngā whakataunga o te Public Works Act 1905 kia kaitaonga ia i ngā eka e 21 e tata ana ki Pīpīriki, tae atu ki ngā puna manawa o Waioara. He tapu taua wāhi ki ngā iwi o Te Korowai o Wainuiārua hei wāhi mō te whakaora, mō te tunu kai hoki. He mea kōkiri te tangohanga nei e tētehi kaiwhakahaere pakihī tāpoi i rīhi rā i te whenua o te Karauna kia whakaritea ai ngā puna manawa hei wāhi tō mai i te wae tāpoi. Kāore ngā iwi o Te Korowai o Wainuiārua i whai wāhi ki ngā kōrero, ā, ahakoa te whai a ngā tāngata nō rātou te whenua i te paremata o tua atu i te £260, e £45 noa iho tā rātou i whiwhi ai.
- 2.163. I te tau 1908, ka tūtohu te Poari Tiaki Maneatanga kia rāhuitia e te Karauna ngā eka 15,356 o ngā whenua Māori i ngā taha o te awa hei rāhui manea; ko ngā Māori nō rātou ngā whenua i ngā tahatika tonu o te awa ka kīngia he āhuatanga nō te awa hei tō mai i te wae tāpoi. I wahi wāhi ki ngā rāhui manea, i marohitia rā, ko ngā whenua i rāhuitia ai mō ngā iwi o Te Korowai o Wainuiārua, mai i ngā hokotanga a te Karauna i te rautau o mua, tae atu hoki ki te katoa o ngā tahatika o te awa i te rāhui o Waimarino B. Ka noho ēnei rāhui manea hei āpitihanga ki te wāhi tūmatanui, e 33,000 eka nei te nui, i whakaritea rā i te tau 1892.
- 2.164. I te tau 1908, ka whakaaengia e te Rūnanga o te Kāwanatanga kia utua e te Karauna te £8,000 hei hoko i ngā eka 19,000 i ngā taha o te awa o Whanganui. Ka mahue te whakawhiti kōrero mō ngā hokotanga i te taha o ngā tāngata nō rātou ngā whenua, ā, ka whakatau kē te Karauna ki te kaitaonga i ngā whenua Māori mā te here ā-ture, ā, ka utua he paremata. I te tau 1911 ka kaitaongatia e te Karauna, mā te here ā-ture, ngā eka e 54.5 i te poraka o Popotea, ngā eka e 429.75 i te poraka o Waimarino, ngā eka 1,740 i te poraka o Waharangi (te tangohanga nui katoa a te Karauna), ngā eka e 683.5 hoki i te poraka o Whakaihuwaka, ahakoa ngā reta amuamu i a Eruera Hurutara i noho rā ki ētehi o aua whenua. I te mea i kaitaonga te Karauna i ngā whenua e pātata ana ki te awa o Whanganui, ka whakamahia pea te mātāpono ā-ture (i whai wāhi ai ki te taitara whenua, e karapotia nei e te awa, te pae waenga o te awa) hei painga mō te Karauna.
- 2.165. He mea whakaatu, mā te tua me te tahu ngahere, te kaha o te tohe a ngā iwi o Te Korowai o Wainuiārua ki ngā tangohanga o ō rātou whenua mā te here ā-ture mō te maneatanga te take. I tāpaea hoki e rātou he petihana e tautokona ana e ngā ringa waitohu tokomaha, pēnei i te petihana o te tau 1912 i waitohungia rā e ngā Māori e 424 o Whanganui, tae atu ki ngā tūpuna o Te Korowai o Wainuiārua. I te tau 1913, ka petihanangia te Karauna e Eruera Hurutara me tētehi tokoiwa atu anō, me tā rātou kī, e whakahaere kararehe ana rātou, ā, e noho tonu ana rātou ki tētehi papa kāinga i te poraka o Whakaihuwaka, i whakaurua ai ki te whenua i kaitaongatia rā e te Karauna i te tau 1911, mā te here ā-ture. Nō te taenga ki te tau 1914, i tata tonu ki te katoa o ngā Māori e whakahē ana i te kaitaonga a te Karauna i ngā rāhui manea, mā te here ā-ture, e takoto ana i ngā taha o te awa o Whanganui. E ai ki te nuinga o ngā tāngata nō rātou te whenua, mā rātou tonu e whiriwhiri ngā whenua e tika ana kia tiakina hei maneatanga,

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- ngā whenua hoki e tika ana hei kāinga, hei pāmu rānei. I te 11 o Noema, i te tau 1916, ka kaitaongatia e te Karauna, mā te here ā-ture, ngā eka e 478 o te iwi o Te Korowai o Wainuiārua i te poraka o Taumatamāhoe, ā, 198 eka atu anō i kaitaongatia mai i te poraka o Waimarino.
- 2.166. I te marama o Noema, i te tau 1916, ka kopoutia e te Karauna tētehi Kōmihana a te Karauna kia tirohia, kia pūrongotia hoki te tika rānei o te whakakore i ngā rāhui manea, te nui o te wāhanga o ngā rāhui manea e marohitia ana kia kaitaongatia, kia whakatahangia hoki. I whakatūngia e te Kōmihana he whakawākanga i ngā taha o te awa, tae atu ki Pīpīriki i te 7 me te 9 o Tīhema, kia rangona ai ngā nawe o ngā Māori o Whanganui, i wahi wāhi rā ngā kōrero mō te iti rawa o te kōrero ki a rātou e pā ana ki te whenua e tangohia ana, mō te iti rawa o te paremata, mō ngā whakahaere pokerehū hoki. He nui ngā kaitaunaki o ngā iwi o Te Korowai o Wainuiārua i whakaae tonu ki tā te Karauna rāhui whenua hei rāhui manea, otirā, i ngā wāhi kāore e taea te hāereere, engari i pīrangī rātou kia whakahokia ngā urupā, ngā tauranga me ngā whenua e pai ana mō te kararehe.
- 2.167. I tūtohu te Kōmihana kia mau i te Karauna ko tōna katoa o ngā rāhui manea o taua wā tonu me ērā e marohitia ana, ā, kia tukuna te mana whakahaere o te Wāhi Tūmatanui o te Rōpū Tiaki i te Awa o Whanganui ki te Karauna. Heoi anō, i tūtohu hoki ia i te Karauna kia tāngia anō ngā rohe o ētehi o ngā rāhui o taua wā tonu me ērā e marohitia ana, e 850 eka nei te rahi, kia whakahokia ki ngā tāngata nō rātou te whenua, kia kua rānei e whakaurua ētehi wāhanga o te whenua i reira rā ngā kāinga me ngā urupā. Ko tētehi o aua wāhanga, ko tōna 25 eka mai i te rāhui manea i marohitia rā mō Kahura, i reira rā ngā kāinga o Tīeke me te urupā o Ōkirihaui. Kāore te Karauna i paku aha ki te nuinga o ngā tūtohunga a te Kōmihana e hāngai ana ki te whakahokinga o ngā whenua ki ngā Māori nō rātou te mana o aua whenua rā.
- 2.168. I te marama o Hānuere, i te tau 1917, ka mahue te whakahoki i te whenua kia hāngai ki tā te Kōmihana i tūtohu ai, engari ka kaitaongatia e te Karauna, mā te here ā-ture, tētehi anō rāhui manea, e 219.5 eka te rahi, i te poraka o Whakaihūwaka, mai i te iwi o Te Korowai o Wainuiārua. I waenga i te tau 1907 me te tau 1917, i kaitaongatia e te Karauna, mā te here ā-ture, ngā eka i tata rā ki te 6,700 o ngā eka 19,000 i whakaaetia rā e te Rūnanga o te Kāwanatanga, mai i ngā whenua Māori mō te tiaki maneatanga te take.
- 2.169. Kāore te Karauna i whakarite whakataunga kia whai wāhi te Māori ki te whakahaeretanga o ngā rāhui manea mō ngā tau e rima tekau tuatahi i muri i te whakaritenga o aua rāhui rā. Kāore ō ngā iwi o Te Korowai o Wainuiārua huarahi hei whakaū i te tiakanga o ō rātou pānga, ā, he take tēnei i āwangawanga ai ngā iwi o Te Korowai o Wainuiārua. I te tau 1958, kotahi anake te māngai mō ngā Māori o Whanganui i whai wāhi ki te Wanganui River Scenic Board, nāna nei i whakahaere ngā rāhui katoa i tangohia ai mō te tiaki manea te take, me te Wāhi Tūmatanui o mua i whakatūria rā i te tau 1892. E ai ki ngā iwi o Te Korowai o Wainuiārua, kāore tā rātou whai wāhi i eke ki te nui e tika ana, ā, ka pēnei tonu te āhua tae noa ki te wā i whakaurua ngā rāhui ki te Papa Taiao ā-Motu o Whanganui i te tekau tau 1980.

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2: HISTORICAL ACCOUNT IN TE REO

NGĀ TAKE MŌ TE AWA O WHANGANUI, ME TE KAUPAPA WHAKAKAHA HIKO KI TONGARIRO

Te Take mō te Awa o Whanganui, me Te Korowai o Wainuiārua

- 2.170. I whakatinanangia e ngā iwi o Te Korowai o Wainuiārua tō rātou mana me ō rātou haepapa e hāngai ana ki te awa o Whanganui, i runga i ā rātou tikanga. I tukituki ērā ki ngā mātāpono o te Ture Whānui o Ingarangi pēnei i te mātāpono o *ad medium filum aquae*, i whai wāhi rā ki te ture o Aotearoa i te tau 1858. Nā ngā ture, i puta rā i muri mai, pēnei i te Coal-mines Act Amendment Act 1903, i tukuna ai ngā papa o ngā awa 'ka terea e te poti' ki te Karauna.
- 2.171. I te tau 1937, i muri i ngā tekau tau o te tohe me te petihana, ka tono ngā Māori o Whanganui ki te Minita mō ngā Take Māori kia tirohia tō rātou mana rangatira i te awa o Whanganui. Ka tīmata te take mō te awa o Whanganui ki Whanganui i te 3 o Noema, i te tau 1938. I te wāhinga o te take, ka mea te rōia o ngā kaitono, "ko te take kotahi anake e tirohia ana i tēnei wā o te whakawākanga, ko te pono rānei o te kī nō ngā Māori te papa o te awa i te wā o te Tiriti o Waitangi", ā, "kāore te kaitono i te kokoraho mā tētehi hapū takitahi, mā tētehi tangata takitahi rānei".
- 2.172. Ehara i te mea nā ngā iwi o Te Korowai o Wainuiārua tō rātou māngai i whiriwhiri i ngā tirohanga o ngā whakawākanga taitara, ka mutu, kāore ō rātou mana ki te kawekawe i te whakataunga o te take, ki te tuku taunaki rānei e pā ana ki ngā kawa, ki te whakamahinga, ki te whakahaeretanga hoki o te awa. I te tau 1939, ka whakaū te Kōti i te mana rangatira o ngā Māori o Whanganui i te papa o te awa e ai ki ā rātou tikanga me ā rātou whakamahinga. Uaua ana te take ā-ture e pā ana ki te papa o te awa o Whanganui nā te rangirua ki te ū tonu rānei o te taitara 'ā-iwi' mō te katoa o te awa, ki te whakakorenga rānei o te taitara ā-mana Māori ki te papa o te awa i taua poraka, nā te whakawhiwhinga atu a te Kōti Whenua Māori i te poraka whenua. I te wā o ngā whakawākanga, kāore he taunakitanga nā te mātanga mātai tikanga i puta ake, pērā i ērā i puta ai i tētehi take hou e pā ana ki ngā kokoraho a te Māori i ngā arawai. Mehemea kāore aua uauatanga, i hua mai rā i ā te Kōti Whenua Māori whakawhiwhinga taitara mō ngā poraka i te awa, kua māmā noa ake te whakatau i ngā take e pā ana ki ngā kokoraho i te papa o te awa o Whanganui.
- 2.173. I te tau 1939, ka tohea e te Karauna te whakatau a te Kōti Whenua Māori ki te Kōti Pīra Māori, me te aha, ka whakawāngia te take i te tau 1944. Ko te take i tau ki te Kōti Pīra, ko te whakaaetanga rānei o te tikanga Māori hei tohu i te rangatiratanga motuhake o te Māori i te papa o te awa o Whanganui. I whakaū te Kaiwhakawā Matua i te whakatau takitaro, i te whakatau tōmua rānei a te Kōti Whenua Māori.
- 2.174. I te tau 1949, ka kawea e te Karauna ngā kaupapa ki te Kōti Matua kia whakakorengia te whakatau a te Kōti Pīra Māori. Ko te tohe a te Karauna e mea ana, nā *ad medium filum aquae* i whakakorengia ai te taitara ā-mana Māori mō te papa o te awa, ā, ahakoa pēwhea, nō te Karauna kē te papa o te awa o Whanganui nā te mea he arawai tērā e terea ai e te poti, e ai ki te Coal Mines Act o te tau 1925 (ko te Coal-mines Act Amendment o te tau 1903, te mea tuatahi). Ko tā te Kōti Matua i whakatau ai, nō te

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Karauna te papa o ngā awa e terea ai e te poti, e ai ki tana ture, me te aha, kāore i mate ki te whakatau i te whai take rānei o te ture o *ad medium filum aquae*.

- 2.175. I te tau 1950, ka kopoutia e te Karauna tētehi Kōmihana a te Karauna kia rangahautia anō te rangatiratanga ā-mana Māori ki te papa o te awa, kia whiriwhiringia hoki te tika rānei o te utu paremata. I whakaūngia e te Kōmihana ngā kokoraho a ngā Māori i te rangatiratanga ki te papa o te awa, ā, ka tūtohu ia kia utua he paremata mō te karinga o ngā kirikōhatu. Ko ngā whāinga o te whakawhiti kōrero mō te paremata i te tau 1951, i tārewa noa.
- 2.176. I te tau 1951, ka whakatairanga te Karauna i tētehi ture kia tukuna te take mō te awa o Whanganui ki te Kōti Pīra. I te tau 1955, ka puta i te Kōti Pīra tana whakatau e mea ana, nō te Māori te rangatiratanga o te awa o Whanganui i te tau 1840. I tūtohu hoki ia kia whakamanatia e te Karauna te whiriwhiri a te Kōti Pīra Māori i te tika rānei o tā te Kōti Whenua Māori tuku taitara mō ngā tahatika i mua i te tau 1903, i whakatauria ai ngā mana ki te pae waenga o te papa o te awa, i raro i te ture o *ad medium filum aquae*. Ko ngā pānga mai i te whakatau a te Kōti Pīra i te tau 1955, ko te mātua whai o ētehi atu taunakitanga, ko te whakamanatanga hoki o tētehi ture i tukuna ai te take mō te awa o Whanganui ki te Kōti Pīra Māori. Nō reira, ka mea te whakatau a te Kōti Pīra Māori i te tau 1958, kāore te mana tūpuna ki te papa o te awa o Whanganui i wehe rānei, i rerekē rānei i te mana tūpuna ki ngā tahatika.
- 2.177. I te tau 1962, ka whiriwhiri anō te Kōti Pīra i te take, ā, ka puta tana whakatau e kī nei, e ai ki te ture o *ad medium filum aquae*, kua whakakorengia te rangatiratanga ā-mana Māori ki te papa o te awa i te wā i tukuna e te Kōti Whenua Māori he taitara mō ngā tahatika. Ka whakaae te Karauna ki ēnei whakatau, ā, ka whakanau ia ki te kimi rongoā mō ngā Māori o Whanganui. I te tau 1977, ka petihana ngā Māori o Whanganui i te Kuīni kia unuhia te taitara o te Karauna mō te papa o te awa, ā, ka whakanautia rātou i te tau 1983.

Te Kaupapa Whakakaha Hiko ki Tongariro

- 2.178. Mai i te tau 1955, ka tīmata te Karauna ki te whakarite mahere e aurara ai tōna katoa o te wai kia rere mai i te kāhui maunga mō te whakakaha i te hikowai te take, hei urupare ki te paku rawa o te ngao i muri i te Pakanga Tuarua o te Ao. I te wā o te hanganga o te Whakakaha Hiko ki Tongariro, kāore he herenga kia whai whakaaetanga raweke taiao, ahakoa e tika ana kia pērā i raro i te Resource Management Act 1991. I te tau 1958, ka tuku te Karauna i tētehi Whakahau mā te Kaunihera e mana ai tana tango wai i ngā awa o Whanganui, o Tokaanu, o Tongariro, o Rangitīkei, o Whangaehu hoki me ngā kautawa o aua awa, ka mutu, kāore ngā iwi o Te Korowai o Wainuiārua i whakamōhio wawetia. I waenga i te tau 1955 me te tau 1964, ka whakatū te Karauna i ngā hui e whā me tētehi atu iwi, engari kāore ngā iwi o Te Korowai o Wainuiārua i whai wāhi atu, kāore hoki i tukuna he kōrero ki a rātou. I te tau 1964, ka tīmata te hanganga o te Aurara ki te Uru e aurara ai te wai i te awa o Whanganui. I tīmata te hanganga o te Aurara ki te Rāwhiti i te tau 1969, i aurara ai ngā wai o te awa o Whangaehu.

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2.179. Nā taua kaupapa, he nui tonu ngā wai e rere ana i te hiku o ngā awa o Whanganui, o Whangaehu hoki i aurara whakararo ki te moana o Taupō, me te aha, ka rere tonu ki te awa o Waikato. He tāpua tonu ngā pānga o te Whakakaha Hiko ki Tongariro ki te nui me te kounga o ngā wai. E ai ki ngā iwi o Te Korowai o Wainuiārua, he iti noa iho te wāhi o tō rātou reo i roto i ngā kōrero whakahaere i te awa o Whanganui.

TE PAPA TAI AO Ā-MOTU O WHANGANUI

2.180. He mea whakatau te Papa Taiao ā-Motu o Whanganui i te tau 1986, ā, e whānui ana te pewa o tana whakakapi i te 742 km² o te puku o Te Ika-a-Māui, i waenga o Taumarunui me Whanganui. Ko ētehi wāhanga o te awa o Whanganui ka uru katoa ki te papa taiao; i ētehi wāhi atu anō, ka takoto te awa hei ripa tauārai mō te papa taiao. Ahakoa e tawhiti ana ētehi wāhanga nui tonu o te whenua o te papa taiao i te awa o Whanganui, ko te awa tonu te āhuatanga matua o te papa taiao, ka mutu, ko ia te kaitō mai i ngā wae tāpoi o Aotearoa, o tāwāhi hoki.

2.181. I tīmata te hokotanga o ngā whenua rahi i te rautau tekau mā iwa, i te wā i kaitaonga te Karauna i ngā whenua o ngā poraka o Waimarino, o Taumatamāhoe, o Whakaihuwaka hoki, i tua atu i ētehi atu, e takoto katoa ana rānei, e whai wāhi atu ana rānei, ki ngā rohenga o te Papa Taiao ā-Motu o Whanganui. I mua i te whakaritenga o te papa taiao, ka whai hua ētehi uri o ngā hapū me ngā iwi o Te Korowai o Wainuiārua i ngā whenua wātea o te Karauna e takoto ana i tō rātou nā rohe whai pānga. Ko ā rātou mahi he ngaki māra; he whakangau poaka; he whaiwhai i te koti me te tia; he patu kererū; he hī hoki i te tuna, i te īnanga me te taraute. Mai rā anō, ā mohoa nei, kua mahi ngā hapū me ngā iwi o Te Korowai o Wainuiārua i ēnei mahi i raro i tō rātou mana kaitiaki i ngā rawa taiao. Ahakoa te rironga atu me te whakahokinga mai o ngā whenua, kāore ēnei panonitanga i motu i ngā here i waenga i a Te Korowai o Wainuiārua me ngā whenua o runga tonu i te Papa Taiao ā-Motu.

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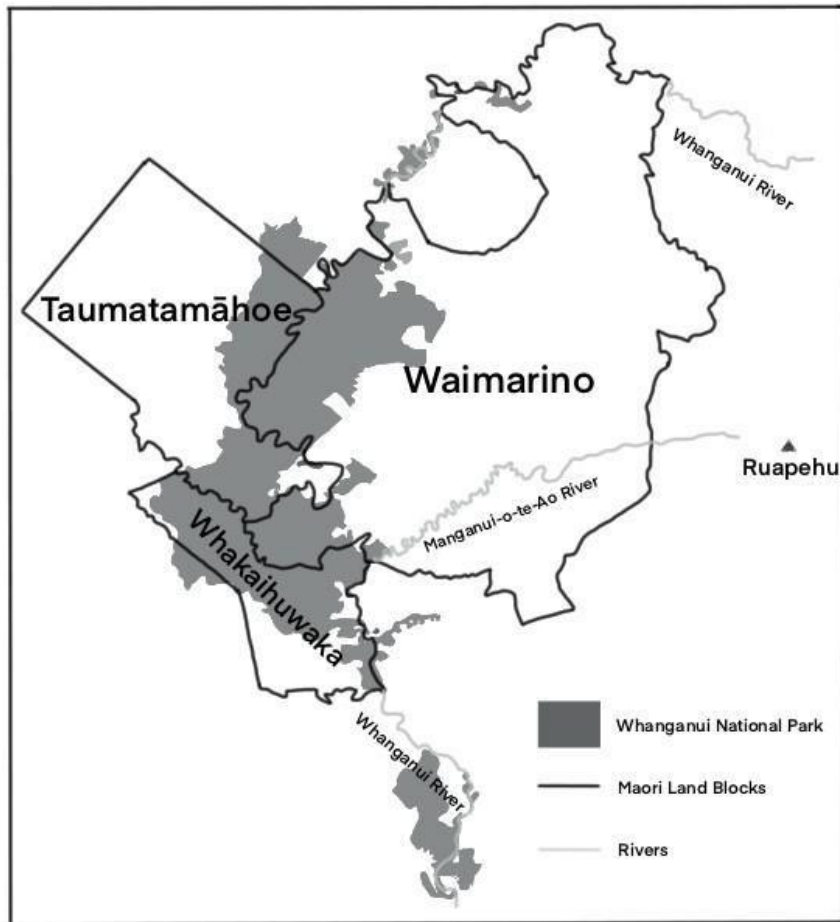


Figure 4: Whanganui National Park and Māori Land Blocks Affected

- 2.182. Ko te awa o Whanganui me ōna kautawa te pū o te tuakiri me te ao o ngā hapū me ngā iwi o Te Korowai o Wainuiārua, ā, ka tino rangona i te tini o ngā kōrero hītori me ngā pūrākau. E koa ana a Te Korowai o Wainuiārua kia whai wāhi mai ētehi ki ngā kura o tō rātou rohe, ka mutu, mai rā anō te whakamīharo a ngā rāwaho e mātakitaki ana i ngā ātaahuatanga o te awa o Whanganui.
- 2.183. Nō te tekau tau 1940 ngā āpiha o te Karauna i whakaaro ai kia noho taua wāhi hei papa taiao ā-motu, engari nō te tau 1980 rā anō te Karauna i tīmata ai ki te āta aromatawai i runga i te ātaahua rirerire o te rohe me te ahurei o te hītori o tōna ahurea Māori. Nā tētehi rangahau a te Tari mō ngā Whenua, i te marama o Hune, i te tau 1981, ka tūtohungia kia noho ko ngā rāhui manea o taua wā me ētehi atu whenua o te Karauna hei papa taiao ā-motu hou. Ahakoa te rerenga tonutanga o ngā whakaaturanga a ngā hapū me ngā iwi o Te Korowai o Wainuiārua i ngā kōrero tika e pā ana ki ō rātou pānga ki te awa o Whanganui me ōna kautawa, i te nuinga o te wā, ka kaupare te Karauna i ngā āwangawanga o ngā Māori, tae noa ki te upoko o te tekau tau 1980. I waenga i te marama o Pēpuere, o te tau 1983, me te marama o Tīhema, i te tau 1985, he āhua nui tonu ngā wā i hui ai te Karauna me ngā Māori i ngā marae o te rohe o Whanganui ki te matapaki i te papa taiao e marohitia ana.

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- 2.184. I tētehi hui i te marama o Noema, i te tau 1983, ko te kōrero a tētehi o ngā āpiha o te Karauna e mea ana, ka noho te papa taiao hei 'papa taiao ā-motu tino "[M]āori nei', ā, mā tētehi komiti tohutohu, i marohitia rā, me ōna mema e iwa i tautapangia ai e ngā Māori o Whanganui, ka nui te whai wāhi o te '[M]āoritanga' i te whakahaeretanga o te papa taiao. Heoi anō, he rerekē tā ngā iwi i tā te Karauna whakamāori i te āhua o te 'papa taiao ā-Motu e Māori nei', otirā, mō te whai wāhi ki ngā kōrero, mō ngā haepapa ā-ture o ngā komiti tohutohu, mō te whai wāhi a te iwi, mō te whai mahi ā-utu hoki.
- 2.185. I te marama o Pēpuere, i te tau 1984, i tētehi hui me te Kōmihana o Te Whanganui-a-Tara mō ngā Whenua o te Karauna, ka kōkau te whakaae a ngā Māori o te awa o Whanganui kia whakaritea he papa taiao ā-motu. He mea here tā rātou whakaaetanga ki tētehi ture motuhake e pā ana ki te whakahaeretanga o te awa, ki te kitenga o ētehi māngai ā-iwi mā te whakanohonga o tētehi tokotoru Māori hei mema pūmau mō te poari whakahaere, ki tētehi komiti tohutohu e Māori katoa ana ōna mema (i muri mai ka tapaina ki te ingoa o Te Poari Māori hei Tiaki i te Awa o Whanganui), ki te whakaūnga hoki o te korenga o ngā kokoraho a ngā Māori i te whenua me te rangatiratanga o te papa o te awa o Whanganui e whakatoiharangia nā te whakaritenga o te papa taiao.
- 2.186. I tana whakaritenga tuatahi mō te papa taiao ā-motu, i mahara te Karauna ki te whakauru i te papa o te awa ki te rohenga o te papa taiao, engari nō te taenga ki te marama o Māehe, i te tau 1985, ka whakatau ia kia kaua te papa o te awa e whai wāhi atu. Ahakoa kāore ngā hapū me ngā iwi o Te Korowai o Wainuiārua i ātete i te whakaaro ki tētehi papa taiao ā-motu, i ātete kē rātou i te whakaurunga o te papa o te awa hei wāhanga mō te papa taiao i mua i te whakataunga o tā rātou kokoraho i te rangatiratanga me te whakahaeretanga o te awa. I ahu mai tēnei māharahara i tō rātou anipā kei noho te whakaurunga o te awa hei take aukati i tā rātou kokoraho mō te awa.
- 2.187. Nā te pūrongo mō te papa taiao, i whakaputaina ai i te marama o Māehe, i te tau 1984, i kōrero mō ngā hononga o ngā Māori o uki, o taua wā anō hoki, ki te wāhi rā. Ahakoa te auau o ngā tono a ngā iwi e pā ana ki ō rātou whakaaro ki te tāpoitanga me ngā mahi arumoni, kāore te pūrongo i miramira i te '[M]āoritanga' o te papa taiao. I te marama i muri mai, kotahi noa iho te māngai Māori i kopoua ki te Poari mō ngā Papa Taiao ā-Motu me ngā Rāhui ki Te Whanganui-a-Tara – te hinonga nōna nei, i te mutunga iho, te haepapa whakahaere i te papa taiao. I tētehi pānui o te marama o Noema, i te tau 1985, e whakaatu ana i te kōkau o te whakaaetanga kia tū te Papa Taiao ā-Motu o Whanganui, ka kōrero te Minita mō ngā Take Māori me te Whenua i te nui o te hiranga o ngā pānga me ngā whakaaro o te Māori ki te papa taiao. I muri i tētehi hui, i tū rā ki Taumarunui, i te paunga hoki o tētehi tau i pūraurau haere ai ngā whakawhitinga kōrero e pā ana ki te taitara mō te papa o te awa, ki te tohatanga o ngā haepapa whakahaere, me te tapa ingoa, ka puta tētehi whakaūnga ā-tuhi i te Karauna e pā ana ki ngā whakawhitinga kōrero ā haere ake nei, engari kāore ia i tuku kia tino whai wāhi te reo o ngā hapū me ngā iwi o Te Korowai o Wainuiārua ki ngā whakahaere o te papa taiao.
- 2.188. I te marama o Noema, i te tau 1986, ka kāhitingia e te Karauna ngā heketea e 74,231 o ngā rāhui manea o taua wā, o ngā whenua o te Karauna, me te ngahere ā-motu kia tapaina ki te Papa Taiao ā-Motu o Whanganui. I nui tonu ngā āwangawanga o ngā hapū me ngā iwi o Te Korowai o Wainuiārua ki te rangatiratanga me te whakahaeretanga o te

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awa me te whakaurunga ki ngā whenua o te papa taiao, pēnei i ngā poraka o Waimarino me Taumatamāhoe i makihuhunu nei te kaitaongatia e te Karauna. I ōkawa te whakatuwheratanga o te Papa Taiao ā-Motu o Whanganui i te 7 o Pēpuere, i te tau 1987, i Whanganui rā tōna tari matua, ā, i Pīpīriki me Taumarunui ōna tari tuarua.

- 2.189. Ka riro mā te tari hou, mā Te Papa Atawhai, e whakahaere ngā papa taiao ā-motu i te marama o Āperira, i te tau 1987. E ai ki te Mahere Whakahaere i te Papa Taiao ā-Motu o Whanganui, i te tau 1989, ko tā Te Papa Atawhai he mātua tuku 'kia whai wāhi te Poari Māori hei Tiaki i te Awa o Whanganui ki ngā kōrero, kia āta whakaarongia hoki ā rātou tirohanga e pā ana ki ngā take whakahaere e whai pānga ana ki te iwi Māori. Ko te Māori anake ka whakaaetia, i raro anō i ōna āhuetanga motuhake, kia hī ika me te kōhi tupu. Ahakoa, i tōna tikanga, me mātua whai wāhi te Poari Māori hei Tiaki i te Awa o Whanganui ki ngā kōrero o te mahere whakahaere, kāore he whakataunga i kitea e whai tikanga ai te whai wāhitanga ki ngā whakaritenga kōrero, e putuputu ai rānei te tū o ngā hui, ka mutu, kāore ia i whakaaro nui ki te hōhonutanga o ngā whakaaro o te Māori ki te awa o Whanganui me ōna whenua huri noa. I te tau 1990, nā te Conservation Law Reform Act, ka whakakapingia te Poari mō ngā Papa Taiao ā-Motu me ngā Rāhui ki Te Whanganui-a-Tara ki te Poari Tiaki Taiao ki Taranaki/Whanganui, engari, kāore i rerekē te āhua ki te iwi i runga i te poari, tokoiwa nei ōna mema, inā hoki, kotahi tonu te māngai.
- 2.190. Ko te awa tonu te aronga matua o te Papa Taiao ā-Motu o Whanganui, ā, ko te wai, 170 kiromita nei te roa, e rere ana i waenga i Taumarunui me Ātene, te kaihono i ngā wāhanga o raro, o waenga, o runga hoki o te papa taiao. Kei taua papa taiao hoki te tini o ngā wāhi whakahirahira ki ngā hapū me ngā iwi o Te Korowai o Wainuiārua, pēnei i ngā puia, i ngā pā (tae atu ki Tteke, ki Kirikiriroa me Mangapāpapa), i ngā urupā hoki, ka mutu, ko te ahurea Māori tonu tētehi āhuetanga matua i roto i tā Te Papa Atawhai whakaahua i ngā wheako o te hunga ka toro ki te papa taiao.
- 2.191. Heoi anō, e pōuri ana ngā hapū me ngā iwi o Te Korowai o Wainuiārua nā te āhua o tā te Karauna whakamahi i ēnei wāhi mō ngā mahi tāpoi te take; hei urupare, i ōna wā, kua noho ngā hapū me ngā iwi ki ētehi wāhi hei tohe mō te wātea me te whakamahinga o aua wāhi. He mea whakatū anō tētehi wāhi e āwangawangatia ana, te wharau o John Coull i Puketapu, ka mutu, e tata ana ki tētehi urupā. I te tau 1988, ka whakamōhio ētehi uri o Te Korowai o Wainuiārua i te Karauna ki te tapu o te wāhi, ā, ka tono rātou kia nekehia te wharau. I mahi tahi ngā kaimahi o Te Papa Atawhai me ngā rangatahi o Te Korowai o Wainuiārua ki te neke i te wharau ki tōna tūranga hou i te tau 1990. Ka kino kē atu ngā taukumekumetanga i te tīmatanga o tā te Karauna whakatau utu i te tau 1988 mō te whakamahinga a te marea i ngā rawapuni o te papa taiao. I huri hoki tētehi hanganga tuarua, te wharau hou o Tteke, i whakatūria rā ki runga i tētehi kāinga me te urupā nō te wā o ngā tūpuna, hei wāhi noho ā-mautohe mō ngā hapū me ngā iwi o Te Korowai o Wainuiārua i te tau 1993-4. He rite tonu te whai a ngā hapū me ngā iwi o Te Korowai o Wainuiārua ki te whakapā atu ki te Karauna mō ngā āhuetanga whai take e pā ana ki te whakahaere ngātahi i te Papa Taiao ā-Motu o Whanganui, engari, nā ngā tekau tau i noho wehe ai rātou i ngā whenua, kua kore rātou e kaha ki te whakaū i ā rātou mahi me ō rātou haepapa hei kaitiaki.

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NGĀ HUA Ā-OHAPORI

Te Reo Māori

- 2.192. Kei te mita o te reo Māori o te rohe o Whanganui ētehi motuhaketanga mata hunahuna ā-whakahua, ā-manawataki hoki, tae atu ki ōna momo kupu motuhake. I te upoko o te rautau rua tekau, i ngā kura i whakatūria ai e te Karauna, ka whakapāhunu ngā kaiako i te kōrero Māori a ngā tauira Māori.
- 2.193. E ai ki te Karauna, ko tētehi mahi a ngā kura Māori he whakapākehā i te Māori. He mea kōrero ngā kaiako ki ‘te whakaritenga mātāmua kia kōrero Pākehā anake ngā tamariki, tae noa hoki ki te papa tākaro’. Nō reira, he tokomaha ngā tamariki o Te Korowai o Wainuiārua i patua i te kōrero mō te kōrero i tō rātou anō reo te take.
- 2.194. I tua atu i tērā, mate ai ngā tamariki o Te Korowai o Wainuiārua ki te haere tawhiti kia tae ai rātou ki ngā kura, ka mate rānei ki te wehe i ō rātou kāinga kia tata ai te taunga ki ngā kura tuarua. He rite tonu te korenga o ngā kura o tuawhenua i whakapaingia – i te tau 1958, nā te pūwhāwhā o te Kura o Pīpīriki i kīia ai e tētehi kaitirotiro ko taua kura rā “te kura Māori hē katoa o Aotearoa”.
- 2.195. Ki ngā hapū me te iwi o Te Korowai o Wainuiārua, he rite tonu te rironga o tō rātou reo me ō rātou mātauranga ki te rironga o ō rātou whenua, ka mutu, he āta whakaeke tērā i tō rātou tuakiritanga kua “kore i whāngaihia e te Karauna.” Waihoki, uaua ana ki a Te Korowai o Wainuiārua te whai kia rangona te motuhake o tana tū, kia mau hoki tōna tuakiritanga i tō rātou anō rohe. Hei tauira, e kī ana ngā uri o te iwi, nā te Karauna i “haehae” ngā hononga nā reira i ora ai tō rātou iwi, ā, kua tata “tūmatawarea” rātou hei hinonga.

Te Hauora

- 2.196. Mai i te tau 1840, nā te taenga mai o te Pākehā, kua noho mōrearea a Te Korowai o Wainuiārua ki ngā mate rere noa i heke ai te taupori Māori i te rohe o Whanganui. I taua wā, he iti noa te kaha o ngā rongoā Pākehā hei patu i ngā mate rere noa me ētehi atu raruraru ā-hauora, engari i te rautau tekau mā iwa, he iti noa iho ngā ratonga a te Karauna hei toko i te ora. Nā te kōpaka o ngā ratonga rongoā i tino kino rawa atu ai te pānga o ngā hapori o Te Korowai o Wainuiārua e ngā mate urutā pēnei i te taipō me te mate kōhi.

Te Whanaketanga ā-Ōhanga

- 2.197. He iti noa iho ngā huarahi whai mahi i ngā wāhanga tūhāhā o te rohe o Te Korowai o Wainuiārua, ka mutu, nō te taenga ki te tekau tau 1950, he maha ngā whānau o ngā wāhi, pēnei i Pīpīriki, e oke ana ki te kuhu i a rātou anō. He iti hoki ngā tūranga mahi pūmau i ngā tāone pēnei i Ohakune me Raetihi, ā, nā ngā mahi utukore me ngā mahi ā-kaupeka i uaua ai ki ngā uri o Te Korowai o Wainuiārua te tono ki ngā pūtea taurewa a te kāwanatanga hei hoko whare.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT IN TE REO

2.198. Nā te hekenga o te ahumahi hanga ara tereina, o te ahumahi mira rākau hoki mai i te tekau tau 1950 i rongō ai ngā whānau o Te Korowai o Wainuiārua i te taumaha kē atu anō mō te āhua ki te ōhanga. Nā te piki haeretanga hoki o te taupori i uaua kē atu anō ai te āhua ki te ōhanga, ā, he tokomaha ngā Māori o te rohe o Whanganui i hūnuku ki ngā tāone ki te mahi hei ringa raupā e ninipa ana.

Te Whai Whare

2.199. I te tekau tau 1930, ā, i te tekau tau 1950 hoki, auau ana te kite a te Karauna i te kino me te apiapi rawa o te noho a te Māori i ō rātou whare, otirā, i tino kitea i Pīpīriki, i Raetihi me Ohakune. He maha ngā whare e tū ana i ngā whare tūhāhā e takarepa nei ngā hanga rerewai, ngā paipa wai rānei, inā rā, nō te rangi rānei, nō ngā puna wai rānei te wai, ka mutu, e noho whakaraerae ana ki ngā āhuratanga o te huarere. I te tau 1955, ko ngā whakawhitinga kōrero i waenga i tētehi Āpiha Takiwā me te Kahika o Ohakune e kī ana ko te āhua o ngā kāinga e nohongia ana e ngā Māori i tētehi wāhi o Ohakune he “mōrikarika”.

2.200. I te tau 1956, ka whakahē te Kahika o Whanganui i te tōmuri o te Karauna ki te whakaea i ngā hiahia o te Māori e pā ana ki te whare. Ahakoa te tautoko a te Karauna i ngā Māori i pīrangī rā ki te hoko whare, i uaua ki te tokomaha o ngā Māori ki te penapena pūtea mō te moni kuhu me whai.

Hei Painga mō Aotearoa

2.201. He tokomaha ngā tāngata o Aotearoa e pārekareka ana i ngā mahi ā-rēhia i ngā whenua me ngā wai i te rohe o Te Korowai o Wainuiārua, otirā, i ngā papa taiao kei reira rā tētehi wāhanga nui o te rohe. Nā te tata whenua-koretanga o te iwi o Te Korowai o Wainuiārua, e noho tonu ana te rironga o ō rātou rawa i whakaaetia ai (nā ngā hokotanga a te Karauna), i kore ai hoki e whakaaetia (nā ngā tangohanga mō ngā mahi tūmatanui) hei pīkautanga taumaha mā te iwi.

2.202. Ngākau whakapuke ana hoki a Te Korowai o Wainuiārua i te whai wāhitanga o ōna uri ki ngā ope kaupare hoariri o Aotearoa i ngā Pakanga o te Ao e rua.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

2 HISTORICAL ACCOUNT

- 2.1. The Crown's acknowledgement and apology to Te Korowai o Wainuiārua in part 3 are based on this historical account.

TE KOROWAI O WAINUIĀRUA HISTORICAL ACCOUNT

UENUKU, TAMAKANA, AND TAMAHAKI AT 1840 AND THE TREATY OF WAITANGI

Uenuku, Tamakana, and Tamahaki Identity at 1840

- 2.2. The three principal iwi of Te Korowai o Wainuiārua, Uenuku, Tamakana, and Tamahaki, resided in their central Whanganui rohe when the Crown came to the district in 1840. They consider themselves to have distinct tribal identities, though they are closely connected in their whakapapa and history.

Uenuku

- 2.3. The principal tupuna of Uenuku, named Uenuku, connects the iwi to many of their neighbouring iwi and hapū through whakapapa. At 1840, the iwi Uenuku resided in the Manganui-a-te-ao Valley and the Mākōtuku Valley, as well as the Waimarino plains. Their kāinga in this area are called Waikurekure, Papatupu and others. In the decades prior to 1840, Uenuku also moved into settlements on the Whanganui River called Pīpīriki, Autumutu and others.

Tamakana

- 2.4. Tamakana, the tupuna, and his iwi had settled in the Manganui-a-te-ao Valley with Uenuku and their other whanaunga. The rohe of Tamakana stretches from Taurewa near Tongariro maunga to the Waimarino plains.
- 2.5. The descendants of Tamakana who led the iwi in the nineteenth century include Tūkaioa II, Te Pikikōtuku, Te Whetū Kākahi and his son Winiata Te Kākahi, Te Wharerangi and his son Matuaahu Te Wharerangi, Te Rangihuatau, Kaioroto, Te Riaki, Uenuku Tūwharetoa and his son Taurerewa Tūwharetoa, Te Hītaua and his son Te Pēhi Tūroa I, and Hekeāwai.

Tamahaki

- 2.6. Tamahaki, the tupuna of the Tamahaki iwi, was a descendant of Ruatipua and Paerangi, original tangata whenua of the district. The nineteenth century rangatira, Uenuku Tūwharetoa, Taiwiri Toho and Te Rangihuatau, can trace descent from Tamahaki. The Tamahaki rohe is primarily on the western side of the middle reaches of the Whanganui River. Tamahaki and its associated hapū lived in settlements along the Whanganui River, including Pīpīriki, Tīeke, Mangapāpapa, and Kirikiriroa.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

Te Tiriti o Waitangi/The Treaty of Waitangi

- 2.7. Te Korowai o Wainuiārua had little contact with Europeans before the signing of te Tiriti o Waitangi/the Treaty of Waitangi in their remote inland rohe. When a Church Missionary Society missionary visited Whanganui in May 1840 with a copy of te Tiriti/the Treaty, he did not travel inland to the rohe of Uenuku, Tamakana, or Tamahaki.
- 2.8. On 23 May, nine Whanganui rangatira signed te Tiriti/the Treaty at the mouth of the Whanganui River. One of the signatories was the high-ranking rangatira Te Pēhi Tūroa I of Te Patutokotoko. On 25 May, his son, Te Pēhi Pākoro Tūroa II, signed the same copy of te Tiriti/the Treaty in Waikanae along with four other Māori. The iwi of Te Korowai o Wainuiārua consider that the signing of te Tiriti/the Treaty created an expectation of a relationship that should have been based upon fairness, justice, and honour.

UENUKU, TAMAKANA, AND TAMAHAKI AND THE COLONIAL STATE 1840-1860

The New Zealand Company

- 2.9. Iwi and hapū from the middle and upper reaches of the Whanganui River, including iwi of Te Korowai o Wainuiārua, utilised the mouth of the river for fishing and trade, often for months at a time.
- 2.10. In 1839, an independent British settlement company, the New Zealand Company, sent an agent to New Zealand to negotiate the purchase of land from Māori before the arrival of the Crown. The Company prepared a land purchase deed for over a million acres of Whanganui land from the coast to Tongariro maunga. Two Te Korowai o Wainuiārua tūpuna, Te Rangiwahakaruru and his son Te Kurukaanga, were living near Waikanae in November 1839 and signed the deed aboard a Company ship anchored off the Kāpiti coast.
- 2.11. In March 1840, Te Kurukaanga accompanied the Company agent to Pūtiki. At a hui of 300-400, the Company agent gave gifts to Te Pēhi Tūroa I of Te Patutokotoko and two other leading rangatira, though it was not intended as payment for the land. Te Patutokotoko coalesced in the early nineteenth century around the leadership of Te Pēhi Tūroa I, and drew support from several locations along the river.
- 2.12. In May, after te Tiriti/the Treaty had been signed, the Company called a large hui at Pākaitore to discuss the 1839 deed and secured the signatures of 32 Whanganui Māori. By September, Whanganui Māori had built thirty houses in preparation for the arrival of the settlers and Te Kurukaanga built a house for the Company agent. The settlers first arrived at the beginning of 1841. The Company called their settlement Petre. However, the Company's attempt to survey the land it had attempted to purchase was obstructed by Māori who were not involved in the Company's negotiations.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

The Spain Commission

- 2.13. In January 1840, Governor Hobson proclaimed all private purchases after this date would be considered null and void. In 1841, the Governor established an old land claims commission to investigate the validity of pre-Treaty transactions. In 1843, Commissioner William Spain held hearings to investigate the Company's attempted purchase of Whanganui land.
- 2.14. Te Korowai o Wainuiārua tūpuna took part in the hearings, though Te Kurukaanga was not present. Te Pēhi Tūroa I gave evidence, stating that, by signing the deed, he expected to be paid. However, he said that payment went to others and not himself. Ngāpara, also of Te Patutokotoko, stated that the deed had not been explained to him when he signed it in May 1840. He also stated that most people opposed the purchase due to the insufficiency of the payment. Spain quickly found that there were serious flaws in the Company's putative purchase.
- 2.15. In September 1843, Spain stated in an interim report that the Company had failed to prove it had purchased the land it claimed. However, he also considered that many Whanganui Māori wanted the settlers to stay in the small township they had established. Spain thought the Company should pay an additional £1,000 to the Crown for a Crown grant of 40,000 acres around the settlement of Petre, otherwise called Wanganui, and announced this as an award to Whanganui Māori in 1844. In March 1845, Spain finalised this recommendation to the Crown. Governor Fitzroy, however, did not approve the recommendation and urged the settlers to leave Petre.

Crown Purchasing Negotiations

- 2.16. Governor Grey replaced Governor Fitzroy and arrived in New Zealand in November 1845 with instructions to complete the purchases on behalf of the Company. Grey went to Petre in March 1846 to assess the willingness of leading rangatira to complete the purchase as Spain had recommended. Te Pēhi Tūroa, Ngāpara, and others affirmed that they were willing.
- 2.17. The next month, Crown purchase agents were sent to Whanganui to complete the purchase. Spain's report had included a map of the Company's claimed land (89,600 acres) which included a line around the 40,000 acres Spain recommended for the purchase. The Crown began surveying the 89,600-acre block, as opposed to the agreed 40,000 acres and did not inform Whanganui Māori of the difference.

Conflict Halts Negotiations

- 2.18. Whanganui Māori negotiated with the officials to finalise the boundaries and reserves. However, the purchasing was stalled when fighting broke out in Heretaunga between the Crown and upriver Whanganui Māori in June 1846. Te Pēhi Pākoro Tūroa advised the local missionary that he intended to live in peace with Pākehā and that his brother, Tāhana Tūroa, had gone to attempt to persuade Whanganui Māori in Heretaunga to return to Whanganui.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

2.19. In July, after receiving a copy of a letter to Whanganui Māori seeking support for the fighting in Heretaunga, Grey proclaimed martial law over the Whanganui district. After the fighting had ended in Heretaunga, an upriver tauā came to Petre in October and the threat felt by the settlers led the Crown to station 180 troops in the township. In April 1847, following an incident where a group of Māori youths were executed for the murder of four settlers, martial law over Whanganui was extended. The next month, another upriver tauā arrived in Petre and there was several months of skirmishing. The biggest fight was at St John's Wood in July, but the conflict produced a stalemate and the tauā withdrew upriver.

Crown Completes the Purchase

2.20. By February 1848, peace had been reached between the parties, though the situation remained tense and the Crown kept its troops garrisoned in the township. In May, the Crown sought to recommence its purchase negotiations for the Whanganui block. At a hui on 25 May of around 600 Whanganui Māori, 80 people signed the Crown's purchase deed and 126 others signed the following day. The additional purchase money of £1,000 was divided among fifteen hapū. Tāhana Tūroa received £50 on behalf of Te Patutokotoko. The Crown still did not inform the owners that the £1,000 was for just over 86,000 acres and continued to represent the purchase as the completion of Spain's recommended 40,000 acre purchase.

Whanganui Block Reserves

2.21. In the original Company deed, it stated that a portion of the land sold would be reserved which was sufficient for the "residence and proper maintenance of the said chiefs and their families". In 1843, the Crown took responsibility for reserving land from the purchase. In 1845, Spain recommended to the Crown that 4,000 acres (a tenth of the recommended Whanganui purchase) in addition to pā, urupā, and cultivations be reserved for Māori. However, in the following year, Governor Grey instructed his purchase agents to induce Māori to abandon any cultivations. The agents did not think they needed and would "interfere with the pursuits and prosperity of the settlers". In 1848, Te Patutokotoko were allocated a reserve called Waipākura of 2,358 acres.

UENUKU, TAMAHAKI, AND TAMAKANA AND THE NEW ZEALAND WARS 1860-1872

The Establishment of the Kīngitanga

2.22. Traditionally, the iwi of Te Korowai o Wainuiārua used rūnanga and hui to resolve the challenges they faced. Their strategies evolved following 1848 to engage with their new Treaty partner. Over the 1850s and 1860s, rangatira of Te Korowai o Wainuiārua and Whanganui increasingly sought to work together on issues they all faced. From the late 1850s, rūnanga became larger and more formal and were often called rūnanganui.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

2.23. In 1856, some Whanganui Māori attended a rūnanganui at Pūkawa where they discussed the establishment of a Māori king. The Kīngitanga movement, as it came to be called, was intended to transcend tribal rivalries through the creation of a national Māori organisation to administer their own affairs within their boundaries. At the Pūkawa hui, it was agreed that a 'rohe tapu', later called Te Rohe Pōtae, around Tongariro maunga would be established, within which no land would be sold. In 1857, Tōpia Tūroa (among others) had declined the offer of kingship and Pōtatau Te Wherowhero was selected to be the first Māori King. In 1858, Tōpia Tūroa championed the Kīngitanga in the Whanganui district and support spread quickly among Te Korowai o Wainuiārua iwi.

The Taranaki and Waikato Wars

2.24. In 1860, fighting broke out when the Crown attacked Te Kōhia pā in Taranaki to enforce the Waitara purchase. The iwi of Te Korowai o Wainuiārua decided not to be involved. In March 1860, Te Korowai o Wainuiārua iwi participated in a large and significant hui at Kōkako, south of Ruapehu maunga, to discuss inter-tribal boundaries, land selling, and the Kīngitanga. Soon after, Kīngitanga supporters established an aukati (boundary) at Maraekōwhai on the Whanganui River near its confluence with the Ohura River, and much of the Te Korowai o Wainuiārua rohe lay north of this line. The aukati was a designation of Māori customary land which could not be entered without the approval of the King. In 1861, the Crown and Kīngitanga agreed to a truce in Taranaki.

2.25. In 1862, Te Ua Haumēne of the Taranaki Kīngitanga founded a faith called the Pai Mārire, which translates as 'good and peaceful'. The Kīngitanga adopted elements of this faith and Pai Mārire later became its religion. Its adherents sought control over their religion and land and to reject European religious authority.

2.26. In 1863, following the Crown's reoccupation of the Omata and Tataraimaka blocks, fighting in Taranaki erupted for a second time and, on this occasion, Tāhana Tūroa and other Whanganui Māori joined the conflict against the Crown. In June, Hōri Pātene, an influential and popular rangatira of Pipiriki, was killed in the fighting at the battle of Katikara in Taranaki. In October, Te Pēhi Tūroa raised a force and joined Taranaki Māori in part due to their need to seek utu for the death of Hōri Pātene. The Whanganui tauā fought in Taranaki until they ran out of supplies and returned home in early 1864.

2.27. Meanwhile in July 1863, the Crown's forces had crossed the northern boundary of Te Rohe Pōtae at the Mangatāwhiri River and therefore began the Waikato War. The tūpuna of Te Korowai o Wainuiārua were not involved in this conflict.

Warfare Spreads to Whanganui

2.28. In January 1864, the Crown issued a declaration in Whanganui that 'rebels' must swear their allegiance to Queen Victoria. They risked being arrested if they had fought against the Crown. No Whanganui Kīngitanga swore allegiance to the Queen, although, in April, Te Pēhi Tūroa indicated that he would not fight again unless attacked in his upriver home.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.29. By April, the Pai Mārire became involved in the Taranaki War and quickly gained a reputation among Europeans and the Crown for violence. Later that month, Mātene Rangitauira returned to the Whanganui district from the Taranaki War. He had become a disciple of Pai Mārire and sought to convert Whanganui Māori to the faith. When he visited his home in Pipiriki, he found many eager converts who were still mourning the death of Hōri Pātene.
- 2.30. In May, Mātene Rangitauira began to lead a force of 120-150 Pai Mārire Māori down the Whanganui River to attack the township at the mouth of the River. He met with Te Pēhi Tūroa in Pipiriki where Te Pēhi Tūroa stated that no war party should proceed down the River and break the peace in the district. Mātene Rangitauira disregarded this and continued his journey downriver. In response, Te Pēhi Tūroa sought lower-river Māori support to stop the tauā from reaching the township. Thirty-four Kīngitanga and 300 lower-river Māori met the Pai Mārire at Moutoa Island near Ranana on 14 May. The battle was short, though around 65 men were killed in total, including Mātene Rangitauira. Following their victory at Moutoa Island, the Kīngitanga and lower-river force moved on to take over three pā formerly held by Mātene Rangitauira and took around 40 Pai Mārire as prisoners.

The Battles at Ōhoutahi and Pipiriki Pā

- 2.31. In the aftermath of the battle at Moutoa, the Crown began fortifying the pā of its Whanganui Māori allies from the end of May and provided them with arms. There remained great tension in the district for the remainder of 1864 and Kīngitanga Māori increasingly converted to Pai Mārire. In June, Tāhana Tūroa warned those supporting the Crown that there would be a battle with the Kīngitanga at Hiruharama, though it never eventuated. On 2 November, the Governor proposed a cessation of hostilities whereby those who took an oath of allegiance would be provided with an amnesty. However, they would also have to agree to cede land to the Crown. The Kīngitanga refused to accept these terms, stating that they would only agree to peace if they could retain their King and their own laws.
- 2.32. Later in November, Te Pēhi Tūroa led the Kīngitanga to fortify the Ōhoutahi pā. In January 1865, the Crown dispatched a force of 400 of its Whanganui Māori allies up the Whanganui River to within one mile of Ōhoutahi. On 24 February, the Crown's allies attacked and captured the Ōhoutahi pā. Twenty-seven of the Kīngitanga were killed. Members of the Tūroa whānau were among the 100 Kīngitanga taken prisoner. In March, Te Pēhi Tūroa travelled to the Whanganui township and swore an oath of allegiance to the Crown. Tōpia Tūroa, however, refused to swear the oath of allegiance. Tōpia was given 24-hours to get away and the Crown offered a £1,000 reward for his apprehension. None of the other Te Korowai o Wainuiārua Kīngitanga agreed to submit to the Governor.
- 2.33. By the end of March, the Crown had decided that it would seize the Pipiriki pā. It sent a force of 200 Crown soldiers and constructed four stockades. In July, the Crown received intelligence that the Kīngitanga would attack them at Pipiriki. There was no sustained assault on the pā, though Crown forces skirmished with Kīngitanga forces over twelve

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

days. Again Te Pēhi Tūroa fought for the Kīngitanga in this conflict, though he had sworn his allegiance to the Crown in March.

The End of the New Zealand Wars

- 2.34. In September the Governor issued a proclamation of peace. The Crown pardoned all those who had fought against it, aside from Te Pēhi Tūroa and those it accused of certain murders. In 1865, the Crown utilised the provisions of the 1863 Suppression of Rebellion Act and the New Zealand Settlements Act to confiscate a large area of land in Taranaki.
- 2.35. The Crown's exclusion of Te Pēhi Tūroa from the pardon meant there could be no formal peace in Whanganui. In 1869, though, Hona, a relative of Tōpia Tūroa, was killed by a force led by Te Kooti Arikirangi Te Turuki who the Crown had been pursuing across the North Island. In September, a priest or 'Papa' of Tōpia was also killed near Lake Rotoaira. These events led Tōpia to join other Whanganui Māori who participated in the pursuit of Te Kooti into upper Whanganui and beyond the aukati of Te Rohe Pōtae. However, once Te Kooti was within Te Rohe Pōtae, the Whanganui tauā ended their pursuit.
- 2.36. Between January 1871 and April 1872, Whanganui iwi, including those of Te Korowai o Wainuiārua, held three large hui to discuss the peace and unity of Whanganui Māori from the source of the Whanganui River to its mouth. Peace in Whanganui was confirmed at an 1872 hui in Putiki.

THE NATIVE LAND LAWS

The Introduction of the Native Land Laws

- 2.37. In the 1860s, the Crown introduced native land legislation. One of its objectives was to facilitate the opening-up of Māori customary lands to Pākehā settlement. The Crown established the Native Land Court through the Native Land Acts of 1862 and 1865 without consulting Māori or gaining their consent. A principal function of the Native Land Court was to investigate customary titles to land. Following such investigation, persons found by the Court to be owners could apply to the Governor for a Crown grant. The Māori land title system established in the 1860s was subsequently altered by later amendments and other statutes. The Native Land Act 1873 introduced memorials of ownership which required all customary owners to be listed on the Court certificate.
- 2.38. The new native land law system created individual title to Māori land which enabled individuals to alienate Māori land interests without reference to their iwi or hapū. This introduced a profound change to customary land tenure, and undermined Māori communal ownership of land and collective decision-making. The owners of Māori customary land were forced to participate in this new system if they were to integrate their land in the modern economy, or to defend their interests in customary land if it was claimed by any other individual. Through the individualisation of land ownership, the

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

Crown expected that Māori would eventually abandon the tribal and communal foundations of their traditional land holdings.

- 2.39. The first Native Land Court hearing in the southern portion of the Whanganui District took place in 1866. The impact of the native land laws on Te Korowai o Wainuiārua was delayed compared to other iwi because their rohe was remote from European settlement. The principal venue of the Native Land Court was the Whanganui township, and so when hapū began taking their land to the Court they were required to travel a considerable distance from their rohe. In 1876, tūpuna of Te Korowai o Wainuiārua applied for a title investigation of the Tawhitoariki block. The hearing was completed within a day and the Court awarded the land to the applicant and the numerous hapū he represented. The Crown purchased the entire block by 1879. In 1880, the tūpuna of Te Korowai o Wainuiārua took the Atuahae, Mangapukatea, and Raoraomouku blocks to the Court after the Crown had advanced payments. Titles for the block were required to complete the purchase and they were all subsequently sold to the Crown.

Pre-Native Land Court Title Determination Payments

- 2.40. From 1879, the Crown opened negotiations for several relatively small blocks of Te Korowai o Wainuiārua land. The Crown was keen to purchase land in this area in part because the customary owners were Kīngitanga supporters and had previously been opposed to all Crown land acquisitions. The Crown also sought to secure as large an estate as possible as it was concerned about the activity of private speculators in the area. In 1879, the Crown began advancing payments to those who it considered to be owners of the Aratawa Huikumu (1,645ha), Mangapukatea (1,008ha), and Raoraomouku (3,422ha) blocks before any application for title had been made to the Native Land Court.
- 2.41. In the case of these land blocks, the Crown had to estimate the individuals who the Court would later recognise as owners, and the size of the block before the boundaries had been surveyed, which led to difficulties in the Raoraomouku block. Later in 1879, the Crown instructed purchase agents to refrain from the practice of making pre-title advances.
- 2.42. The Crown often operated as a monopoly purchaser. In 1877, the Crown promoted legislation which provided for it to proclaim the prohibition of all private purchases and leases of Māori land once it had made payments to individual owners. In 1879, the Crown issued such a proclamation over the Raoraomouku and Huikumu blocks. The Crown's proclamations of monopoly powers could have a significant impact on the iwi of Te Korowai o Wainuiārua as their only option under such a proclamation was to sell or lease land to the Crown if they wished to alienate it. Subsequent legislation continued to allow the Crown to prohibit alienations to private purchasers in blocks that the Crown had targeted for purchase.
- 2.43. In 1880, the Crown's estimation of the size of the Raoraomouku block proved markedly different from its surveyed acreage. The Crown purchase agent had estimated the block to contain 60,000 acres and had advanced £1120 towards the purchase of this block. However, the 1880 survey of the Raoraomouku block showed that it was only 8,697

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acres and the purchase agents were instructed to recover some of the advances from the Te Korowai o Wainuiārua owners.

- 2.44. In 1881, following the title determinations for the Aratawa, Huikumū, Mangapukatea, and Raoraomouku blocks, the Crown made further payments to the legally recognised owners and signed purchase deeds. The Crown and the owners appear to have compromised on the purchase price for the Raoraomouku block, as the Crown paid an additional sum of £1500 in December 1881, though not the additional amount of over £2000 that was initially agreed to in 1879. The Crown then applied to the Court for an award of its interests in the four blocks and, between September and November 1881, the Court awarded all the 16,605 acres in these four blocks to the Crown.

KEMP'S TRUST AND UENUKU, TAMAKANA, AND TAMAHAKI

- 2.45. In 1880, tūpuna of Te Korowai o Wainuiārua supported the attempt to vest their land in a trust as a way to engage with European settlement in a controlled manner. Te Keepa Te Rangihwinui (Major Kemp), was a Whanganui Māori rangatira who had become increasingly disillusioned about the ability of Māori to control land alienation and had been involved in a particularly contentious Native Land Court case in the eastern Whanganui district in early 1880. In April, he began promoting the idea of a trust which became known as Kemp's Trust. In May, Te Keepa held hui in the Whanganui district to propose his plan to become the trustee of customary lands within a designated boundary. By 1881, it was estimated that 600-700 Whanganui Māori had signed the trust deed, though support was not universal. Pou were placed to mark the boundaries of the trust lands containing 1.5-2 million acres and one, Kemp's Pole, remains at Raorikia on the Whanganui River.
- 2.46. In September 1880, Te Keepa's lawyers outlined the plan for the Trust in a letter to the Native Minister. The Trust was intended to end disputes between groups of owners and between the owners and the Crown by fixing the boundaries of blocks, vesting such blocks in the Trust, ascertaining their ownership, negotiating purchases on behalf of the owners, and distributing the payment. They sought the Crown's support for the Trust. In a later letter, the lawyers explained the purpose of the Trust as a way "to save the Natives if possible from the nefarious and corrupting Land Purchase system".
- 2.47. The Native Minister wrote to Te Keepa's lawyers that the Crown would not support Whanganui Māori vesting their land in the Trust. He explained that much of the land was already subject to the Government Native Land Purchases Act 1877 as the Crown had made advanced payments to some of the owners.
- 2.48. At the same time, Te Keepa began establishing a council of 180 people who would have represented each iwi within the Trust's boundaries. It was intended to carry out work of the Trust and be a kind of self-government which would issue and enforce laws.
- 2.49. While the Trust's supporters had intended to boycott the Native Land Court, they were soon drawn into its proceedings when others made applications for title determinations of blocks within the Trust's boundaries. On 1 August 1881, the Native Land Court held title

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determinations for the Huikumu and Umumore blocks. The Crown had made advanced payments on all three blocks prior to their investigations and so all were subject to the Government Native Land Purchases Act 1877. Ultimately the Trust was never able to be formally established because the Crown refused to cooperate with it.

- 2.50. Despite this, the Trust attempted to do its intended work for several years. By 1882, the Trust established an aukati on its boundaries which could not be crossed without permission. It also actively opposed European expansion into the interior of the district by obstructing surveying work, though Te Keepa remained interested in economic development for Māori benefit. The Trust's resistance to alienation caused, in part, a hiatus in Crown purchasing of Te Korowai o Wainuiārua lands between 1881 and 1884. The council had ceased functioning by 1885. The native land laws did not provide for an effective form of collective title over Māori land until 1894.

TE ROHE PŌTAE AND TE ŌHĀKI TAPU

- 2.51. Following the close of the New Zealand Wars, the Kīngitanga had declared an 'aukati' (boundary) which prohibited unauthorised European passage through Te Rohe Pōtae without permission from Kīngitanga leaders. It was widely understood by Māori and Pākehā that Pīpīriki marked the boundary between Crown and Kingitanga authority. Controlling entry from the south into the Rohe Pōtae was an important responsibility of the Māori communities along the upper Whanganui River. Until negotiations began between officials and representatives of the Kīngitanga in the mid-1880s, the Crown exercised no authority over Te Rohe Pōtae.
- 2.52. In the early 1880s, the Crown began construction of the North Island Main Trunk Railway line in the area. The Crown anticipated purchasing a large amount of land it would sell to settlers at a profit, and thereby pay for the railway and open the interior of the North Island to European settlement.
- 2.53. By the time the railway line reached Marton from Wellington, and to Te Awamutu from Auckland in the early 1880s, the Crown began to consider pathways through Taranaki and from Hastings to Lake Taupō as options for the railway before settling on a central line that traversed Whanganui to the Waikato. It quickly became clear to officials that the cooperation of tribes in the land between these points, such as Te Korowai o Wainuiārua, would be required to lift the aukati so that further progress could be made. In 1882, the Crown opened negotiations with Te Rohe Pōtae rangatira who sought Crown recognition and protection of their autonomy before they would agree to the railway proceeding through their lands.
- 2.54. In March 1883, the Crown secured informal consent from leaders of a neighbouring iwi for a 'reconnaissance survey' to ascertain a possible route for the railway. This consent was reached on the condition that the Crown would get further consent from all Te Rohe Pōtae leaders and report back immediately on the route.
- 2.55. In June 1883, members from Whanganui iwi joined three other iwi to petition Parliament with an outline of the conditions the Crown would need to fulfil in order for the aukati to

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be lifted. The boundaries described in the petition encompassed the lands of several different iwi, but the Crown dealt mainly with another iwi from the north. The petition called for the exclusion of Te Rohe Pōtae from the jurisdiction of the Native Land Court, the Crown to make Te Rohe Pōtae land inalienable by sale, and enabling the tribes to develop their own systems to fix the boundaries of land for each Te Rohe Pōtae hapū. The Te Rohe Pōtae block defined in the petition included lands to the east of Ruapehu and south of Taumarunui in the Te Korowai o Wainuiārua rohe. While the Crown agreed to make some adjustments to land procedures that provided additional protections for Māori land, the majority of the petitioners' requests went largely unanswered and Te Rohe Pōtae was not excluded from the jurisdiction of the Native Land Court.

- 2.56. In December 1883 the five tribes reached agreement for a survey of the external boundary of Te Rohe Pōtae district. Te Pikikotuku signed the agreement on behalf of Whanganui. In January 1884, the Crown began surveying the external boundary.
- 2.57. The Crown had begun its survey of the railway in December 1883. Te Korowai o Wainuiārua were not, however, all aligned in their views on the Crown's entry through their lands. In January 1884, for example, some residents at Manganui-o-te-Ao blocked members of the survey party from passing through or escorted them away from their region, while others actively sought to assist surveyors in the hopes of fostering the economic benefit and prosperity officials vaunted. However, continued obstruction from some Māori in the upper Whanganui was only resolved when they left to tend to their crops and surveyors managed to complete their work through the land that later became the Waimarino block without the consent or permission of Te Korowai o Wainuiārua.
- 2.58. Between 1883 and 1885, even though the Crown had yet to secure the consent of Te Rohe Pōtae Māori, it began to act as if the construction of the railway was a foregone conclusion and began to develop legislation and policy to facilitate the process of land acquisition for the railway and settlement. The Native Land Alienation Restriction Act 1884 prohibited private transactions on 4.5 million acres in the general vicinity of the proposed railway. The Railway Authorisation Act 1884 provided for the route of the railway to run through Te Korowai o Wainuiārua lands in the Waimarino and Raetihi blocks. In August 1884, a rangatira of another Te Rohe Pōtae iwi reminded the Crown that consent had only been given for the preliminary survey, and construction remained dependent on the Crown's acceptance of the conditions regarding self-determination outlined in the petition.
- 2.59. In January 1885, the Crown sent the Native Minister to a hui whose attendees included four or five chiefs from Manganui-o-te-Ao who sought Māori agreement to 'opening up' parts of the North Island, particularly Te Rohe Pōtae and the upper Whanganui area. In February at a hui in Kihikihi, the Native Minister, John Ballance, emphasised the employment opportunities and long-term economic benefits that roads and railways would bring to Māori communities in the way of settlement, trade and farming. But, in the face of the continued opposition by many Whanganui Māori to the Crown's native land regime, he downplayed the extent and nature of the settlement the Crown expected would coincide with the construction of the railway. Ballance made a number of assurances in relation to the railway, which, combined with a series of negotiations and

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agreements made with Māori since 1883, became known as an agreement that became known as Te Ōhāki Tapu.

- 2.60. A Te Rohe Pōtae rangatira informed the Crown of their agreement to lift the aukati and allow the construction of the railway to proceed in March 1885. Te Korowai o Wainuiārua consider that Whanganui Māori were not able to fully participate in Te Ōhāki Tapu and had little option other than to acquiesce to arrangements made between the Crown and other iwi of Te Rohe Pōtae. Building on his earlier support for the rail survey, a rangatira from another iwi proved instrumental in convincing many Whanganui Māori of the potential benefits of the railway. In the face of continuing objections from Whanganui Māori to the 'system of sale' for land for the railway, Crown officials later clarified that compensation, if requested, would be paid but only to the owners as ascertained by the Native Land Court.
- 2.61. Although the four tribes' petition to the Crown in 1883 sought to exclude the Te Rohe Pōtae from the jurisdiction of the Native Land Court, the Crown had never agreed to this. The involvement of the Native Land Court, therefore, helped to undermine one of the key objectives of the four tribes as outlined in their 1883 petition.
- 2.62. In 1885 the Crown began construction of the railway through Whanganui lands, despite the fact the Native Minister had failed to obtain the support of Cabinet or Parliament for some of the promises he had made to Te Rohe Pōtae rangatira. In 1886, Ballance changed his message to indicate the railway itself constituted payment.

The Aotea Block

- 2.63. In the mid-1880s, a number of Māori submitted applications for the determination of title for three vast areas of land around the central north island that included large swathes of Te Rohe Pōtae: the Aotea, Taupōnuiātia, and Waimarino blocks. For these Māori, the coming of the Native Land Court was now deemed to be inevitable.
- 2.64. On 23 October 1886, the Court judgment apportioned the majority of the Aotea block between "the five tribes", one of which was described as "Whanganui".
- 2.65. In 1888, the Court began determining the tribal boundaries of the five iwi who collectively owned the block. In March, Te Rohe Pōtae rangatira provided a list of Whanganui owners to the Court for the southern section of Te Rohe Pōtae which was to be called the Ohura South block. In August, the Court determined the Ohura South block was an estimated 95,000 acres and had 225 Whanganui owners. In 1892, the Ohura South block was partitioned into 20 subdivisions. While many of the Ohura South block partitions were awarded to the hapū and descendants of tūpuna of other Whanganui iwi, tūpuna of Te Korowai o Wainuiārua were also included.

THE OPERATION OF THE NATIVE LAND COURT

- 2.66. Once the blocks in the Te Korowai o Wainuiārua rohe began to be investigated by the Native Land Court, title investigations were progressed at a rapid rate. Between 1886

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- and 1887, some of the largest blocks of most importance to the iwi of Te Korowai o Wainuiārua passed through the Court. This included the Waimarino, Whitianga, Taumatamāhoe, Raetihi, Urewera and the Whakaihuwaka blocks, totalling just over 730,000 acres. This was the majority of their rohe.
- 2.67. Te Korowai o Wainuiārua tūpuna found title determinations expensive. The most significant cost was for surveys. Under the 1865 Act, land had to be surveyed before the Court would issue a certificate of title. Later, under the Native Land Court Act 1886, lands had to be surveyed prior to a title determination. The cost of surveying land sometimes led to Te Korowai o Wainuiārua owners alienating further land to repay their debt. For example, in 1904, the Crown was awarded 1072 acres in the Urewera block to satisfy survey charging orders issued by the Crown.
- 2.68. Following the completion of Crown purchasing, it would apply to the Court for a partition of the Crown's and the 'non-sellers' sections. Those who did not sell their land could still be required to contribute to the payment for the survey of their remaining land. This was exacerbated when the Crown applied for numerous partitions to provide for multiple Crown purchases within a single block. For example, between 1889 and 1896 the Crown acquired 7,458 acres of the Raetihi block through five separate transactions. Each transaction required a partition and its own survey.
- 2.69. Surveying in the Te Korowai o Wainuiārua rohe was complicated by its remote and difficult landscape. Surveying errors were not uncommon, such as the misunderstanding in 1886 that Taumatamāhoe and Maraekowhai blocks shared a boundary. There is, however, 26,400 acres of land between the two blocks. In 1894, the Court investigated this piece of land as the Whitianga block.
- 2.70. Other costs borne by the iwi of Te Korowai o Wainuiārua as a result of their participation in the Court included Court fees, the many costs associated with attending the Court in the Whanganui, Otorohanga, and Taupō townships and not being at home to attend to their land. Attendance at the Court also caused social and economic disruption for the iwi of Te Korowai o Wainuiārua. Te Korowai o Wainuiārua tūpuna had to travel great distances to attend Court hearings in the townships. On some occasions, the Court completed title investigations for land in which Te Korowai o Wainuiārua iwi asserted interests in both Taupō and Whanganui within a similar timeframe. The cost of their participation in title determinations was exacerbated by, in some cases, a long stay in the Whanganui township.
- 2.71. In the nineteenth century, it was customary for not only the claimants and witnesses to attend the Court hearings, but whole communities of all ages often travelled to support them. In 1880, the iwi of Te Korowai o Wainuiārua travelled the long distance down the Whanganui River by waka to the Whanganui Court for the hearing of the Raoraomouku block which was scheduled to begin on 2 June. Due to a delay in another hearing, the title investigation for the block began on 30 July. By this time, however, six members of the party had died due to their living conditions during their protracted stay in the township. Tautahi Wiremu Pakau wrote to the Crown that:

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[W]e have experienced much hardship during the last two months and a half and suffered much loss, our tents having been injured by the wind and the rain, and much food consumed [;] four or five times have supplies of food been brought for our use while here... Besides all this four of our children and two of our old people have died in consequence of the hardship we have suffered in watching the Court dealing with the lands lest by being absent we should lose our rights.

- 2.72. Another difficulty for Te Korowai o Wainuiārua iwi was the effect of the Court making succession orders. The numbers of owners on Māori land block titles increased as the original owners passed on and their share was then split among successive generations of descendants. This process continued through the generations of owners and the growth of the Māori population in the twentieth century.

NINETEENTH CENTURY CROWN PURCHASING

- 2.73. Following title investigations, very large areas of land were purchased by the Crown from the iwi of Te Korowai o Wainuiārua. These purchases were conducted by means of undivided, individual share-buying by Crown Native Land Purchase officers. As the Crown purchased land from Te Korowai o Wainuiārua individuals without reference to their iwi or hapū, Māori leaders were unable to control the sale of land. The Crown generally gathered signatories to a purchase deed one by one, and sometimes over many years.
- 2.74. In the 1880's and 1890's, the Crown purchased land for the purposes of building the North Island Main Trunk railway and for European settlement in the Whanganui district. The Crown purchased vast tracts of Te Korowai o Wainuiārua land, such as in the Waimarino, Taumatamāhoe, Whitianga, and Raetihi blocks as a monopoly purchaser.
- 2.75. Land purchase agents generally sought to acquire land as cheaply as possible within the price ranges approved by the Crown. In the nineteenth century, owners were unable to ensure they were paid a fair price for their land, especially if it contained valuable resources, because they did not have access to independent valuations or private competitors who may have offered to pay more than the Crown. It was not until 1905 that a requirement was introduced for the Crown to pay at least the value assessed by the Valuation Department.
- 2.76. The Court had the power to impose a restriction over the alienation of Māori land once its title had been determined. However, restrictions on alienation could be removed through a proclamation by the Governor, usually by application of the owners. In 1909, all restrictions on alienation were abolished by the Native Land Act 1909.

THE TAUMATAMĀHOE BLOCK

- 2.77. The 146,000-acre Taumatamāhoe block is a large area of land containing the Tāngarākau River and Whangamomona River basin in the traditional rohe of Tamahaki. The land also contains important tracks which provided pathways from the Taranaki

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coast to the Whanganui River which were used by Whanganui Kīngitanga during the New Zealand Wars. The Whanganui River became the block's eastern boundary and it shares a boundary in the west with the Taranaki land confiscated by the Crown in 1865. Following the New Zealand Wars, an aukati was maintained in the upper Whanganui district, including the majority of the land that would be later included in the Taumatamāhoe block. The southern boundary of the aukati on the Whanganui River was at Parinui and the rangatira there was named Taumatamāhoe. It is thought the block was named after him.

- 2.78. In the late 1870s, the Crown was seeking to purchase as much land as it could in the upper Whanganui region in the hope that the Kīngitanga aukati could be broken down. In 1879, the Crown sought to purchase land called Tāngarākau, the southern part of which was later incorporated into the Taumatamāhoe block, and began to make advances of money before the Native Land Court had determined who the owners were. Following its advance of payments, the Crown proclaimed a prohibition on private purchasing over the land. However, due to disputes over the distribution of money and opposition to surveying, the Crown cancelled its purchase but maintained its proclamation.
- 2.79. In 1886, Te Rangihuatau applied for a title determination of the Taumatamāhoe block on behalf of his hapū, Ngāti Tamahaki. On 23 February, the Court completed the title investigation for the block in the Whanganui township. Following Te Rangihuatau's evidence of occupation, the Court called for objectors and, as none were present, it made the orders asked for. Te Rangihuatau submitted a list of 495 names, and the Court admitted 474 descendants of Tamahaki, from various hapū, to the ownership list. Less than half of those who received money for the Tāngarākau block were named on the Taumatamāhoe block title. Each of the owners was awarded an equal and undefined interest in the block and their shares would remain this way until the owners had sold their interests or had them partitioned.
- 2.80. Te Rangihuatau intended the Taumatamāhoe block to be inalienable and requested that the Court restrict the sale of the block until the Court had finalised the subdivisions for hapū. On 5 March, the Court imposed a restriction on alienation, except through a single 21-year lease. For reasons that are unclear, the Governor removed the restriction in July 1886.
- 2.81. In February 1889, the Crown began purchasing shares in the Taumatamāhoe block, before any applications for subdivision had been made by the owners and while the owners still held equal shares in the block. On 26 February, a large group of owners, including Tōpia Tūroa, protested against the Crown's purchasing activities. They believed that the restriction on alienation would apply "until the court had subdivided the block to the Hapūs included in the certificate".
- 2.82. In March, Te Rangihuatau wrote to the Native Minister on behalf of another group of owners expressing concern that no reserves for sellers had been made in the Taumatamāhoe block and that they had sold enough land to the Crown in the Waimarino block. He stated that the Taumatamāhoe block was "to be reserved for the benefit of the future Māori race". The Native Minister responded that "each person is entirely at liberty

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to dispose of his share when he thinks fit. Therefore, let those who wish to sell do so, and let those who do not keep their shares". This response shows the extent to which Crown purchasing had become based on individualised shareholding.

- 2.83. Despite these protests, the Crown continued to purchase interests from the owners. In 1893 and 1896, the Court made two large partitions of the shares purchased by the Crown which equated to over 100,000 acres. In 1896, 44 of the non-sellers, led by Riwaitē Pokaitara, petitioned the Crown with an objection to the Court's assumption that each owner held equal shares in the block, when the owners' relative interests had never been determined by the Court. They argued that those who had sold their interests would have had relatively small shares. They also questioned how the Crown could have purchased interests in the block when their understanding was that the Court's restriction on alienation would apply until the hapū had decided on the subdivision of the land. The Crown took no action in response to this petition.
- 2.84. The Crown completed a further purchase in 1899. By this time, the Crown had purchased 80 per cent of the Taumatamāhoe block. In 1906, the Crown resumed purchasing interests in the remaining land. It was reported by a Commission of Inquiry in April 1907 that the non-sellers of the Taumatamāhoe block were pushing for a cessation of Crown purchasing. The 1907 Commission advised the Crown to stop purchasing land in the block. In May 1907, the Court awarded the Crown 17,402 acres for the interests it had purchased in 1906.
- 2.85. In 1915, despite the 1907 Commission's recommendations, the Crown issued a proclamation prohibiting the owners from selling interests in the Taumatamāhoe 2B2B block to private purchasers and recommenced its land purchasing. The Crown wanted to acquire this block for settlement before the construction of a roading network. Between 1916 and 1923, the Crown completed 13 transactions for a total of 12,536 acres, all of which required partitioning and thus further survey costs for the owners. As a result of Crown purchasing and its compulsory acquisition of land for roading and scenic reserves along the Whanganui River, less than 3,600 acres of the 146,000 acre Taumatamāhoe block remains in the ownership of the iwi of Te Korowai o Wainuiārua.

THE WAIMARINO BLOCK IN THE NATIVE LAND COURT

- 2.86. The Crown's purchase of the Waimarino block was a grievous example of its approach to land purchasing in the mid-1880s. The Crown's engagement with the owners of the Waimarino block resulted in the rapid alienation of a vast tract of land of crucial economic, social, political, and spiritual importance to the iwi of Te Korowai o Wainuiārua. The Crown discouraged owners from applying for partitions and purchased shares without assessing owners' relative interests or the subsequent allocation of reserves. The 1887 purchase of the Waimarino block was the biggest single partition between the Crown and non-sellers' portions. Of this large block of 452,196 acres, 417,500 acres was awarded to the Crown.

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The Native Land Court's Title Determination of the Waimarino Block

- 2.87. The massive Waimarino block comprises almost thirty per cent of the Te Korowai o Wainuiārua rohe. Stretching from the western slopes of Ruapehu to the open plains and densely forested areas, the Waimarino block contained valuable resources for traditional use and was strategically important to the iwi of Te Korowai o Wainuiārua. The Retaruke, Whakapapa, and Manganui-o-te-Ao Rivers also flow through the block and the Whanganui River forms the western boundary of the block. These waterways are critical to the iwi of Te Korowai o Wainuiārua, who established permanent settlements along their banks.
- 2.88. On 27 December 1885, Te Rangihuatau, Tāwhirimatea and Tūrehu-o-te-motu applied to the Native Land Court to determine the title of the Waimarino block. Te Rangihuatau, who claimed interests in the block on behalf of Ngāti Tamakana but who was also affiliated to Ngāti Tamahaki, Ngāti Maringi, and Ngāti Taipoto, became instrumental to the Crown's successful purchase of the Waimarino block.
- 2.89. On 21 January 1886, the notice for the hearing for the Waimarino block was gazetted in the *Kāhiti*. The Chief Judge of the Court gave five weeks' notice for the hearing of the Waimarino block, which did not allow sufficient time for notice to travel to remote communities, to build a case for the hearing, and to travel to the Whanganui township where the hearing was to be held. In the two years following the title investigation, the Crown received many petitions from Māori who were not judged to be owners of the Waimarino block, including iwi of Te Korowai o Wainuiārua, who asserted that they did not attend the title investigation because they had not received adequate notice. The petitioners sought to be included on the ownership lists for the Waimarino block but the lists were not altered.
- 2.90. On 2 March 1886, the Court began hearings for the Waimarino block in the Whanganui township. The location of the hearing caused great expense and inconvenience for the iwi of Te Korowai o Wainuiārua. The hearing of the Taupōnuiātia block was also held early in 1886 in Taupō. The Court held the title determination in four days over two weeks. Te Rangihuatau was the only claimant to give evidence of occupation of the Waimarino block. He stated that he lived at Tīeke and claimed the block under the tupuna Tamakana. Three objectors spoke, and their claims were admitted by Te Rangihuatau in an adjournment and thus the hearing of evidence was complete within a day. The other three days of title investigation were spent organising the ownership lists. On 16 March 1886, the Court awarded the Waimarino block to 1010 owners, later reduced to 921, including many owners from iwi of Te Korowai o Wainuiārua.
- 2.91. Immediately following the March 1886 hearing, the Court received six partition applications for the Waimarino block from its Māori owners. The Crown discouraged applications for subdivision by delaying their proclamation in the *New Zealand Gazette*. The Crown did not want partition hearings to proceed while it pursued its purchasing programme, as hearings would cause delays. Consequently, the Crown did not gazette the notice of the applications for partition hearings until it had completed its purchase of the Waimarino block in February 1887, and notified its own partition application for the

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interests it had acquired. The Chief Judge consistently refused applications for a rehearing of the Court's determination.

THE WAIMARINO BLOCK PURCHASE

- 2.92. From 1886 to 1887, the Crown sought to purchase as much land in the Waimarino block as possible for European settlement into the area, to acquire land for the construction and operation of the North Island Main Trunk railway, and for the valuable timber resources on the block. The Crown sought to profit from the on-sale to settlers of a large area of land, in part, to repay the £1,000,000 loan it had taken out to construct the railway.
- 2.93. On 20 March 1886, the Crown made the first payments for the Waimarino block to two individual owners. These payments occurred four days following the Court's issue of a provisional certificate of title and before the expiry of the three-month period during which parties could apply for a rehearing of the title investigation. As the Crown had not yet set a purchase price, these two owners were bound to the Crown's purchase before a price for the block had been agreed.
- 2.94. The Crown had been aware of the valuable timber resources on the Waimarino block - from as early as 1879. The Crown's purchase prices, however, did not reflect the value of this resource. An official noted that the value of the timber would "probably repay the total cost of the purchase". In April 1886, the Land Purchase Commissioner sought approval to purchase around 400,000 acres of the Waimarino block for £50,000. The Native Minister approved a maximum price in the purchase deed at £50,000 and a minimum purchase price at £35,000. Crown purchase agents were usually expected to acquire Māori land for as low a price as Māori would accept within the approved range. The minimum purchase price of £35,000, divided by the 1,010 owners of the block, equated to at least £35 for each owner's interest.
- 2.95. The Land Purchase Commissioner made payments according to his own assessment of their relative interests in the block. He decided £35 would be the minimum payment for an individual's interest that he judged to be nominal, and to those who did not live on the land. Some rangatira, such as Tōpia Tūroa, were paid as much as £170 per interest as the Land Purchase Commissioner believed they owned more of the block and had greater mana in the area. The Crown was also unresponsive to requests from the block's owners to disclose the price per acre, a measure Māori would have been familiar with. The price the Crown paid to the majority of individuals for the Waimarino block, therefore, was low, even according to its own estimates of a reasonable purchase price, and unfair considering its knowledge of the valuable resources on the block.
- 2.96. The Crown also purchased individual shares from members of Te Korowai o Wainuiārua without knowing the relative size of each owner's interests and where those interests were located on the land. This issue was aggravated by the extensive size of the block on which some of the land would have been more valuable than other parts. Under the provisions of the Native Land Act 1873, those owners who were listed on the Court's provisional certificate of title were often considered to hold an equal interest in the entire

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block until the Court determined the owners' relative interests. Consequently, the owners of the Waimarino block were uncertain which land was included in the Crown's purchases, and were entirely reliant on the Crown's representations.

- 2.97. Between March 1886 and February 1887, the Crown purchased 94.7 per cent of the interests of owners under the age of eighteen in the Waimarino block. The Crown purchased the interests of minors from individuals who had not yet been appointed as trustees, and therefore lacked the legal capacity to sell the land.
- 2.98. In January 1887, the Chief Surveyor approved a survey of the Waimarino block, despite additional work on the survey plan continuing through until the partition hearing commenced in March 1887, only a year after the title was determined. By February 1887, the Crown had purchased 821 shares from 921 owners which was equivalent to 417,500 acres. There was opposition to the Crown's case at the partition hearing, including from Tōpia Tūroa who unsuccessfully sought to discuss the location of the Crown's interest with the Land Purchase Commissioner. On 1 April 1887, the Court awarded the Crown the Waimarino No.1 block which was the largest single block purchased by the Crown in the Whanganui district.

The Non-Seller Blocks

- 2.99. In the partition hearing, the Land Purchase Commissioner appeared at Court to request the partition of the Crown's interest. The 41,000 acres of the Waimarino block that the Crown was not able to purchase from 100 owners was subdivided as non-seller blocks. In December 1886, the applications for partitions from the owners that the Crown had held back since March 1886 were published in the *New Zealand Gazette*. In April 1887, the Court considered the non-sellers' applications for partitions alongside the Crown's application.
- 2.100. The Court heard a significant amount of evidence from the Land Purchase Commissioner, and from those owners who supported him, but did not appear to regard the evidence of other owners as reliable. Only three of the non-sellers attended the hearing, and the Court discounted the evidence of one of them. The Chief Judge stated at the hearing that, due to their non-attendance, it was "the non-sellers own fault it they are located on the precipices and pinnacles" of the Waimarino block. The Court partitioned seven blocks for the 'non-sellers': Waimarino No.s 2 to 8. There is no record of how the Court determined the acreage and location of the non-seller reserves. Te Korowai o Wainuiārua non-sellers lost kāinga and urupā of great importance to them through the Crown's purchase of the Waimarino block. Also, the part of the Waimarino block that included a large section of Mount Ruapehu fell within the Crown section of the block.
- 2.101. Due to a shortage of surveyors, the surveys of the non-seller blocks were delayed until 1891 and were completed in 1896. The Court's issue of certificates of title for the non-seller blocks were also delayed from 1887 to the mid-1890s, until after the completion of the Crown's surveys, though the Court back-dated the certificates to 1887. Before 1900,

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the Te Korowai o Wainuiārua owners remained unsure of where their interests were located and were unable to develop the land.

THE WAIMARINO BLOCK SELLER RESERVES

- 2.102. The Waimarino block purchase deed stipulated that the location and acreage of the seller reserves would be agreed between the Crown and “a representative Chief of each hapū”. By May, the Land Purchase Commissioner had promised the sellers 50,000 acres in reserves.
- 2.103. However, in July 1887, the Land Purchase Commissioner reported that he had created 33,140 acres of seller reserves in six blocks (Waimarino A to F) and allocated each owner a share between 10 and 50 acres. He described how he had consulted, rather than coming to a mutual agreement as stipulated in the purchase deed, with a representative chief of each hapū, on the location of the seller reserves. The Land Purchase Commissioner wrote that he had chosen to locate the reserves in “areas to which I consider they are entitled”. For example, in 1886 the Land Purchase Commissioner had made a special arrangement with five owners from Ngāti Kahukurapango that the Crown would reserve them 300 acres in “any particular spot they may desire” before the owners agreed to sell their interests. However, in 1887 the Crown allocated 225 acres for Ngāti Kahukurapango in the Waimarino E reserve, a location selected by the Crown.

DEED OF SETTLEMENT 2: HISTORICAL ACCOUNT

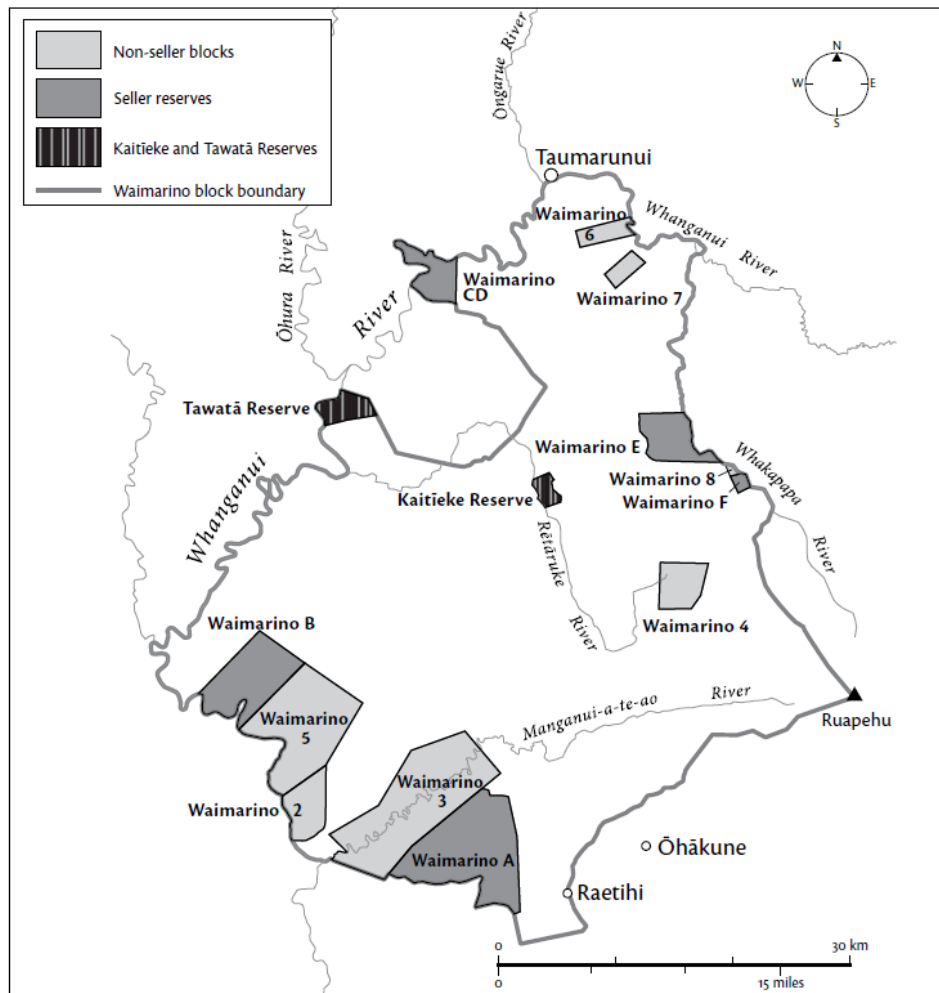


Figure 1: Seller Reserves (A-F) and Non-Seller Blocks (1-8) in the Waimarino Block

Te Korowai o Wainuiārua Protest Over the Location of the Reserves

- 2.104. In the years following the Crown's purchase of the Waimarino block, several members of Te Korowai o Wainuiārua petitioned the Crown to reserve them specific land that the Crown had not included in the seller reserves. For example, in 1887, Wiari Tūroa petitioned for a 3,000-acre reserve for the grave of Te Pēhi Pākoro Tūroa. The Crown declined the request.
- 2.105. Kirikiriroa was a well-populated settlement on the bank of the Whanganui River which was not reserved for the iwi of Te Korowai o Wainuiārua and was instead included in the land awarded to the Crown. In 1892, the Crown proclaimed Kirikiriroa to be within the public domain under the Whanganui River Trust Act 1891. Between 1903 and 1912 Te Korowai o Wainuiārua individuals made a number of petitions to the Crown to have Kirikiriroa returned to their ownership without success.

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2.106. In 1895, Winiata Te Kakahi of Ngāti Tara and Ngāti Hinekoropango petitioned the Crown about important burial sites that had been included in the Waimarino No. 1 block, including Tama te Aroha, Te Akatahi, Pakarukaru and Koaikou. In 1910, following a petition from some of the Ngāti Hinewai sellers, an official explained that the Crown had selected the location of the seller reserves which it considered were “gifts from the Crown to the former Native owners”. This attitude was directly at odds with the 1886 deed, which provided that the location of the seller reserves would be agreed between the Crown and a representative rangatira of each hapū.

Tieke

2.107. Tieke was a Te Korowai o Wainuiārua kāinga and a highly significant urupā. Despite its inclusion in the Crown’s portion of the Waimarino block, members of Te Korowai o Wainuiārua continued to live at the kāinga until the first decade of the twentieth century.

2.108. Tieke was the residence of Te Rangihuatau, the rangatira who made the initial application to the Court for the Waimarino block in 1886. He supported the Crown at the hearings, and assisted the Crown with its purchase of the block. During the Crown’s purchase negotiations in 1886 and 1887, the Commissioner had made other special arrangements with rangatira, including Te Rangihuatau, for land or money as rewards for their assistance with the Crown’s purchase of the Waimarino block, but no official record was made of some of these arrangements.

2.109. In 1887, officials instructed Crown surveyors to include Tieke in the Crown’s Waimarino No. 1 block, rather than in a non-seller reserve. When the Court provisionally partitioned the Crown’s purchase of the Waimarino block in April 1887, the sketch plan of the Waimarino block included pencil lines indicating the boundary lines of the non-seller blocks. These lines show that Tieke was within the Waimarino No. 1 block, though it is not known when these lines were added to the plan. Te Rangihuatau and others who continued to live at Tieke were awarded land in the Waimarino E seller reserve.

2.110. In 1892, the Crown declared an unsurveyed block of 267 acres of land on the banks of the Whanganui River, including Tieke, to be a Public Domain and placed under the control of the Whanganui River Trust. The Crown only held a provisional title to this land. However, the Crown accepted Te Rangihuatau’s continued occupation of the site. In 1894, Premier Seddon visited Te Rangihuatau at his residence at Tieke.

2.111. In January 1895, Te Rangihuatau wrote to the Minister of Native Affairs questioning why there would be a survey of the urupā at Tieke as he had withdrawn the “Tieke block in a proper manner before the Court and the man who bought it”. He explained that Tieke had been withdrawn from the sale at the second Court hearing by Major Kemp, in the presence of the Native Minister. While, there is no mention in the Court’s minute books that this occurred, the Minister was in Whanganui at the time of the hearing.

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- 2.112. Te Rangihuatau and Ngāti Maringi had no intention of leaving Tīeke. Te Rangihuatau described how he met with Native Minister John Ballance in 1887 to discuss reserving the land at Tīeke for the sellers' occupation. Te Rangihuatau's letter also states that the hapū had built new meeting houses and churches, which Native Minister Richard Seddon had seen on his visit in 1894.
- 2.113. The Crown did not instantly dismiss the claims in Te Rangihuatau's 1895 letter as it had with other land claims on the Waimarino block but promised to send officials to Tīeke to discuss the matter directly. However, there is no record for this meeting. In 1898, the Chief Land Purchase Officer noted that Tīeke was "Crown lands which the Natives are allowed to use and occupy without a title". Te Rangihuatau passed away in 1908 and was buried at Tīeke, which became depopulated.
- 2.114. In 1916, the family of Te Rangihuatau gave evidence to the Wanganui River Reserves Commission of Inquiry on the Crown's acquisition of Tīeke. The Commission described how a "mistake about this public domain" appeared to have been made. They found that twenty-five acres had been incorrectly included in the 267-acre public domain in 1892, upon which the Tīeke kāinga and urupā stood, and should be "restored" to the Māori owners. The Crown did not act on this recommendation.

WAIMARINO NO.4 NON-SELLER BLOCK

- 2.115. The Waimarino No.4 non-seller block comprised 3,450 acres and the Native Land Court awarded it to fifteen owners from four Te Korowai o Wainuiārua hapū. Located at the southern edge of the Waimarino plains, an early map shows an ungraded dray road traversing the block, a thick cover of native forest, and two sites of Māori residence, one with cultivations.
- 2.116. Although the Crown had initially diverted the planned 'central route' of the North Island Main Trunk Railway line around the Waimarino No.4 non-seller block, by the time its survey was finally completed in 1895 the railway alignment bisected the block. No evidence has been found of negotiations with the owners of the block regarding the route of the approaching railway, the impact it would have on sites like urupā and kainga, or compensation for land, timber, or construction materials taken from the block. Between 1903 and 1908, workers laid most of the track across the Waimarino plains.
- 2.117. In 1910, the Crown acquired 64 acres of the Waimarino No.4 non-seller block as the right of way for the North Island Main Trunk Railway line. This taking cut an urupā off from the rest of the Waimarino 4A5 partition by isolating it between the railway and the main public road. The urupā was not mentioned in correspondence at the time of the taking, and no evidence can be found of the Crown offering compensation or remediation regarding access.
- 2.118. By 1907, despite owning 99 per cent (412,000 acres) of the Waimarino No.1 block and 62,300 acres around the maunga as a national park, the Crown recommended the acquisition of further Māori-owned land along the railway's 'central route' in order to create a scenic reserve. The owners protested, objecting to the uncompensated taking of

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land for roads and the railway, the taking of earth and gravel without compensation, and the taking of land for defence. They desired that their land “be left as a home and for the cultivation of our children after us”. Officials declined to address any issues other than those relating to the taking of land for the scenic reserves, which they dismissed as irrelevant, and disregarded the objectors’ claims regarding a home and cultivations. In May 1912, the Crown took just over 128 acres of the Waimarino No.4 non-seller block for a scenic reserve for which it paid compensation a year later.

- 2.119. In addition to taking lands in Waimarino for the railway, the Crown also sought lands for defence purposes. In 1911, the Crown took 1,417 acres in the Waimarino No.4 non-seller block for defence purposes. After complaints from the owners that the Crown was taking “all of their homes and burial places”, the Crown revoked a 376 acre section of this taking. Intended to be a training ground for manoeuvres (i.e. an open space without permanent buildings), there is no evidence that the area was used as such prior to or during the First World War or subsequently in the 1920s and 1930s.
- 2.120. In 1922, land taken from the Waimarino No.4 non-seller block for defence was included within an expanded Tongariro National Park. The 367 acres of land that had been returned to its owners in 1911, however, were erroneously included in the schedule of the 1922 Tongariro National Park Act. This mistake was only rectified in 1924 when the land was returned, again, to its Māori owners.
- 2.121. In the 1960s, the Justice Department purchased all remaining land in the Waimarino 4A subdivisions for ‘development purposes’. By 1970, the Crown had purchased an additional third of the Waimarino No.4 block from its owners. What little Māori-owned land that remained in the non-seller block was purchased by the Pehi whānau to secure general title for their descendants in perpetuity. In 1969 the Crown used powers under the Māori Affairs Amendment Act 1967 to declare this land general land without the approval of its owners, making that land no longer subject to the protections available to it as Māori freehold land.
- 2.122. Today, 0.02 acres of the Waimarino No.4 non-seller block remains in Māori freehold ownership.

PUBLIC WORKS

- 2.123. Between 1893 and 1929 the Crown compulsorily acquired more than 207 acres of land from iwi of Te Korowai o Wainuiārua for the North Island Main Trunk railway, mainly from the Waimarino reserves and Raetihi blocks. Haitana Te Kauhi and others wrote to the Minister of Public Works as late as 1912 raising concerns that compensation for the taking of land from the Waimarino block still had not been paid. The response from the Minister’s office echoed Ballance’s 1887 message that the increase in value of the remaining land was compensation enough. Despite promises in 1885 that compensation for compulsory acquisitions would be paid, by the turn of the century, officials from the Public Works Department had become unaware that any compensation was owed to Māori at all for land taken for the railway. The iwi of Te Korowai o Wainuiārua were not

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paid compensation for the 207 acres of land taken for the North Island Main Trunk railway.

TWENTIETH CENTURY CROWN PURCHASING

- 2.124. At a hui in Pūtiki in 1898, attended by rangatira with affiliations to Te Korowai o Wainuiārua, Premier Seddon stated that the sale of Māori land must stop, because “in saving the land [they] are saving the Native people”. Despite the taihoa on purchasing from 1900 to 1906, Crown purchasing in the Te Korowai o Wainuiārua rohe continued into the twentieth century. Between 1906 and 1907, the Crown also purchased over 80 per cent of the 63,463-acre Whakaihuwaka block. In 1907, the Stout-Ngata Commission investigated the land remaining in Māori ownership and made recommendations to the Crown about where purchasing should cease. With regard to the whole Whanganui district, the Commission advised the Crown that its present system of purchasing should not continue. In particular, the Commission investigated Crown purchasing in the Whakaihuwaka block and stated that the owners pressed for a cessation of Crown purchasing. The Commission recommended that the remaining land in the Whakaihuwaka block be kept in Māori ownership for their own farms and to lease to European farmers.
- 2.125. In 1909, the Crown promoted the Native Land Act of that year which amended the law relating to alienation restrictions. From 1910, the Crown resumed purchasing in the region. Between 1917 and 1927, despite the recommendations by the Stout-Ngata Commission, the Crown purchased more than 20,000 acres in the Whakaihuwaka block. There is only about 1,252 acres remaining in Māori ownership in this block. Private parties also acquired a large proportion of the small amount of land retained by the iwi of Te Korowai o Wainuiārua. For example, between 1911 and 1956, private parties purchased 3,272 acres of land in the Mairekura block, leaving little over 270 acres in Māori ownership.
- 2.126. Between 1910 and 1930, the Crown acquired more than half of the land remaining in the Waimarino non-seller blocks and seller reserves. The largest Crown purchase in this period was the Te Korowai o Wainuiārua owner’s 6,195-acre seller reserve, the Waimarino block B3B2B, in 1913. A meeting of assembled owners, attended by three of the 172 owners, decided unanimously to sell the block to the Crown. By 1929, large-scale Crown purchasing had ceased. In the same period, private parties purchased 28,200 acres of the remaining Māori land in the Waimarino block. In the Waimarino E seller reserve, in which Te Rangihuatau was allocated land, private parties purchased all of the remaining Māori land. By 1930, of the 74,140 acres of land originally allocated as seller reserves and non-seller Waimarino blocks, less than 35,000 acres remained in Māori ownership.

THE TONGARIRO NATIONAL PARK

- 2.127. The maunga of the central North Island are of immeasurable significance to the iwi of Te Korowai o Wainuiārua who consider them *wairua tapu*. They were a treasure-trove of natural resources for Te Korowai o Wainuiārua that fed their bodies and nourished their

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2: HISTORICAL ACCOUNT

souls. The lakes and streams brimmed with īnanga and eels, while the bush was abundant with kākā, kererū, kiwi, tītī, and miro berries. Threaded through the landscape were tracks left by seasonal hunters and gatherers and the footprints of visitors walking between kāinga. With “one foot on the maunga and one foot in the river”, the relationship between these two elemental features has long shaped the foundational worldview of Te Korowai: that the iwi whakapapa to the land.

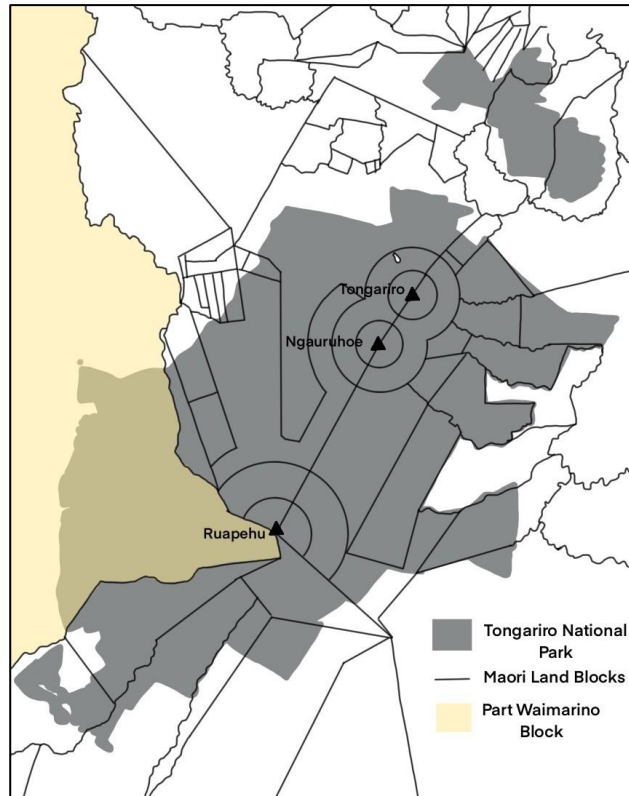


Figure 2: Tongariro National Park with Māori Land Blocks and Part Waimarino Block

2.128. By the 1870s, the Crown was aware of the significance of the maunga to the hapū and iwi living on all sides of the maunga (including Te Korowai o Wainuiārua) when it initiated an intensive immigration scheme to reinvigorate New Zealand’s economy. As part of this scheme, the Crown borrowed large sums of money to fund public works, and to purchase Māori land. Large tracts of land between Whanganui and Taupō were identified as strategically important for settlement.

2.129. An important part of this ambitious plan was protecting natural assets from private purchasers who might exploit or damage them, the completion of the North Island Main Trunk Railway through the central plateau, and encouraging domestic and international tourism. Discussions about the reservation of Ruapehu, Ngauruhoe and Tongariro as significant features began during this time. For example, in the early 1870s, proposals were made to include the geothermal springs of Tongariro and some of Ruapehu in what was suggested to be the publicly-owned ‘Hot Springs District’ of the North Island. When the Minister for Lands reserved Aoraki/Mount Cook in the early 1880s, members of the

DEED OF SETTLEMENT
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public suggested a ‘public domain’ be established at Tongariro. And by late-1884, the Minister for Lands told the House of Representatives that the Crown would take steps to prevent Ruapehu, Ngauruhoe, Tongariro, Rotoaira, and Tokaanu from falling into private hands. The Crown had, therefore, begun engaging in ideas to establish a public park around the maunga at the same time that Māori submitted applications to the Native Land Court for land around the mountains.

Clashing Native Land Court Hearings

- 2.130. In late 1885 following Te Ōhāki Tapu, applications were submitted to the Native Land Court by another iwi for the two-and-a-half million acre Taupōnuiātia block, and Te Korowai o Wainuiārua for the half-million acre Waimarino block. Both of these blocks would be crucial to the creation of the Tongariro National Park, and in January 1886 the Minister for Lands directed a Crown-purchase officer to take steps to establish the peaks as a reserve for public purposes.
- 2.131. Hearings for the Taupōnuiātia and Waimarino blocks were held in early 1886. Although officials acknowledged that the principal rangatira of the Whanganui region had asked that the Waimarino hearing not open in the new year so that they could attend the Taupōnuiātia case in Tapuaeharuru, the Court elected to sit at Whanganui township.
- 2.132. Te Korowai o Wainuiārua claimants, preparing for and traveling to remote locations to defend their interests at hearings, were obliged to choose between courts. Members of Te Korowai o Wainuiārua protested about concurrent hearings held in Whanganui, Taupō, and Napier, and argued that Native Land Court sittings in the same month made it impossible to attend the hearings at the same time. There is, therefore, no evidence of a substantial presence by Māori from the Whanganui district at the Taupōnuiātia hearing.

Western Ruapehu including in the Tongariro National Park

- 2.133. While the Waimarino hearing was underway in Whanganui in early 1886, the Crown received confirmation that agreement had been reached with the members of another iwi to reserve two-mile and three-mile radii around the mountain peaks as public recreation grounds. Despite being aware that Te Korowai o Wainuiārua had interests in Ruapehu maunga before proposing or entering into this arrangement, however, there is no evidence that the Crown considered them.
- 2.134. There is also no evidence that Crown purchasing agents disclosed to individual Te Korowai o Wainuiārua sellers the Crown’s intention to create a national park when they purchased their interests. At prime opportunities such as the hui held at Aramoho in Whanganui in March 1886, officials discussed the advancing of a ‘central’ railway route but no mention was recorded of a proposed public park. It appears unlikely that purchase agents ever mentioned to Te Korowai o Wainuiārua the purpose for which Ruapehu’s slopes within the Waimarino block were being acquired.

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2: HISTORICAL ACCOUNT

2.135. Although the Crown considered Ruapehu's slopes had no inherent value, and described the proposed park's boundaries as "much greater than what was originally intended", when the Native Land Court awarded the contiguous 420,000 acre Waimarino No.1 block to the Crown Te Korowai o Wainuiārua found that this included all the land from the railway line up Ruapehu's western slope to its summit.

Protest and Petition

2.136. At more or less every stage of the Court's and Crown's dealings over the Waimarino and Taupōnuiātia blocks, Māori sent letters and petitions to government, the Premier, and the Native Minister. Some approached the Supreme Court, others contacted Māori members of Parliament. One group of petitioners even travelled all the way to Wellington to put their case in person.

2.137. These protests ranged across every aspect of the Native Land Court's awards and subdivisions, and the Crown's purchasing. Between November 1887 and August 1888, for example, Māori including Te Korowai o Wainuiārua submitted at least 24 applications for rehearing alone. Topia Tūroa described the Native Land Court's decisions about land at Taurewa as "a very foul murder" and blamed the Crown. Many of the petitioners argued that they had been unavoidably absent from hearings, or that land had been awarded wrongfully.

2.138. None of the protestors or petitioners were successful. Between 1886 and 1896, no chief judge granted any request for a rehearing of land connected to what became the Tongariro National Park. Even the 1889 Taupōnuiātia Royal Commission of Inquiry did not investigate any of the land that would later be included in the park. The Crown either refused to receive them and insisted on alternate courses of appeal, or discredited petitioners as opponents of the Native Land Court and supporters of Māori self-determination.

Crown Develops Policy for the Park

2.139. In February and March 1887 New Zealand newspapers described how a bill was being prepared to establish a national park around Tongariro, Ruapehu, and Ngauruhoe. The Crown would only complete the acquisition of Te Korowai o Wainuiārua interests in the Waimarino Block, including the slopes of Ruapehu, in April 1887. The 1887 Tongariro National Park Bill was discharged, however, when the Stout-Vogel government was dissolved.

2.140. By the late 1880s, Māori had become unwilling to sell further land around the maunga to the Crown (or offered to sell only at prices the Crown considered 'prohibitive'). The Native Minister reported that Māori around the maunga refused to "part with any more [land] as a free gift". By the early 1890s Crown purchasing in this district had ground to a halt.

DEED OF SETTLEMENT 2: HISTORICAL ACCOUNT

2.141. On 18 July 1893, a second Tongariro National Park Bill was introduced to Parliament. The bill's schedule described a three-mile radius around the peaks of Tongariro and Ngāuruhoe, a four-mile radius around the peak of Ruapehu, and a corridor linking them to comprise a 62,300 acre 'dumbbell-shaped' park.

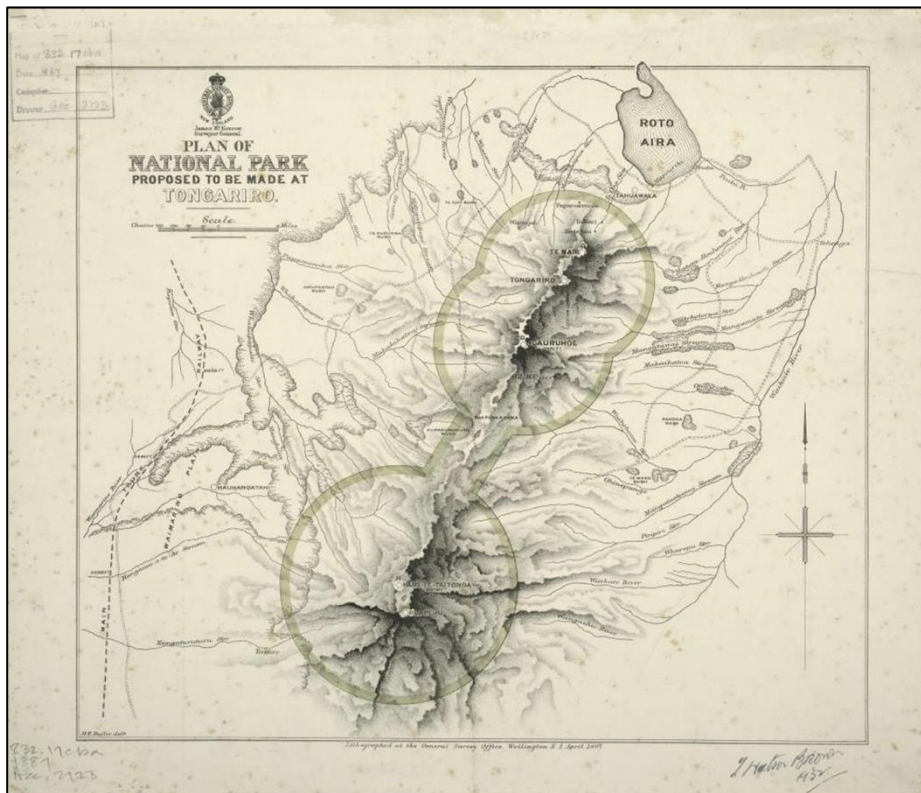


Figure 3: Plan of National Park Proposed to be made at Tongariro (April 1887)

2.142. This bill also introduced a provision to enhance the powers of the Governor in Council (and under the Public Works Act 1882) to compulsorily acquire any areas of the Park still held by Māori owners. There is no evidence that the iwi of Te Korowai o Wainuiārua were aware that this bill was being debated. The Tongariro National Park Bill was enacted into law in 1894.

2.143. By 1899, the Crown had purchased all but about 5,000 acres of the land designated for the Tongariro National Park. When the park was proclaimed in 1907, the 5,000 acres of land remaining in Māori ownership were compulsorily acquired by the Crown, being parts of the Rangipō North No. 8, Ōkahukura No.1, and Ōkahukura No. 8M blocks. The Crown was required by the 1894 Act to pay compensation for lands compulsorily acquired for the park but it did not do so.

2.144. The Tongariro National Park Act 1922 increased the size of the park from 62,300 acres to 145,000 acres. Large areas of adjacent land were subsequently added to the park, eventually tripling its area to the current extent of 196,500 acres (79,520-hectares). The adjacent Tongariro Conservation Area comprises 53,000 acres (21,500-hectares).

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Management of the Tongariro National Park

- 2.145. The Tongariro National Park Act 1894 provided for the administration of the park but did not recognise the interests of Te Korowai o Wainuiārua. As a result, the hapū and iwi of Te Korowai o Wainuiārua have not been included in the ongoing management arrangements of the Tongariro National Park for decades which represents a vision they did not seek and do not share.
- 2.146. Te Korowai o Wainuiārua have been unable to exercise their kaitiakitanga obligations and responsibilities to protect taonga within the park from physical and cultural degradation. The park's establishment closed their 'kai cupboards' by obstructing access to wairua, kai, and rongoā (for example, the National Parks Act 1952 made the collection of indigenous flora and fauna from the park an offence). Introduced species have had a negative impact upon, and continue to threaten, indigenous birds and flora (in the case of one introduced pest species, heather, the Crown directly facilitated its introduction to the park and has since failed to eradicate it). Tapu areas, particularly the peaks of the three maunga, have also not been adequately protected from the culturally insensitive actions of visitors to the park. Ruapehu has also been over-developed for commercial and recreational purposes, without the consultation of Te Korowai o Wainuiārua, to the point of significant environmental degradation.
- 2.147. Although the United Nations Educational, Scientific and Cultural Organization recognised the cultural and religious significance of the maunga to Māori when it was granted dual World Heritage status in 1993, for Te Korowai o Wainuiārua the establishment of the Tongariro National Park has left their people feeling as though the 'head has been taken away from the body'.

THE AOTEA DISTRICT MĀORI LAND BOARD AND VESTED LANDS

- 2.148. The last decade of the nineteenth century saw increasing Māori protest about the loss of their lands and exclusion from its management. Crown officials attended many hui in Whanganui in these years to discuss with Māori their land management and how the Crown could facilitate the protection of remaining Māori land. In 1900, the Crown promoted the Māori Land Administration Act to reserve the remaining Māori land for its better settlement, utilisation, and administration.
- 2.149. The 1900 Act provided for the establishment of Māori land councils to administer Māori land in a particular district. In 1901, the Aotea District Māori Land Council was established, which included most of the Whanganui region, except for the far north. The Council had seven members; the president and another member were European, three elected members were Māori, and two Crown-appointed members were also Māori. The five Māori members remained on the Council for four years. Māori owners within the district had the option to vest their lands in the Council. The Council could lease, partition, manage, improve or use the land as security for a loan. However, the land could not be sold.

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.150. In March 1902, members of Te Korowai o Wainuiārua met with the Native Minister and president of the Council at Hiruharama and agreed in principle to vest 11,984 acres of the Waharangi block in the proposed Council. A period of signature collection followed this for the 1,007 owners of the Waharangi No. 1, 2, 4, and 5 blocks. The Waharangi blocks were vested in the Council in August 1903. The vesting deeds had a standard clause which allowed the land to be leased in perpetuity. However, the owners of the Waharangi block wrote onto the deed that the maximum length of lease would be 42 years.
- 2.151. In 1903, the Council advertised some of the vested land blocks for one 21-year lease, with the right to renew the lease for a further 21 years. However, the Aotea District Māori Land Council received very few applications for leases on these terms. Following this failure to lease the vested lands, the Crown and European members of the Council attempted to pressure the Māori members to allow the lands to be vested as perpetually renewable leases. However, the Māori members represented a majority and would not agree to lease the land in perpetuity, knowing that the owners would never approve of this. The Council agreed, instead, to offer the lessees compensation for any improvements made to the land to be paid by the owners upon resumption of the land. If the compensation could not be paid by the owners at the conclusion of the lease, the Council agreed that the land would be leased again for a further 21-year term. At the same time, however, European members of the Council believed that the owners would not be able to pay the compensation required, and commented at the time that this made the leases, in effect, perpetual. However, in 1907 the Crown promoted legislation providing that the vested lands should be returned to Māori control by 1957.
- 2.152. In 1905, the Crown promoted the Māori Land Settlement Act, which abolished the councils and provided instead for Māori land boards. In March 1906, the Aotea District Māori Land Board was established with only three Crown-appointed members, just one of whom was required to be Māori. After 1913, the Crown did not appoint any Māori members to the Board. The Board inherited the lands which had been vested in the Council, including the Waharangi block.
- 2.153. In 1907, the owners of the Raetihi block vested 5,200 acres in the Board, and between 1908 and 1910 the Board leased Te Korowai o Wainuiārua lands in the Raetihi and Waharangi blocks to European settlers on the terms agreed to in 1904. The amount of rent to be paid to the owners of the land for the first 21-year term was set at five per cent of the value of the land.
- 2.154. In 1909, the Native Land Act empowered the Native Minister to direct the Board to create a sinking fund from a portion of the lease revenue to assist the owners with paying the compensation at the end of the lease period. The Native Minister did not make such a direction during the first 21-year lease due to the need to pay back debt incurred from the establishment of infrastructure on the land.
- 2.155. Between 1929 and 1931, the Board renewed the 21-year leases on terms that led to the owners' annual rental income substantially declining. The rent for the second 21-year lease was based on the value of the land minus the value of improvements. The

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2: HISTORICAL ACCOUNT

improvements were valued at what they would cost when the lease was renewed, but many of the improvements, such as clearing the land, had been carried out decades earlier, at the beginning of the lease period. This led to the value of improvements being set as higher than their cost and, as a result, the rent received by the Te Korowai o Wainuiārua owners decreased by almost 30 per cent in their second lease period.

- 2.156. The decline in rentals and the absence of a sinking fund compromised the ability of the owners to pay the compensation for improvements due at the end of the lease and recover control of their land. The Native Minister did not direct the Board to create a sinking fund in the second lease term due to the poor economic conditions in the 1930s and 1940s. Crown officials were aware that the owners would not be able to reoccupy the lands at the end of the second lease and discussed options to remedy this in the 1930s, but ultimately, the Crown took no action to prevent this outcome. In 1953, the Crown promoted the Māori Land Amendment Act which discontinued the boards and transferred their powers and duties to the Māori Trustee. Despite the provision in the Native Lands Act 1907 for the vested lands to return to their owners' control no later than 1957, Te Korowai o Wainuiārua land, apart from three blocks of land, remained vested in the Māori Trustee and occupied by the lessees until they were amalgamated into the Ātihu-Whanganui Incorporation in 1970.

THE WHANGANUI RIVER SCENIC RESERVES

Te Korowai o Wainuiārua and the Whanganui River

- 2.157. The iwi of Te Korowai o Wainuiārua have strong associations with the Whanganui River and its tributaries. The source of the Whanganui River connects the iwi of Te Korowai o Wainuiārua with their tūpuna of te Kāhui Maunga – Tongariro, Ruapehu and Ngauruhoe.
- 2.158. The records of early European travellers show that the stretch of the River that ran through the rohe of Te Korowai o Wainuiārua was densely settled, with many fortified villages positioned at the top of steep hills 500-600 feet above the river for security reasons. There are many pā sites on the Whanganui River with which the iwi of Te Korowai o Wainuiārua have close associations. Iwi and hapū managed sections of the river in accordance with Māori custom in order to maintain fish stocks, to maintain water purity, and to avoid any appearance of greed or disrespect. In the 1840s, these river settlements were described as having cultivations, springs, woods of timber, and “ample room to support many hundreds of people when compelled to take refuge there”.

Scenic Reserves

- 2.159. In the decades around the turn of the twentieth century, the Crown sought to preserve the scenery of the Whanganui River and compulsorily took significant areas of land for this purpose. The Crown was motivated by growing public concern that the landscape in the Whanganui region was being lost to pastoralism and agriculture. In 1891, the Whanganui River Trust Act provided for the establishment of the Whanganui River Trust to promote navigability and scenery preservation. The Act was not to “affect any rights conferred upon the Natives by the Treaty of Waitangi.”

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

- 2.160. In 1892, the Trust established the Whanganui River Trust Public Domain for “the conservation of natural scenery”. The domain was a mile-wide strip totalling around 33,000 acres along each side of the River, from its confluence with the Tāngarākau River to Taumarunui. It was created from Crown land purchased in the Waimarino, Kirikau, Rētāruke, Ōpatu, Raoraomouku, and Mangapukatea blocks, and included kāinga on Crown land at Tīeke, Kirikiriroa, and Mangapāpapa. The majority of this land was eventually gazetted as scenic reserves in 1958.
- 2.161. By 1903, the Trust had made the River navigable by steamer as far as Taumarunui. However, soil erosion threatened the maintenance of the River’s navigability as a commercial route. The Crown envisioned that scenery preservation would help to combat this, and that the subsequent potential for tourism would have economic benefits.
- 2.162. In late 1904 and early 1905, the newly established Scenery Preservation Commission travelled up the Whanganui River to Pīpīriki, choosing potential sites to be brought under the provisions of the Act. In 1906, the Commission was replaced with the Scenery Preservation Board.
- 2.163. In 1907, the Crown used the provisions of the Public Works Act 1905 to compulsorily acquire 21 acres of land near Pīpīriki, including the Waiora mineral springs. This site was sacred to the iwi of Te Korowai o Wainuiārua as a place of healing and cooking. The taking was instigated by a local tourist operator to whom the Crown leased the land to develop the springs into a tourist attraction. The iwi of Te Korowai o Wainuiārua were not consulted and though the 232 owners sought over £260 in compensation, they received only £45.
- 2.164. In 1908, the Scenery Preservation Board recommended the Crown reserve 15,356 acres of Māori land along the River for scenic reserves; it described the Māori owners of river-front land as one of the River’s scenic attractions. The proposed scenic reserves included land which had been reserved for the iwi of Te Korowai o Wainuiārua from the Crown purchases of the previous century, including the entire River frontage of the Waimarino B reserve. These scenic reserves would be additional to the 33,000-acre public domain established in 1892.
- 2.165. In 1908, Cabinet approved the Crown to spend £8,000 to purchase 19,000 acres along the Whanganui River. Instead of negotiating the purchases with the owners, however, the Crown elected to compulsorily acquire Māori land and pay compensation. In 1911, the Crown compulsorily acquired 54.5 acres from the Popotea block, 429.75 acres from the Waimarino block, 1,740 acres from the Waharangi block (the Crown’s largest taking), and 683.5 acres in the Whakaihūwaka block, despite the letters of complaint from Eruera Hurutara who lived on some of the land. As a result of the Crown acquiring land adjoining the Whanganui River, the legal principle (by which title to a land bounded by a river extends to the mid-line of a river) potentially became applicable in the Crown’s favour.

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- 2.166. Iwi of Te Korowai o Wainuiārua strongly protested the compulsory takings of their land for scenery by felling or burning off forest. They also lodged petitions supported by many signatories, such as a 1912 petition signed by 424 Whanganui Māori, including Te Korowai o Wainuiārua tūpuna. In 1913, Eruera Hurutara and nine others petitioned the Crown, stating that they were still running stock and living on a papakāinga on the Whakaihuwaka block which had been included in the Crown's 1911 compulsory acquisition. By 1914, there was near universal Māori opposition to the Crown's compulsory acquisitions of scenic reserves along the Whanganui River. Most of the owners felt it should be up to them to decide which land was suitable for scenic preservation and which would be used for occupation or farming. On 11 November 1916, the Crown compulsorily acquired 478 acres from the iwi of Te Korowai o Wainuiārua in the Taumatamāhoe block, and 198 further acres from the Waimarino block.
- 2.167. In November 1916, the Crown appointed a Royal Commission to investigate and report on whether any of the existing scenic reserves should be cancelled and what portion of the proposed scenic reserves should be acquired and set apart. The Commission held hearings along the River, including at Pīpīriki on 7 and 9 December, to hear Whanganui Māori grievances, which included lack of consultation on the land to be taken, lack of compensation, and arbitrary procedures. Many witnesses from iwi of Te Korowai o Wainuiārua were generally willing for the Crown to reserve land as scenic reserves, particularly in inaccessible areas, but wanted the Crown to return urupā, landing sites, and good workable land for stock.
- 2.168. The Commission recommended that almost all of the existing and proposed scenic reserves should be retained by the Crown, and that the Whanganui River Trust Public Domain should be vested in the Crown. However, it also recommended the Crown redraw the boundaries of some existing and proposed reserves in order to restore or exclude sections of land holding kāinga and urupā to the Māori owners which amounted to 850 acres. One of these sections was around 25 acres from the proposed Kahura Scenic reserve, which contained the Tīeke kainga and Ōkirihaui urupā. The Crown did not act on the vast majority of the Commission's recommendations relating to the return of land to Māori owners.
- 2.169. In January 1917, rather than returning land as the Commission recommended, the Crown compulsorily acquired an additional scenic reserve of 219.5 acres in the Whakaihuwaka block from the iwi of Te Korowai o Wainuiārua. Between 1907 and 1917, the Crown had compulsorily acquired almost 6,700 acres of the 19,000 Cabinet-approved acres of Māori land for scenery preservation purposes.
- 2.170. The Crown did not provide for the inclusion of Māori in scenic reserve management for the first fifty years after their creation. The iwi of Te Korowai o Wainuiārua had no avenue to ensure their interests were protected which was a matter of concern for Te Korowai o Wainuiārua iwi. In 1958, Whanganui Māori gained a single representative on the newly formed Whanganui River Scenic Board which managed all of the reserves taken for scenery preservation purposes and the former Public Domain established in 1892. The iwi of Te Korowai o Wainuiārua did not consider that their involvement was

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sufficient and this situation continued until the reserves were incorporated into the Whanganui National Park in the 1980s.

THE WHANGANUI RIVER CASES AND THE TONGARIRO POWER DEVELOPMENT SCHEME

The Whanganui River Case and Te Korowai o Wainuiārua

- 2.171. The iwi of Te Korowai o Wainuiārua exercised rights and responsibilities in relation to the Whanganui River according to their tikanga. This was at odds with the principles of English Common Law, such as the *ad medium filum aquae* doctrine, which became part of New Zealand law in 1858. Subsequent legislation, such as the Coal-mines Act Amendment Act 1903, vested the ownership of the beds of ‘navigable’ rivers in the Crown.
- 2.172. In 1937, following decades of protest and petitions, Whanganui Māori applied to the Native Land Court to investigate what they considered to be their customary ownership of the Whanganui River. The Whanganui River case began at Whanganui on 3 November 1938. At the opening of the case, counsel for the claimants stated “the only question being dealt with at this stage of the hearing is whether the Natives own the bed of the river at the time of the Treaty of Waitangi” and that the applicant “is not making any claim for any particular hapū or individual”.
- 2.173. The iwi of Te Korowai o Wainuiārua were not directly represented at the investigation of title hearings and had no ability to influence the outcome of the case or give evidence as to customary law, use, and management of the river. In 1939 the Court found that Whanganui Māori owned the riverbed in accordance with their customs and usages. The litigation over the bed of the Whanganui River was complicated by the issue of whether there was a ‘tribal’ title to the whole of the river or if the Native Land Court’s award of a land block extinguished the customary title to the riverbed within that block. At the time of the hearings the anthropological expert evidence that would occur in a contemporary case relating to Māori claims to a waterway did not exist. Had it not been for the difficulties created by the Native Land Court’s title awards to riverine blocks, the issue of claims to the bed of the Whanganui River would have been much easier to resolve.
- 2.174. In 1939, the Crown appealed the Native Land Court decision to the Native Appellate Court and the case was heard in 1944. The issue before the Appellate Court was whether native custom recognised exclusive native ownership over the bed of the Whanganui River. The Chief Judge affirmed the provisional or preliminary determination of the Native Land Court.
- 2.175. In 1949, the Crown took proceedings in the Supreme Court to quash the decision of the Native Appellate Court. The Crown argued that customary title to the river bed had been extinguished *ad medium filum aquae* and, alternatively, that the Crown owned the bed of the Whanganui River in any event as it was a navigable waterway under the 1925 Coal Mines Act (originally the 1903 Coal-mines Act Amendment). The Supreme Court found

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that the Crown owned the bed of navigable rivers through its legislation, making it unnecessary to decide if the *ad medium filum aquae* rule applied.

- 2.176. In 1950, the Crown appointed a Royal Commission to inquire further into Māori customary ownership of the riverbed and consider whether compensation was payable. The Commission upheld the claims made by Whanganui Māori to ownership of the riverbed and recommended the payment of compensation for gravel extraction. Attempts to negotiate compensation in 1951 were inconclusive.
- 2.177. In 1951, the Crown promoted legislation in order to refer the Whanganui River issue to the Court of Appeal. In 1955, the Court of Appeal released its decision that Māori were the customary owners of the Whanganui River at 1840. It also recommended the Crown authorise the Māori Appellate Court to consider whether pre-1903 Native Land Court grants of title to riparian land resulted in rights to the centre line of the riverbed under the *ad medium filum aquae* rule. The 1955 Court of Appeal decision had the effects that further evidence was required and legislation was enacted that referred the Whanganui River issue to the Māori Appellate Court. In 1958, the Māori Appellate Court in turn held that any ancestral right to the bed of the Whanganui River was not separate or different from that to riparian lands.
- 2.178. In 1962, the Court of Appeal considered the issue again and found that, according to the *ad medium filum aquae* rule, customary ownership of the riverbed had been extinguished when the Native Land Court granted titles to the riparian land. The Crown adopted these findings and declined to provide remedy to Whanganui Māori. In 1977 Whanganui Māori petitioned the Queen to remove the Crown's title to the riverbed and were declined in 1983.

The Tongariro Power Development Scheme

- 2.179. From 1955, the Crown began developing plans to divert almost all of the water that flows from te kāhui maunga for hydro-electric power generation in response to a post-World War Two energy shortage. At the time of the construction of the Tongariro Power Development there was no requirement to obtain resource consents as is the case under the Resource Management Act 1991. In 1958, without giving any notice to the iwi of Te Korowai o Wainuiārua, the Crown issued an Order in Council authorising it to take water from the Whanganui, Tokaanu, Tongariro, Rangitikei, and Whangaehu Rivers and their tributaries. Between 1955 and 1964, the Crown held four hui with another iwi but did not include or consult the iwi of Te Korowai o Wainuiārua. In 1964, construction began for the Western Diversion which would divert water from the Whanganui River. Construction of the Eastern Diversion began in 1969 which diverted the waters of the Whangaehu River.
- 2.180. As a result of this project, a significant quantity of the water flow from the headwaters of the Whanganui and Whangaehu Rivers was directed northwards into Lake Taupō and as a consequence into the Waikato River. The effects of the Tongariro Power Development on water quantity and water quality levels continue to be significant. The iwi of Te

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2: HISTORICAL ACCOUNT

Korowai o Wainuiārua consider that they have little voice in the management of the Whanganui River.

THE WHANGANUI NATIONAL PARK

- 2.181. The Whanganui National Park was established in 1986 and covers 742 km² of the central North Island in a broad arc between Taumarunui and Wanganui. Some stretches of the Whanganui River are wholly within the park; in other places the river forms the park boundary. While the park includes substantial areas of land some distance from the Whanganui River, the river itself is the park's principal feature and draws tourists from both New Zealand and overseas.
- 2.182. Large-scale land purchasing began in the late nineteenth century when the Crown acquired land in, among others, the Waimarino, Taumatamāhoe and Whakaihuwaka blocks that are now wholly or partly within the boundaries of the Whanganui National Park. Before the park's creation, members of the hapū and iwi of Te Korowai o Wainuiārua made use of unoccupied Crown land within their area of interest.
- 2.183. They cultivated produce; hunted pigs, goats, and deer; harvested kererū; and fished for eels, whitebait and trout. The hapū and iwi of Te Korowai o Wainuiārua have historically undertaken and continue to carry out these activities as part of their customary management of natural resources. Despite shifts in ownership, these changes have not severed the connections between Te Korowai o Wainuiārua and the lands now within the National Park.

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2: HISTORICAL ACCOUNT

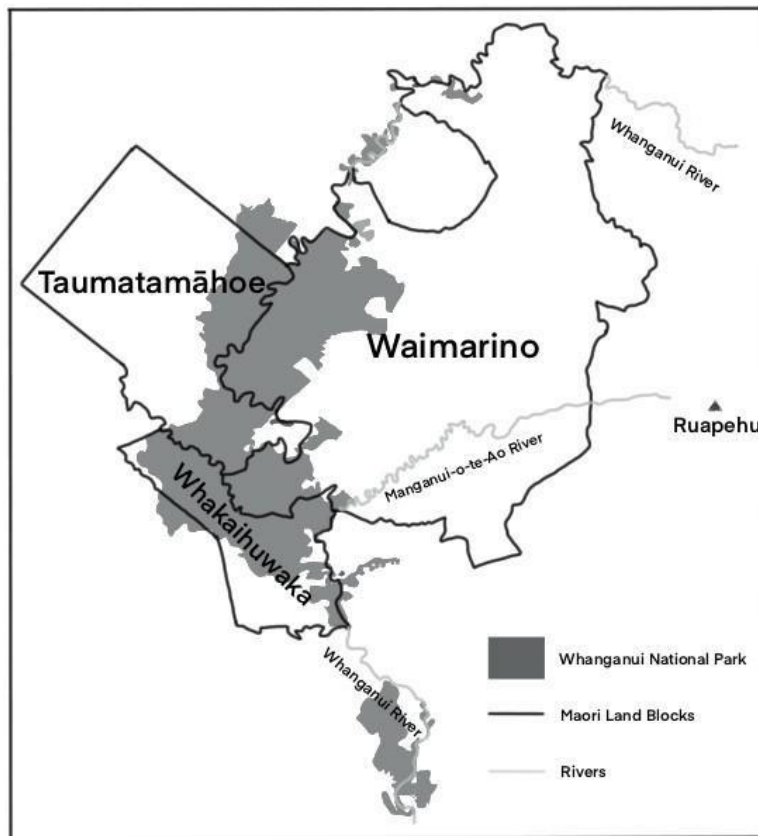


Figure 4: Whanganui National Park and Māori Land Blocks Affected

- 2.184. The Whanganui River and its tributaries are central to the identity and way of life of the hapū and iwi of Te Korowai o Wainuiārua and feature prominently in many historical traditions and narratives. Te Korowai o Wainuiārua are pleased to share the beauties of their rohe, and outside observers have long recognised the picturesque qualities of the Whanganui River.
- 2.185. Crown officials had considered the area for a national park beginning in the 1940s, but it was not until 1980 that the Crown began a serious assessment based on the region's outstanding visual appeal and distinctive Māori cultural history. A June 1981 Department of Lands study recommended using existing scenic reserves and other Crown land as the basis for a new national park. Despite ongoing demonstrations by the hapū and iwi of Te Korowai o Wainuiārua about their interests in the Whanganui River and its tributaries, the Crown largely dismissed Māori concerns until the early 1980s. Between February 1983 and December 1985, the Crown met with Māori several times on marae in the Whanganui region to discuss the proposed park.
- 2.186. At a hui in November 1983, a Crown official noted the park would be 'a very "[M]āori" national park' and that a proposed nine-member advisory committee nominated by Whanganui Māori could instil a large influence of '[M]āoriness' in the management of the park. Iwi and the Crown, however, had different interpretations of what constituted a

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‘Māori national park’ in terms of consultation, the statutory responsibilities of advisory committees, iwi participation, and employment.

- 2.187. In February 1984, at a hui with the Wellington Commissioner of Crown Lands, Māori of the Whanganui River agreed in principle to establishing a national park. Their agreement was conditional upon special legislation for managing the river, iwi representation through three permanent Māori members on the management board, an entirely Māori advisory committee (later named the Whanganui River Māori Trust Board), and assurance that designating the park would in no way prejudice Māori claims to land or ownership of the bed of the Whanganui River.
- 2.188. In its initial plan for the national park, the Crown considered including the riverbed within the park boundary, but by March 1985 had decided to exclude it. While not opposed to the idea of a national park, the hapū and iwi of Te Korowai o Wainuiārua opposed including the riverbed as part of the park before their claims to ownership and management of the river had been resolved. This apprehension stemmed from concern that if the river were to be included it would be the end of their river claim.
- 2.189. A report about the park issued in March 1984 referred to historic and contemporary Māori associations with the area. Despite repeated requests by iwi regarding input into tourism and commercial activities, the report failed to emphasise the ‘[M]aoriness’ of the park. The following month, a single Māori representative was appointed to the Wellington National Parks and Reserves Board – the entity with ultimate responsibility for managing the park. In a November 1985 announcement that the Whanganui National Park had been approved in principle, the Minister of Māori Affairs and Land observed that the Māori interest and perspective were of major significance to the park. Following a hui at Taumarunui, a year of increasingly acrimonious negotiations about title to the riverbed, allocation of administrative responsibilities, and naming resulted in a written assurance from the Crown about future negotiations but failed to provide the hapū and iwi of Te Korowai o Wainuiārua with a substantial voice in park operations.
- 2.190. In November 1986 the Crown gazetted 74,231 hectares of existing scenic reserves, Crown land, and state forest as the Whanganui National Park. The hapū and iwi of Te Korowai o Wainuiārua remained gravely concerned about ownership and management of the river and the inclusion within the park of lands, such as in the Waimarino and Taumatamāhoe blocks, they considered unfairly acquired by the Crown. The Whanganui National Park was formally opened on 7 February 1987 with its headquarters in Whanganui and secondary offices in Pipiriki and Taumarunui.
- 2.191. The newly-created Department of Conservation assumed control of all national parks in April 1987. Under the Whanganui National Park Management Plan of 1989, the Department of Conservation was required to ‘consult with and give full consideration to the views of the Whanganui River Māori Trust Board on Park management issues of concern to the Māori people’. Fishing and plant gathering were permitted only under specific circumstances for Māori. While the management plan required consultation with the Whanganui River Māori Trust Board, it neither made provision for formal consultation arrangements nor regular meetings and fell short of acknowledging holistic Māori

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understandings of the Whanganui River and its surrounding lands. In 1990, the Conservation Law Reform Act replaced the Wellington National Parks and Reserves Board with the Taranaki/Wanganui Conservation Board, but the presence of iwi on the nine-person board remained unchanged with a single representative.

- 2.192. The river remains the focal point of the Whanganui National Park and a 170-kilometre stretch of water between Taumarunui and Ātene links the park's northern, central, and southern zones. The park includes many sites of significance to the iwi of Te Korowai o Wainuiārua, such as thermal springs, marae sites (including Tīeke, Kirikiriroa, and Mangapapapa), and urupā while the presence of Māori culture remains a central feature of how the Department of Conservation describes the park's visitor experience.
- 2.193. The iwi of Te Korowai o Wainuiārua, however, are aggrieved by the way the Crown has utilised these sites for tourism purposes; in response hapū and iwi have periodically occupied some sites in protest about access and use. One site of concern, the John Coull hut at Puketapu, was rebuilt in 1981 in close proximity to an urupā. In 1988, members of Te Korowai o Wainuiārua informed the Crown of the sacred nature of the site and requested that the hut be moved. Department of Conservation staff and Te Korowai o Wainuiārua rangatahi (youth) cooperated to shift the hut to an alternative site in 1990. Tensions were also exacerbated by the Crown's 1988 introduction of fees for public use of park's facilities. A second structure, the rebuilt Tīeke hut, built on ancestral kāinga and urupā became a site of occupation and protest for the iwi of Te Korowai o Wainuiārua in 1993-1994. The iwi of Te Korowai o Wainuiārua iwi have repeatedly sought to engage with the Crown about meaningful forms of co-management within the Whanganui National Park, but decades of being separated from the whenua have left them feeling unable to exercise their kaitiaki obligations and responsibilities.

SOCIO-ECONOMIC CONSEQUENCES

Te Reo Māori

- 2.194. The mita of te reo Māori used in the Whanganui region includes subtle variations in pronunciation and rhythm as well as differences in vocabulary. In the early twentieth century, teachers at Crown-established schools discouraged Māori pupils from speaking te reo Māori.
- 2.195. The Crown considered that part of the role of the native schools was to assimilate Māori into European culture. Teachers were told of 'the necessity of encouraging the children to talk English only, even in the playground'. Consequently, many Te Korowai o Wainuiārua children suffered corporal punishment in schools for speaking their own language.
- 2.196. Furthermore, Te Korowai o Wainuiārua children were often obliged to travel long distances to reach schools, or to leave their homes to settle near secondary schools. Rural schools were often not well-maintained – in 1958, the dilapidated state of Pipiriki School prompted an observer to describe it as "the worst Māori school in New Zealand".

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

2.197. For Te Korowai o Wainuiārua, the hapū and iwi feel that the loss of their language and their mātauranga is akin to the loss of their land, and an attack upon their identity which has been “deprived of nutrition by the Crown.” In turn, it has been difficult for Te Korowai o Wainuiārua to maintain a distinct presence and sense of identity within their own rohe. Members of the iwi assert, for example, that the Crown “tore apart” the relationships their people relied upon for life, and they have become almost “invisibilised” as an entity.

Health

2.198. From 1840, the arrival of Europeans exposed Te Korowai o Wainuiārua to new forms of infectious disease which caused the population of Māori in the Whanganui region to decline. At this time European medicine had a limited ability to deal with infectious diseases and other health problems, but in the nineteenth century the Crown only offered a limited welfare service. A lack of access to medical care meant epidemics such as typhoid and tuberculosis hit Te Korowai o Wainuiārua communities especially hard.

Economic Development

2.199. Employment opportunities in the remote parts of the Te Korowai o Wainuiārua rohe were limited, and by the 1950s many families in places like Pipiriki were struggling to support themselves. Permanent employment in urban centres like Ohakune and Raetihi was also scarce, and seasonal or unwaged labour made it difficult to members of Te Korowai o Wainuiārua to secure government housing loans.

2.200. The decline of the railway-building and timber-milling industry from the 1950s created further economic hardship for Te Korowai o Wainuiārua families. A growing population compounded economic pressures and many Māori from the Whanganui region migrated to urban centres for work where they often worked as unskilled, manual labourers.

Housing

2.201. In the 1930s and 1950s, Crown officials repeatedly observed that Māori housing was poor and overcrowded, particularly in Pipiriki, Raetihi, and Ohakune. Many houses in remote places had inadequate drainage or plumbing, with water supplied by rainwater tanks or wells, and toilet facilities open to the elements. In 1955, correspondence between a District Officer and the Mayor of Ohakune described housing conditions of Māori residents in an area of Ohakune as “shocking”.

2.202. In 1956, the Mayor of Whanganui criticised the Crown’s tardiness in addressing the housing needs of Māori. Although the Crown provided some assistance to Māori who wanted to buy homes, many Māori struggled to save the required deposit.

Contribution to New Zealand

2.203. Many New Zealanders enjoy recreational activities on the lands and waters in the rohe of Te Korowai o Wainuiārua, particularly in the national parks that comprise such a large proportion of the rohe. Given the virtual landlessness that the iwi of Te Korowai o

DEED OF SETTLEMENT
2: HISTORICAL ACCOUNT

Wainuiārua suffer, the unacknowledged contributions they made willingly (through Crown purchases) and unwillingly (through public works takings) remain a burden upon the iwi.

2.204. Te Korowai o Wainuiārua also have a proud record of service in New Zealand's defence force for both World Wars.

3 NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

TE WHAKAPĀNGA TŌMUA

Te Tiriti o Waitangi

- 3.1. E whakaae ana te Karauna, i te waitohutanga a ngā tūpuna o Te Korowai o Wainuiārua i te Tiriti o Waitangi i Whanganui, i te marama o Mei, i te tau 1840, i whai rātou i tētahi patuitanga i runga i te tōkeke, i te tika me te ngākau pono. Heoi anō, nā ngā tini takahanga i te Tiriti o Waitangi, i noho ai a Uenuku rātou ko Tamakana, ko Tamahaki hei papa, kua kore te Karauna e whakaaro nui, e ngākau pono hoki ki tana patuitanga i raro i te Tiriti. Kua kore hoki te Karauna e tiaki i te tino rangatiratanga o ngā hapū o Te Korowai o Wainuiārua. Nō reira, kua aua atu te wā e tika ana kia puta ngā whakaaetanga e whai ake nei.

Te Hokotanga o te Poraka o Whanganui i te tau 1848

- 3.2. E whakaae ana te Karauna, ko tāna i whakaatu ai ki ngā tūpuna o Te Korowai o Wainuiārua, mā tana hokotanga i te poraka o Whanganui i te tau 1840 e oti ai te whakawhiwhinga i tūtohungia ai e te Kaikōmihana, e Peina, i te tau 1846, ā, mā reira e whakawhiwhia ai ki te Kamupene o Niu Tireni tētahi takuhe, e 40,000 eka te nui, hei utu mō te £1,000 me ngā rāhui. Heoi anō, ko te wāhi i rūritia, i whakaurua hoki ki tana hokotanga o te tau 1848, i neke atu i te huarua o taua whakawhiwhinga a Peina, ā, he iti iho ngā whenua i rāhuitia mō ngā tāngata nō rātou te whenua i te hautekau o tērā i tūtohungia ai e te Kaikōmihana, e Peina, ka mutu, £1,000 noa tonu te utu a te Karauna. Ko te korenga o te Karauna i whakamōhio i ngā tūpuna o Te Korowai o Wainuiārua ki te nui noa atu o tana hokotanga i tā te Kaikōmihana, i tā Peina i tūtohu ai, tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono o te ngākau pai me te tōkeke o te mahi.

NGĀ RIRI WHENUA

Te Riri ki Whanganui nā te Riri ki Taranaki

- 3.3. E whakaae ana te Karauna, ahakoa te whai a ngā tūpuna o Te Korowai o Wainuiārua ki te kaupare i te riri ki tō rātou rohe, nā ngā pakanga ki Taranaki i pakaru ai te riri ki te takiwā o Whanganui i te tau 1864. I mate ngā tūpuna o Te Korowai o Wainuiārua ki te āta whakaaro ki te pono o ō rātou ngākau ki te Kīngitanga, ki te Pai Mārire, ki te haumarutanga hoki o ngā kaiwhakatū kāinga Pākehā i te pakanga ki Moutoa, i mate rā ngā whanaunga ki te pakanga ki a rātou anō, me te aha, he tangata ka hinga, he mamae hoki ka puta i ngā taha e rua.

Te Whakaeke a te Karauna ki Ōhoutahi i te tau 1865

- 3.4. E whakaae ana te Karauna, i te mutunga iho, nāna tonu i pakaru ai te riri i waenga i te Karauna me te Kīngitanga i te rohe o Te Korowai o Wainuiārua, i tīmata rā i te pakanga ki te pā o Ōhoutahi i te tau 1865. E whakaae ana te Karauna, nā te pakanga i hinga ai

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ngā tūpuna o Te Korowai o Wainuiārua, ka mutu, i takahi āna mahi i te Tiriti o Waitangi me ōna mātāpono.

Te Raupatu

- 3.5. E whakaae ana te Karauna, ko te raupatutanga o ngā pānga o Te Korowai o Wainuiārua i Taranaki i te tau 1865 tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

Tā te Karauna Tapa i a Te Korowai o Wainuiārua ki te Kaiwhana

- 3.6. E whakaae ana te Karauna, nā tana tapa i ngā tūpuna o Te Korowai o Wainuiārua ki te 'kaiwhana', ki te 'taraweti', me te 'Hauhau' i te wā o Ngā Riri Whenua, ka tipu ko te ngākau kino i waenga i ngā whanaunga o te awa o Whanganui. E mārama ana ki te Karauna te hōhonu o te pōuri me te piringa o te taunu ki ngā whakatipuranga e hia nei o Te Korowai o Wainuiārua nā te hē o ngā tapanga a te Karauna.

TE RIRONGA O NGĀ WHENUA I TE RAUTAU TEKAU MĀ IWA

Te Hiki i te Aukati Huri noa i Te Rohe Pōtae

- 3.7. E whakaae ana te Karauna:
- 3.7.1. i mau tonu ngā iwi o Te Korowai o Wainuiārua ki te rangatiratanga o ō rātou whenua i Te Rohe Pōtae i raro i te maru o tētahi aukati mai i te tau 1866 ki te tau 1885;
- 3.7.2. i muri i tā te Karauna tīmata i ngā whakawhitinga kōrero i te tau 1882 kia whakatakotoria te Ara Tereina Matua o Te Ika-a-Māui i Te Rohe Pōtae, i whai ngā iwi o Te Korowai o Wainuiārua kia mau tonu rātou ki te rangatiratanga o ō rātou whenua mā te hono ki tētahi petihana i te tau 1883 e whai ana kia kua Te Rohe Pōtae e tōia ki raro i te mana o te Kōti Whenua Māori, engari kāore te Karauna i whakaae; ā,
- 3.7.3. he nui whakaharahara ngā hua i riro i te Karauna i ngā tau i muri i te hikitanga o te aukati i te tau 1885, nā te mea kua wātea ia ki te whakatakoto i te Ara Tereina Matua o Te Ika-a-Māui i Te Rohe Pōtae, ki te hoko whenua hoki hei kāinga mō te Pākehā ki reira, engari nā aua tau anō i nui rawa atu ai hoki te rerekē o te ao o Te Korowai o Wainuiārua, te rironga atu hoki o ō rātou whenua, ka mutu, kāore rātou i whiwhi i ngā hua ā-ōhanga o te pae tawhiti i mahara ai rātou, nā ngā kōrero a te Karauna, ka whakawhiwhia ki a rātou.

Ngā Ture Whenua Māori

- 3.8. E whakaae ana te Karauna, nāna i whakatau te ture whenua Māori i huri ai te mana takitini o te rangatiratanga o ngā iwi o Te Korowai o Wainuiārua hei mana takitahi, me te kore o rātou i whai wāhi ki ngā kōrero. E whakaae ana hoki te Karauna, nā te ture whenua Māori:

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- 3.8.1. i mate rā ngā iwi o Te Korowai o Wainuiārua ki te whakapā ki te Kōti Whenua Māori kia tiakina ō rātou pānga ki ō rātou whenua, ka mutu, kāore he huringa kē mō rātou, atu i te whai wāhi, mehemea i pīrangi rātou ki te whakauru i ō rātou whenua ki te ōhanga hou;
- 3.8.2. i whai wāhi ki te waitete me te tautohe i waenga tonu i ngā iwi o Te Korowai o Wainuiārua, i waenga hoki i a rātou me ō rātou kiritata;
- 3.8.3. i hua ai ngā utu nui hei pīkau mā ērā i whakapā ki te Kōti Whenua Māori, pēnei i te utu o ngā rūri whenua;
- 3.8.4. i taumaha ai ngā iwi o Te Korowai o Wainuiārua i noho rā i roto i te pōharatanga i ngā wā i autōria ai ngā whakawākanga, ā, i ētahi wā, ka hinga ētahi tūpuna o Te Korowai o Wainuiārua i a rātou e tatari ana kia tīmata ngā whakawākanga; ā,
- 3.8.5. i māmā ake ai te whakarae o ō rātou whenua ki te whakawehenga, ki te poroporonga me te whakawhitinga ki hunga kē. Ko tō te Karauna korenga i ārai i ngā hanga ā-iwi o Te Korowai o Wainuiārua i ngā pānga o te ture whenua Māori tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

Te Rōpū Kaitiaki a Kemp

- 3.9. E whakaae ana te Karauna, i whai ngā iwi o Te Korowai o Wainuiārua ki te tuku i ētahi o ō rātou whenua ki te Rōpū Kaitiaki a Kemp e takitini ai te whakahaeretanga o ngā whenua i tō rātou rohe, engari i whakanau te Karauna ki te tautoko i te Rōpū Kaitiaki. Kāore te Karauna i tuku i tētahi taitara takitini e whai hua ana tae noa ki te tau 1894. Ko tēnei hapa tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

Te Hokotanga o te Poraka o Waimarino me Te Papa Taiao ā-Motu o Tongariro

- 3.10. E whakaae ana te Karauna, nāna tētahi rahinga o te whenua i te poraka o Waimarino i hoko hei utu i te Ara Tereina Matua o Te Ika-a-Māui, hei whakatū kāinga, hei whakarite hoki i tētahi papa taiao ā-motu. E whakaae ana hoki te Karauna, nā tēnei hokotanga i nui ake ai ngā whenua i kaitaongatia ai e ia, tēnā i te nui e tika ana hei whakatutuki i ēnei kaupapa.
- 3.11. E whakaae ana te Karauna, ahakoa tana mōhio ki te whakahirahira o Ruapehu maunga ki ngā iwi o Te Korowai o Wainuiārua, kāore ia i kōrero ki a rātou e pā ana ki te rāhuitanga o te tihi o te maunga mō te whakarite papa taiao ā-motu te take i mua, i muri hoki i tana tīmata ki te kōrero me ētahi atu iwi.
- 3.12. E whakaae ana te Karauna, i tere rawa te whāwhai o tana hoko i ngā eka e 411,196 i te poraka o Waimarino i te tau 1887, mai i ngā hapū tekau mā whitu o Te Korowai o Wainuiārua, ā:

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- 3.12.1. kāore te maha o ngā hapū o Te Korowai o Wainuiārua i mōhio ki te wāhi i reira rā ō rātou pānga i ngā rohenga o te poraka nui e marohitia ana, otirā, ki ngā whenua e hokona ana e te Karauna, nā te mea:
- (a) i haere tonu te hokotanga a te Karauna ahakoa tōna mōhio ki te korenga o Te Korowai o Wainuiārua i whai wā ki te matawai, ki te tohe hoki i te rūritanga i mua i tā te Koti whakawhiwhi atu i te nuinga o ngā pānga o te poraka ki te Karauna; ā,
 - (b) i akiaki te Karauna i ngā tāngata takitahi o Te Korowai o Wainuiārua kia kaua e tono kia whakawehea ō rātou pānga i te poraka o Waimarino, nā te mea, mā reira e takaroa ai tana hokotanga.
- 3.12.2. kāore te maha o ngā hapū o Te Korowai o Wainuiārua i mōhio ki te tika rānei o te utu ki a rātou mō ō rātou whenua, nā te mea:
- (a) i haere tonu te hokotanga a te Karauna i te poraka o Waimarino mā tāna anō whakatau i te kaha o ngā pānga o ngā tāngata takitahi o ngā hapū tekau mā whitu o Te Korowai o Wainuiārua, me te aha, ka hāngai āna utu ki taua whakatau;
 - (b) kāore te Karauna i whakamōhio i ngā tāngata nō rātou te whenua ki te utu o ia eka o te poraka o Waimarino;
 - (c) ahakoa ngā whakataunga o tāna ture, ka hoko te Karauna i ngā pānga o ētahi ririki i mua i te whai mana o tā rātou kopou i ngā kaitiaki; ā,
 - (d) nā aua mahi me aua hapa i kore ai te hokotanga a te Karauna i eke ki te paerewa o te tika me te tōkeke o te mahi e whakapuakina ana i te Tiriti o Waitangi, ka mutu, he takahanga tērā i te Tiriti o Waitangi me ōna mātāpono.
- 3.13. E whakaae ana te Karauna, kāore i tōkeke tana utu i te poraka o Waimarino me ōna rawa puiaki, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.14. E whakaae ana te Karauna, kāore ia i whakaea i ngā ritenga o te whakataunga hoko i te poraka o Waimarino me ngā whakaritenga i oti i te wā o ngā whakawhitinga kōrero kia whakaritea he rāhui mō ngā hapū o Te Korowai o Wainuiārua, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. E whakaae ana hoki te Karauna:
- 3.14.1. he iti ake ngā whenua i rāhuitia rā e ia mō ngā kaihoko atu i te poraka o Waimarino i tērā i oatihia ai e te Karauna mō ngā hapū o Te Korowai o Wainuiārua i te wā o ngā whakawhitinga kōrero;
- 3.14.2. i takakino te Karauna i tāna i kī taurangi ai i te whakataunga hoko mō Waimarino, arā, kia whakaae tahi me ngā kaihoko i te wāhi o ngā rāhui mō ngā

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kaihoko, engari, nāna kē i whakatau te wāhi o ngā rāhui, ka mutu, iti noa ana āna kōrero ki a rātou; ā,

3.14.3. me te aha, ka riro atu te rangatiratanga o Te Korowai o Wainuiārua i ō rātou kāinga i wheta tonuhia ai e rātou, i ngā wāhi tapu hoki, tae atu ki:

- (a) ngā kāinga o Tīeke i kaitaongatia rā e te Karauna ahakoa tētahi whakaritenga motuhake i whakaritea ai i te taha o ngā tāngata nō rātou te whenua kia rāhuitia tēnei wāhi whakahirahira rawa atu i te hokotanga. E whakaae ana hoki te Karauna, ko te rironga o Tīeke i a ia e noho tonu ana hei nawe nui tonu mō Te Korowai o Wainuiārua; ā,
- (b) ētahi wāhanga nui o ngā pīnakitanga o te uru o Ruapehu maunga ki tōna tihi tapu, i kaitaongatia rā e te Karauna, me te korenga o ngā iwi o Te Korowai o Wainuiārua i whai wāhi ki ngā kōrero, i tuku hoki i tā rātou whakaae, ahakoa te mōhio o te Karauna ki te hiranga o te maunga ki ngā iwi.

3.15. E whakaae ana te Karauna:

3.15.1. ahakoa tana mōhio ki:

- (a) ngā pānga o ngā iwi o Te Korowai o Wainuiārua ki te whenua i pīrangī rā te Karauna ki te āpiti atu ki te whenua i hurihia rā hei wāhi e kīia nei ko te Papa Taiao ā-Motu o Tongariro;
- (b) te tohe a ngā iwi o Te Korowai o Wainuiārua ki ngā wā i rere ai ngā whakawā a te Kōti Whenua Māori, i kore ai rātou e wātea ki te tae ake ki ngā whakawākanga whakahirahira mō ētahi o ēnei whenua; ā,
- (c) te hāngai o te whakapā a Te Korowai o Wainuiārua ki te Karauna, me te auau o tā rātou whai kia whakawāngia anō ngā whakawhiwhinga a te Kōti Whenua Māori, i kore ai rātou i whai wāhi ki te rangatiratanga ā-ture i ēnei o aua whenua;

3.15.2. kāore ia i kōrero ki ngā iwi o Te Korowai o Wainuiārua, kāore hoki i whai whakaaro mō ō rātou pānga, i te wā e whakaritea ana he kaupapa here mō te whakaritenga o te Papa Taiao ā-Motu o Tongariro;

3.15.3. i whakaū ia i ōna mana i raro i te Tongariro National Park Act 1894 kia tangohia he whenua atu anō i ngā iwi o Te Korowai o Wainuiārua, mā te here ā-ture, me te kore i utu paremata i te wā i pānuitia ai te Papa Taiao ā-Motu o Tongariro i te tau 1907; ā,

3.15.4. nā ngā pānga i hua mai rā i ngā mahi a te Karauna, i ōna hapa hoki, i te whakaritenga o te Papa Taiao, ka rongo ngā iwi o Te Korowai o Wainuiārua i te

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kino o te whakatoiharatanga i ngā tekau tau e hia nei, ka mutu, he takahanga ērā i te Tiriti o Waitangi me ōna mātāpono.

- 3.16. E whakaae ana te Karauna, mai i te tau 1907, kāore ia i tuku kia uru ngā iwi o Te Korowai o Wainuiārua ki te auroa o ngā whakaritenga whakahaere i te Papa Taiao ā-Motu o Tongariro, ā, kāore ia i whakaaro nui ki tō rātou rangatiratanga, ki tō rātou kaitiakitanga hoki i te maunga, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.
- 3.17. E whakaae ana te Karauna, nā ngā panonitanga whakatāmate i te taiao o te Papa Taiao ā-Motu o Tongariro, mā te whakawhanaketanga ā-arumoni me te whakaurunga mai o ētahi momo rāwaho, i rangona ai te nui o te āwangawanga e ngā iwi o Te Korowai o Wainuiārua, kāore nei i āhei ki te whakaū i tō rātou mana kaitiaki hei ārai i ngā taonga o runga i te papa i te whakakinotanga.

Te Hokotanga o te Poraka o Taumatamāhoe

- 3.18. E whakaae ana te Karauna, nā tana hokotanga i te poraka o Taumatamāhoe:
- 3.18.1. i tuku utu tōmua ia mō tētahi poraka e kīia nei ko Tāngarākau, i te tau 1879, i mua i tā te Kōti Whenua Māori whakatau i te rangatiratanga o ngā whenua katoa e kōrerotia ana, ā, ahakoa te kaha o te whakahē a ētahi o ngā tāngata nō rātou te whenua i te hokotanga atu o taua whenua;
- 3.18.2. ahakoa te whakaurunga o tētahi wāhanga noa iho o te poraka o Tāngarākau ki te poraka o Taumatamāhoe, ka mutu, ko ētahi noa iho o te hunga i whai utu tōmua i mua i te whakataunga taitara i whakawhiwhia ki ngā hea o te poraka o Taumatamāhoe i te tau 1886, i pēnei te Karauna ānō nei ko ngā moni katoa i utua rā e ia hei utu tōmua mō Tāngarākau, ka noho hoki hei utu mō te poraka o Taumatamāhoe;
- 3.18.3. i hoko ia i ngā pānga kurehu o te poraka i ngā tāngata nō rātou te whenua mai i te tau 1889, ahakoa kāore anō te Kōti Whenua Māori i whakatau i te wāhi i reira rā ngā pānga o ngā hapū;
- 3.18.4. i neke atu i te rua tekau tau te roa o tana hoko tonu i ngā pānga, tae noa ki te wā i neke atu i te 90% o te poraka i kaitaongatia rā e ia, ka mutu, i pīrangitia e ētahi o ngā tāngata nō rātou te whenua hei whenua tonu mō rātou;
- 3.18.5. i tonu ia i ngā whakawehenga tekau mā whitu i waenga i te tau 1889 me te tau 1923. Me whai utu rūritanga anō ia whakawehenga, ka mutu, he mea whakatau ētahi wāhanga o te utu ki ngā kaihoko-kore; ā,
- 3.18.6. ko te pānga whānui ka hua mai i aua mahi, ko te korenga o te Karauna i whakawhiti kōrero i runga i te ngākau pai, ko tōna korenga rānei i āta tiaki i ngā pānga o ngā iwi o Te Korowai o Wainuiārua, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

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Te Whenua-Koretanga

3.19. E whakaae ana te Karauna:

- 3.19.1. nāna te nuinga o te whenua o ngā iwi o Te Korowai o Wainuiārua i te hiku o te rautau tekau mā iwa;
- 3.19.2. he mea whakamōhio ia nā te Kōmihana a Stout-Ngata i te tau 1907 ki te korenga o Tamahaki i pīrangī ki te hoko whenua atu anō. Ahakoa tēnei, ka hoko tonu te Karauna i te nuinga o ō rātou whenua e toe tonu ana, tae noa ki te tau 1927;
- 3.19.3. ahakoa i a ia e puritia ana ko tōna hāwhe miriona o ngā eka whenua huri noa i te poraka Nama 4 o Waimarino nō ngā kaihoko-kore, i kaitaongatia e ia, mā te kaitaonga me te hoko i raro i te here ā-ture, ngā whenua i ngā tāngata nō rātou taua poraka mō ngā rori, mō te ara tereina, mō te kaupare hoariri, mō te rāhui manea hoki te take, tae noa ki tōna wā kua heke iho i te kotahi ōrau o taua poraka e toe herekore ana ki te Māori;
- 3.19.4. kāore ia i aroturuki i te rawaka tonu rānei o ngā whenua e puritia ana e Te Korowai o Wainuiārua e ea ai ō rātou hiahia ā-ōhanga, ā-pāpori, ā-ahurea hoki; ā,
- 3.19.5. kua whenua-kore, me kī, ngā iwi o Te Korowai o Wainuiārua, ka mutu, ko te korenga o te Karauna i whakaū i te rawaka tonu o ngā whenua e puritia ana e ngā iwi tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

TE RAUTAU RUA TEKAU – NGĀ WHAKAMĀTAUTAU KIA PURITIA TONUTIA TE WHENUA, ME NGĀ MAHI TŪMATANUI

Te Kaupapa Tuku Whenua

- 3.20. E whakaae ana te Karauna, kāore ia i āta tiaki i ngā pānga o ngā iwi o Te Korowai o Wainuiārua i muri i tā rātou tuku i ō rātou whenua ki te Kaunihera me te Poari Whenua Māori ki Aotea, i waenga i te tau 1903 me te tau 1907, kia whakawhanakehia aua whenua mō te ahuwahua ā-arumoni, me te noho tonu o aua whenua rā ki raro i te rangatiratanga o ngā iwi o Te Korowai o Wainuiārua.
- 3.21. E whakaae ana hoki te Karauna, i te tatari ngā iwi o Te Korowai o Wainuiārua kia whakahokia ō rātou whenua ki a rātou i te paunga o ngā tau e 42, engari, mai i te tau 1926, kua mōhio te Karauna ki te korenga i taea e ngā tāngata nō rātou te whenua te utu paremata me ea e whakahokia ai te whenua ki a rātou, ka mutu, ko tana korenga i whai whakaritenga ki te whakatutuki i taua kaupapa tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

Ngā Rāhui Manea o te Awa o Whanganui

- 3.22. E whakaae ana te Karauna, kāore i whai take tāna kōrero ki Te Korowai o Wainuiārua, kāore hoki i tōkeke tana whakataurite i ō rātou hiahia ki ō te marea i a ia e kaitaonga ana i ō rātou whenua kia tiakina hei wāhi manea. Nā aua hapa i kaitaongatia ai e te Karauna, mā te here ā-ture, ngā eka e neke atu ana i te 3,000 o ngā hapū i ngā whenua i ngā tahatika o te awa, tae noa ki ngā pāmu me ngā urupā, ka mutu, he takahanga ērā i te Tiriti o Waitangi me ōna mātāpono.

Te Ara Tereina Matua o Te Ika-a-Māui

- 3.23. E whakaae ana te Karauna, i takahi ia i te Tiriti o Waitangi me ōna mātāpono nōna i takahi i tētahi o ana oati ki ngā iwi o Te Korowai o Wainuiārua i te tau 1885, ā, kāore ia i hāpai i ana herenga i te wā i tango ia i ngā eka whenua e 207, i te tau 1910, i ngā iwi mō te Ara Tereina Matua o Te Ika-a-Māui te take, ka mutu, kāore ia i utu paremata.

Ngā Whenua mō te Kaupare Hoariri

- 3.24. E whakaae ana te Karauna, kāore ia i kōrero ki ngā iwi o Te Korowai o Wainuiārua i mua i tana kaitaonga, mā te here ā-ture, i te toru tekau ōrau o te poraka Nama 4 o Waimarino nō ngā kaihoko-kore, i te tau 1911, otirā, kāore ia i whakawātea i te huarahi kia whakawhiti kōrero ngā tāngata nō rātou te whenua e pā ana ki te nui o te whenua i tangohia ai. E whakaae ana te Karauna, he takahanga aua mahi i te Tiriti o Waitangi me ōna mātāpono.

Te Kaupapa Whakakaha Hiko ki Tongariro

- 3.25. E whakaae ana te Karauna, kāore ia i kōrero ki ngā iwi o Te Korowai o Wainuiārua i te wā i whakarite ia i te kaupapa Whakakaha Hiko ki Tongariro, ahakoa tōna mōhio ki ō rātou āwangawanga, ā, e taupatupatu ana taua mahi āna ki te haepapa kia mahi te Karauna i runga i te ngākau pai, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

Te Papa Taiao ā-Motu o Whanganui

- 3.26. E whakaae ana te Karauna, i kaha ake ngā whakatoiharatanga i ara ake i ana takahanga, nā tana kaitaonga whenua i te takiwā o Whanganui, i te wā i whakaurua tēnei whenua ki te Papa Taiao ā-Motu o Whanganui i tāmīngia ai te kaha o ngā iwi o Te Korowai o Wainuiārua ki te whakaū i tō rātou kaitiakitanga i ngā whenua me ngā rawa o ngā rohenga o te Papa Taiao, ahakoa te nui o tā rātou koha ki te tiakanga o ngā papa taiao.

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3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

NGĀ HUA OHAPORI

Te Reo Māori

- 3.27. E whakaae ana te Karauna, kāore ia i āta tiaki, i āta whakatenatena rānei i te kōrerotanga o te reo ake o Whanganui i waenga i ngā iwi o Te Korowai o Wainuiārua, i kino ai ngā pānga ki te reo Māori me te mita. Nā reira, i mate haere ai te taonga a Te Korowai o Wainuiārua. Ko te korenga o te Karauna i āta tiaki i te reo o Whanganui tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.
- 3.28. E whakaae ana te Karauna, i te haurua tuarua o te rautau rua tekau, ka patua ngā tamariki o Te Korowai o Wainuiārua, i kuraina ai ki ngā kura i whakatūria rā e te Karauna, mō te kōrero i tō rātou anō reo te take, ā, i whai wāhi tērā ki te kore haeretanga o te reo Māori i waenga i ngā iwi o Te Korowai o Wainuiārua.

Te Ngarohanga o te Tuakiri, me ngā Take Ohapori

- 3.29. E whakaae ana te Karauna:
- 3.29.1. nā ana takahanga i te Tiriti o Waitangi me ōna mātāpono mai i te tau 1840, tae noa ki tana kore i tiaki i a rātou kia kua rātou e noho whenua-kore ana, i tino rarururu ai te whanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki o ngā iwi o Te Korowai o Wainuiārua;
- 3.29.2. nā te whenua-kore, me kī, o ngā iwi o Te Korowai o Wainuiārua i uaua ai ki a rātou te pupuri ki te motuhaketanga o tō rātou āhua me tō rātou tuakiri i tō rātou anō rohe; ā,
- 3.29.3. ko ngā mahi a Uenuku rātou ko Tamakana, ko Tamahaki ki te whakaū anō i tā rātou tū me tō rātou hononga ki te whenua tētahi tohu i te kaha o te manawanui kia kaha te ora i tō rātou rohe, ka mutu, kua tino pērā mai i te tekau tau 1990.

Te Koha ki Aotearoa

- 3.30. E whakaae ana te Karauna, he nui te koha a ngā iwi o Te Korowai o Wainuiārua ki Aotearoa, tae noa ki:
- 3.30.1. te whakamahinga o ētahi wāhanga whakahirahira o tō rātou rohe mō te mahi pāmu me ngā mahi tūmatanui e tiakina ai te taiao manea hei painga mō ngā tāngata katoa o Aotearoa, ā;
- 3.30.2. te nui o ngā toa i hinga rā i a rātou e ārai ana i tēnei whenua i ngā pakanga o tāwāhi.
- 3.31. Kua roa rawa te korenga o te Karauna e mihi tika i te ngākau nui o ngā iwi o Te Korowai o Wainuiārua me ā rātou koha ki Aotearoa, ā, e whakamānawa nei te Karauna ki tēnei hāpaitanga a ngā iwi.

DEED OF SETTLEMENT

3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

HE WHAKAPĀHA

- 3.32. E tukuna ana tēnei whakapāha ki a Uenuku koutou ko Tamakana, ko Tamahaki, ki ō koutou tūpuna, ki ā koutou mokopuna, ki ō koutou iwi, ki ō koutou hapū me ō koutou whānau.
- 3.33. E āwhiti ana te Karauna i tōna korenga i hāpai i ana kawenga i raro i te Tiriti o Waitangi kia whakaaro nuitia tō koutou tino rangatiratanga, kia āta tiakina ngā taonga i pīrangi rā koutou kia puritia e koutou mā ā koutou mokopuna. E whakaae ana ia, kua tūmau tā koutou tonu ki te Karauna kia whakatikahia ana takahanga i te Tiriti o Waitangi, ā, e houtupu ana tana āwhiti i te roa o te wā i tutuki ai tēnei kaupapa.
- 3.34. I te tekau tau 1850, i piri atu koutou ki te Kīngitanga e noho tonu ai ki a koutou te rangatiratanga o ō koutou whenua, o tō koutou ao hoki ā haere ake nei. Heoi anō, i te tekau tau 1860, nā ngā mahi a te Karauna i pakaru ai te riri i ō koutou rohe. Mō te hinganga o ō koutou uri, mō te taunga o koutou e te poapoa taunu nā te kīngia o koutou hei kaiwhana, mō te mamae o ngā whakawehewehetanga o waenga i ō koutou uri me ngā iwi o Whanganui, e tōtōpū ana te whakapāha a te Karauna.
- 3.35. I muri i ngā Riri Whenua, i ū tonu te piripono o Uenuku koutou ko Tamakana, ko Tamahaki ki te Kīngitanga, ā, he maha tonu ō koutou whenua o Te Rohe Pōtae i puritia e koutou, engari i takahi te Karauna i te mana o ō koutou rangatira nā te tapatahi o tana whakaaro ki te whakatū kāinga mō te Pākehā, ki te whanaketanga hoki o te ōhanga. I muri i te tirohanga a te Kōti Whenua Māori i ngā whenua i tō koutou rohe, piere nuku katoa ana te karo a ō koutou tūpuna i te Kōti, kei riro i ētehi kē te rangatiratanga o ō koutou whenua. E houtupu ana te whakapāha a te Karauna i te whakatoiharatanga i hua ake nā ngā ture whenua Māori, i te whānui me te pūtohe o ana mahi hoko whenua i takahia ai te Tiriti o Waitangi.
- 3.36. E hōhonu ana hoki te rongu a te Karauna i te āwhiti nā te huarahi i whāia e ia ki te whakarite i te papa taiao ā-motu huri noa i Ruapehu, i Ngāuruhoe, i Tongariro hoki me te kore i whakaaro, i kōrero hoki ki a Uenuku koutou ko Tamakana, ko Tamahaki. Kāore anō koutou kia whai tūranga i roto i ngā whakahaeretanga o ēnei taonga tapu, nō reira, nā enei mahi, nā ēnei hapa hoki, me te kino o te whakatoiharatanga i rongu ai koutou nā aua āhuetanga, e tino kaha nei te whakapāha a te Karauna.
- 3.37. He nui ngā mahi a Uenuku koutou ko Tamakana, ko Tamahaki e puritia ai e koutou ngā whenua e toe ana ki a koutou i te upoko o te rautau rua tekau, engari i āta rere tonu ngā mahi a te Karauna ki te hoko i ō koutou whenua, ā, i kaitaongatia e ia, mā te here ā-ture, ētehi atu whenua mō ngā kaupapa rahi i raro i te mahi tūmatanui, pēnei i te Ara Tereina Matua o Te Ika-a-Māui, i ngā papa taiao ā-motu e rua, i ngā rāhui manea, i ngā wāhi kaupare hoariri, me te whakakaha hiko. E hōhonu ana te rongu a te Karauna i te pōuri, i te mōhiotanga, nā ana takahanga i te Tiriti o Waitangi i whakararungia ai te oranga o Uenuku rātou ko Tamakana, ko Tamahaki, ka mutu, kua whenua-kore tonu ō koutou uri.
- 3.38. E houtupu ana te whakapāha a te Karauna i ngā hua kino i pā ki te ohapori nā ana takahanga i te Tiriti o Waitangi. He tokomaha ō koutou uri kua wehe i te rohe, ka mutu,

DEED OF SETTLEMENT

3: NGĀ WHAKAAETANGA ME TE WHAKAPĀHA

kua whakaruhingia tō koutou kaha ki te pupuri ki tō koutou reo, ki ā koutou tikanga me tō koutou tuakiritanga. Inā kē te nui o te whakapāha a te Karauna i tērā āhuetanga, ka mutu, e tino whakaae ana te Karauna ki te kaha me te hiringa o ō koutou iwi.

- 3.39. E manako ana te Karauna, mā tēnei whakataunga e whai mana anō ai ia, ā, e whai ana ia ki te tuitui i tētahi hononga hou ki a koutou me ā koutou uri whakaheke i runga i te whakaaro nui, i te pono, i ngā mātāpono hoki o te Tiriti.

3 ACKNOWLEDGEMENT AND APOLOGY

ACKNOWLEDGEMENT

EARLY CONTACT

Treaty of Waitangi

- 3.1. The Crown acknowledges that by signing te Tiriti o Waitangi/the Treaty of Waitangi in Whanganui in May 1840, tūpuna of Te Korowai o Wainuiārua sought a Treaty partnership based upon fairness, justice, and honour. However, in breaching te Tiriti/the Treaty on many occasions against Uenuku, Tamakana, and Tamahaki, the Crown has failed to act in a way that respected and honoured its Treaty partnership. The Crown has also failed to protect the tino rangatiratanga of ngā hapū of Te Korowai o Wainuiārua. Therefore, the following acknowledgements are well over-due.

1848 Whanganui Block Purchase

- 3.2. The Crown acknowledges that it represented to Te Korowai o Wainuiārua tūpuna that its purchase of the Whanganui block in 1848 was the completion of Commissioner Spain's 1846 recommended award, which provided for the New Zealand Company to receive a 40,000-acre grant in return for a £1,000 payment and reserves. However, the area the Crown surveyed and included in its 1848 purchase was more than double the Spain award, and reserved less land for the owners than the one tenth recommended by Commissioner Spain, while the Crown still only paid £1,000. The Crown's failure to inform the tūpuna of Te Korowai o Wainuiārua that its purchase greatly exceeded Commissioner Spain's recommendation was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles of good faith and fair dealing.

THE NEW ZEALAND WARS

Warfare in Taranaki Leading to Warfare in Whanganui

- 3.3. The Crown acknowledges that tūpuna of Te Korowai o Wainuiārua sought to avoid warfare in their rohe but that the Taranaki wars led to the outbreak of warfare in the Whanganui district in 1864. The tūpuna of Te Korowai o Wainuiārua were forced to decide on their allegiance to the Kīngitanga, the Pai Mārire, and the protection of the European settlers in the battle of Moutoa island, which ultimately pitted whānau against each other and resulted in a loss of life and trauma on both sides.

The Crown's Attack on Ōhoutahi in 1865

- 3.4. The Crown acknowledges that it was ultimately responsible for the outbreak of warfare between the Crown and the Kīngitanga in the Te Korowai o Wainuiārua rohe which began with the battle at Ōhoutahi pā in 1865. The Crown acknowledges that the battle caused the deaths of Te Korowai o Wainuiārua tūpuna, and that its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

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3: ACKNOWLEDGEMENT AND APOLOGY

Raupatu

- 3.5. The Crown acknowledges that the confiscation/raupatu of Te Korowai o Wainuiārua interests in Taranaki in 1865 breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The Crown's Labelling of Te Korowai o Wainuiārua as Rebels

- 3.6. The Crown acknowledges that its labelling of Te Korowai o Wainuiārua tūpuna as 'rebels', 'hostile', and 'Hau Hau' during the New Zealand Wars created enmity among whanaunga along the Whanganui River. The Crown further acknowledges the sense of deep grievance and stigmatisation generations of Te Korowai o Wainuiārua uri have felt as a result of the Crown's unfair labels.

NINETEENTH CENTURY LAND LOSS

Lifting the Aukati Around Te Rohe Pōtae

- 3.7. The Crown acknowledges that:
- 3.7.1. the iwi of Te Korowai o Wainuiārua retained rangatiratanga over their lands in Te Rohe Pōtae which was protected by an aukati from 1866 until 1885;
 - 3.7.2. after the Crown opened negotiations in 1882 to build the North Island Main Trunk railway through Te Rohe Pōtae, the iwi of Te Korowai o Wainuiārua sought to preserve their ability to exercise rangatiratanga over their lands by joining an 1883 petition seeking to exclude Te Rohe Pōtae from the jurisdiction of the Native Land Court which the Crown refused to agree to; and
 - 3.7.3. the Crown gained enormous benefits in the years after the aukati was lifted in 1885 as it was able to build the North Island Main Trunk railway and purchase land for European settlement in Te Rohe Pōtae, but these years brought enormous change and land loss for the iwi of Te Korowai o Wainuiārua who did not receive the long-term economic benefits the Crown had led them to expect.

Native Land Laws

- 3.8. The Crown acknowledges that it introduced native land legislation which transformed the collective customary ownership of iwi of Te Korowai o Wainuiārua into one based on individual rights without their consultation. The Crown further acknowledges that the native land legislation:
- 3.8.1. forced the iwi of Te Korowai o Wainuiārua to engage with the Native Land Court to protect their interests in their lands and they had no choice but to participate if they wanted to integrate their land into the modern economy;

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3: ACKNOWLEDGEMENT AND APOLOGY

- 3.8.2. contributed to internal dissension and conflict within the iwi of Te Korowai o Wainuiārua and with their neighbours;
- 3.8.3. engendered significant financial costs for those who engaged with the Native Land Court, such as the cost of land surveys;
- 3.8.4. caused hardship for Te Korowai o Wainuiārua iwi who endured poor living conditions during protracted hearings and, in some cases, Te Korowai o Wainuiārua tūpuna passed away while awaiting hearings to take place; and
- 3.8.5. made their land more susceptible to partition, fragmentation, and alienation. The Crown's failure to protect the tribal structures of Te Korowai o Wainuiārua iwi from the effects of the native land legislation was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Kemp's Trust

- 3.9. The Crown acknowledges that the iwi of Te Korowai o Wainuiārua sought to vest some of their lands in Kemp's Trust to provide for the collective administration of land in their rohe but the Crown refused to support the Trust. The Crown did not provide an effective form of collective title until 1894. This failure was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The Waimarino Block Purchase & Tongariro National Park

- 3.10. The Crown acknowledges that it purchased a large amount of land in the Waimarino block in order to fund the North Island Main Trunk Railway line, provide for settlement and to create a national park. The Crown further acknowledges that, through this purchase, it acquired more land than was necessary to accomplish these purposes.
- 3.11. The Crown acknowledges that despite being aware of the significance of Ruapehu maunga to the iwi of Te Korowai o Wainuiārua, it did not consult them in relation to reserving the mountain peak for the purposes of creating a national park before or after opening discussions with another iwi.
- 3.12. The Crown acknowledges that it rushed through its purchase of 411,196 acres of land in the Waimarino block in 1887 from seventeen Te Korowai o Wainuiārua hapū in unreasonable haste, and that:
 - 3.12.1. many hapū of Te Korowai o Wainuiārua did not know the location of their interests relative to the proposed boundaries of the vast block and, therefore, exactly what land was being purchased by the Crown because:
 - (a) the Crown proceeded with the purchase despite its awareness that Te Korowai o Wainuiārua had not been provided an opportunity to inspect and object to the survey before the Court awarded the Crown a majority of interests in the block; and

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3: ACKNOWLEDGEMENT AND APOLOGY

- (b) the Crown discouraged applications of Te Korowai o Wainuiārua individuals to have their interests partitioned from the Waimarino block because it would delay its purchase.
- 3.12.2. many hapū of Te Korowai o Wainuiārua were unable to ensure they were paid a fair price for their land because:
 - (a) the Crown proceeded with the purchase of the Waimarino block by making its own determination of the strengths of interests of individuals from seventeen Te Korowai o Wainuiārua hapū and made payments according to this judgement;
 - (b) the Crown did not inform the owners of the price per acre of the Waimarino block;
 - (c) contrary to the provisions of its legislation, the Crown purchased the interests of minors before their appointment of trustees had been formalised; and
 - (d) these acts and omissions meant that the Crown's purchase failed to meet the standards of reasonableness and fair dealing that found expression in te Tiriti o Waitangi/the Treaty of Waitangi and was a breach of te Tiriti/the Treaty and its principles.
- 3.13. The Crown acknowledges that it failed to pay a fair price for the Waimarino block and its valuable resources and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.14. The Crown acknowledges that it did not carry out the terms of the Waimarino block purchase deed and arrangements made during negotiations for setting aside reserves for the hapū of Te Korowai o Wainuiārua and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown further acknowledges that:
 - 3.14.1. it reserved less land to the sellers of the Waimarino block than the Crown had promised hapū of Te Korowai o Wainuiārua during negotiations;
 - 3.14.2. the Crown dishonoured its commitment in the Waimarino purchase deed to agree the location of the seller reserves with the sellers, and instead determined the location of the reserves with minimal consultation; and
 - 3.14.3. as a result, Te Korowai o Wainuiārua lost ownership over kāinga they continued to occupy and wāhi tapu, including:
 - (a) Tīeke kainga which the Crown acquired despite a special arrangement made with the owners to reserve this site of immense significance from the purchase. The Crown further acknowledges that its ownership of

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3: ACKNOWLEDGEMENT AND APOLOGY

Tiēke remains a substantial source of grievance for Te Korowai o Wainuiārua; and

- (b) large parts of the western slopes of Ruapehu maunga up to its sacred peak which the Crown acquired without the consultation or consent of the iwi of Te Korowai o Wainuiārua despite being aware of its significance to them.

3.15. The Crown acknowledges that:

3.15.1. despite being aware that the iwi of Te Korowai o Wainuiārua had:

- (a) interests in land that the Crown wanted to include in what became the Tongariro National park;
- (b) protested about clashing Native Land Court sittings that meant they had been unavoidably absent from important hearings for some of these lands; and
- (c) made direct approaches to the Crown and repeatedly sought rehearings of Native Land Court awards which had excluded them from the legal ownership of some of these lands;

3.15.2. it did not consult the iwi of Te Korowai o Wainuiārua, or take steps to provide for their interests, when developing policy for the establishment of Tongariro National Park;

3.15.3. it exercised powers under the Tongariro National Park Act 1894 to compulsorily take further lands from the iwi of Te Korowai o Wainuiārua without paying compensation when the Tongariro National Park was proclaimed in 1907; and

3.15.4. the combined effect of the Crown's acts and omissions in establishing the Park caused the iwi of Te Korowai o Wainuiārua severe prejudice over many decades and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

3.16. The Crown acknowledges that from 1907 it failed to include the iwi of Te Korowai o Wainuiārua in the ongoing management arrangements of the Tongariro National Park, and failed to respect their rangatiratanga and kaitiakitanga over the maunga, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

3.17. The Crown acknowledges that detrimental changes to the natural environment of the Tongariro National Park through commercial development and the introduction of exotic species have caused great distress to the iwi of Te Korowai o Wainuiārua, who have been unable to exercise their kaitiaki obligations to safeguard taonga within the park from degradation.

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3: ACKNOWLEDGEMENT AND APOLOGY

The Taumatamāhoe Block Purchase

- 3.18. The Crown acknowledges that in purchasing the Taumatamāhoe block it:
- 3.18.1. made advance payments on a block it called Tangarakau in 1879 before the Native Land Court had determined ownership of any of the land in question, and despite the strong opposition of some owners to selling this land;
 - 3.18.2. despite the Tangarakau block being only partially included in the Taumatamāhoe block and only some of the recipients of the pre-title advances being awarded shares in Taumatamāhoe block in 1886, the Crown treated all the money it paid as advances for Tangarakau as payments for the Taumatamāhoe block;
 - 3.18.3. purchased the undefined interests of owners in the block from 1889 without the Native Land Court having determined where hapū interests were located;
 - 3.18.4. continued purchasing interests for more than two decades until it had acquired more than 90 per cent of a block some of its owners had wanted to retain in their ownership;
 - 3.18.5. applied for seventeen partitions between 1889 and 1923. Each partition required a further survey cost and a share of which was imposed on the non-sellers; and
 - 3.18.6. the cumulative effect of these actions was that the Crown failed to negotiate in good faith or to actively protect the interests of the iwi of Te Korowai o Wainuiārua and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Landlessness

- 3.19. The Crown acknowledges that:
- 3.19.1. it purchased most of the land owned by the iwi of Te Korowai o Wainuiārua in the late nineteenth century;
 - 3.19.2. it was made aware by the 1907 Stout-Ngata Commission that Tamahaki did not want to sell any more land. Despite this, the Crown continued to purchase most of their remaining land until 1927;
 - 3.19.3. despite owning almost half-a-million acres of land around the Waimarino No.4 non-seller block, it acquired, through compulsory acquisitions and purchasing, land from the owners of this block for roads, railway, defence and scenic reserve purposes until less than one per cent of this block remained Māori freehold land;

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3: ACKNOWLEDGEMENT AND APOLOGY

- 3.19.4. it did not monitor whether the iwi of Te Korowai o Wainuiārua retained sufficient land for their economic, social, and cultural needs; and
- 3.19.5. the iwi of Te Korowai o Wainuiārua are virtually landless and the Crown's failure to ensure they retained sufficient land is a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

TWENTIETH CENTURY – ATTEMPTS TO RETAIN LAND AND PUBLIC WORKS

The Vested Lands Scheme

- 3.20. The Crown acknowledges that it failed to actively protect the interests of Te Korowai o Wainuiārua iwi after they vested their lands in the Aotea District Māori Land Council and Board between 1903 and 1907 for the purpose of having these lands developed for commercial agriculture while remaining in the ownership of Te Korowai o Wainuiārua iwi.
- 3.21. The Crown further acknowledges that the iwi of Te Korowai o Wainuiārua expected their lands to return to them after 42 years, but from 1926 the Crown became aware that the owners would not be able to pay the compensation due to regain control of their land, and its failure to make arrangements to achieve this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Whanganui River Scenic Reserves

- 3.22. The Crown acknowledges that it did not engage in reasonable consultation with the iwi of Te Korowai o Wainuiārua, or fairly balance their interests and the public interest, in its acquisition of their land for scenery preservation. These failures led the Crown to compulsorily acquire more than 3,000 acres of hapū lands along the banks of the river including farmland and urupā, and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The North Island Main Trunk Railway

- 3.23. The Crown acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it broke a promise it made to the iwi of Te Korowai o Wainuiārua in 1885 and failed to meet its legal obligations when it took 207 acres of land in 1910 from the iwi for the North Island Main Trunk Railway and did not pay compensation.

The Defence Lands

- 3.24. The Crown acknowledges that it did not consult the iwi of Te Korowai o Wainuiārua before it compulsorily acquired thirty percent of the Waimarino No.4 non-seller block in 1911 and, therefore, did not provide the owners with the opportunity to negotiate the amount of land taken. The Crown acknowledges that these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

Tongariro Power Development Scheme

- 3.25. The Crown acknowledges that it failed to consult with the iwi of Te Korowai o Wainuiārua when it established the Tongariro Power Development scheme despite being aware of their concerns and this was inconsistent with the Crown's duty to act in good faith and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Whanganui National Park

- 3.26. The Crown acknowledges that the prejudice arising from its breaches in acquiring land in the Whanganui district was increased when this land was included in the Whanganui National Park in ways that limited the ability of the iwi of Te Korowai o Wainuiārua to exercise their kaitiakitanga over the land and resources within the Park's boundaries despite their significant contribution to the conservation estate.

SOCIO-ECONOMIC CONSEQUENCES

Te Reo Māori

- 3.27. The Crown acknowledges that it failed to actively protect and encourage the use of te reo o Whanganui among the iwi of Te Korowai o Wainuiārua, which had a detrimental impact on te reo Māori and mita. Te Korowai o Wainuiārua iwi have thereby suffered a loss of their taonga. The Crown's failure to actively protect te reo o Whanganui was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- 3.28. The Crown acknowledges that in the second half of the twentieth century, Te Korowai o Wainuiārua children who attended Crown-established schools were punished for speaking their own language and this has contributed towards the decline of te reo Māori among the iwi of Te Korowai o Wainuiārua.

Loss of Identity and Socio-Economic Issues

- 3.29. The Crown acknowledges that:
- 3.29.1. its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles since 1840, including its failure to protect them from landlessness have significantly hindered the economic, social, and cultural development of the iwi of Te Korowai o Wainuiārua;
 - 3.29.2. the virtual landlessness of the iwi of Te Korowai o Wainuiārua has made it difficult for them to maintain a distinct presence and identity in their rohe; and
 - 3.29.3. the efforts of Uenuku, Tamakana, and Tamahaki to re-establish their presence and connection to the land, especially since the 1990s, represents a strong determination to survive and thrive in their rohe.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

Contribution to New Zealand

- 3.30. The Crown acknowledges the significant contribution the iwi of Te Korowai o Wainuiārua have made to New Zealand, including:
- 3.30.1. significant areas of their rohe have been used for farming and public works for the conservation of natural scenery for all New Zealanders to benefit, and
 - 3.30.2. the great sacrifice of lives for the defence of the country in international conflicts.
- 3.31. The Crown has failed for too long to appropriately recognise the generosity and contribution the iwi of Te Korowai o Wainuiārua have made to New Zealand and pays tribute to this service.

APOLOGY

- 3.32. The Crown makes this apology to Uenuku, Tamakana, and Tamahaki, to your tūpuna and mokopuna, to your iwi, your hapū and your whānau.
- 3.33. The Crown regrets its failure to uphold its responsibilities under te Tiriti o Waitangi/the Treaty of Waitangi to respect your tino rangatiratanga and actively protect the taonga that you wished to retain for your mokopuna. It recognises that you have continuously asked the Crown to address its breaches of te Tiriti/the Treaty and sincerely regrets how long this has taken.
- 3.34. In the 1850s, you joined the Kīngitanga in order to maintain control over your land and your future. However, in the 1860s, Crown actions were responsible for the outbreak of warfare in your rohe. For the deaths you have suffered, for the stigma of being labelled rebels, and for the painful divisions among your people and the iwi of Whanganui, the Crown unreservedly apologises.
- 3.35. Following the New Zealand Wars, Uenuku, Tamakana, and Tamahaki maintained their allegiance to the Kīngitanga and kept much of their land within Te Rohe Pōtae, but the Crown undermined your rangatira in its single-minded pursuit of European settlement and economic development. After the Native Land Court began investigating land in your rohe it was nearly impossible for your tūpuna to avoid the Court, lest others gained ownership of your land. The Crown is sincerely sorry for the prejudice caused by the native land laws, and for its extensive and relentless land purchasing practices that breached te Tiriti/the Treaty.
- 3.36. The Crown also deeply regrets how it created a national park around Ruapehu, Ngauruhoe and Tongariro without considering or consulting Uenuku, Tamakana and Tamahaki. You have never had a role in the management of these sacred taonga, and for these acts and omissions, and the severe prejudice you have suffered as a consequence, the Crown is deeply sorry.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENT AND APOLOGY

- 3.37. Uenuku, Tamakana, and Tamahaki made significant efforts to retain their remaining land in the early twentieth century but the Crown actively continued purchasing your land and compulsorily acquired further land for large-scale public works projects such as the North Island Main Trunk Railway, two national parks, scenic reserves, defence, and for electricity generation. The Crown is deeply remorseful that its breaches of te Tiriti/the Treaty undermined the wellbeing of Uenuku, Tamakana, and Tamahaki and has left your people virtually landless.
- 3.38. The Crown sincerely apologises for the dire socio-economic consequences of its breaches of te Tiriti/the Treaty. Many of your people have left their rohe and your ability to retain your language, tikanga, and iwi identity has been severely weakened. The Crown is profoundly sorry for this and the Crown humbly acknowledges the strength and perseverance of your iwi.
- 3.39. The Crown hopes to restore its own honour through this settlement and seeks to build a new relationship based on respect, trust, and the principles of te Tiriti/the Treaty with yourselves and your future generations.

4 SETTLEMENT

ACKNOWLEDGEMENTS

- 4.1. Each party acknowledges that –
- 4.1.1. the Crown has set limits on what and how much redress is available to settle historical claims;
 - 4.1.2. there is difficulty in assessing redress for the loss and prejudice suffered by Te Korowai o Wainuiārua;
 - 4.1.3. to fully compensate Te Korowai o Wainuiārua for all loss and prejudice suffered has not been possible;
 - 4.1.4. Te Korowai o Wainuiārua believe the redress will nonetheless secure a platform for Te Korowai o Wainuiārua development and protection, and materially improve the ability of Te Korowai o Wainuiārua to exercise their mana, tino rangatiratanga and kaitiakitanga;
 - 4.1.5. Te Korowai o Wainuiārua is foregoing a substantial part of the compensation sought by it in relation to the Te Korowai o Wainuiārua historical claims and the foregoing of full compensation is recognised by the Crown as a contribution to New Zealand's development; and
 - 4.1.6. the settlement is intended to enhance the ongoing relationship between Te Korowai o Wainuiārua and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 4.2. Te Korowai o Wainuiārua acknowledge that, taking all matters into consideration (some of which are specified in clause 4.1), the settlement is fair and the best that can be achieved in the circumstances.
- 4.3. Each party acknowledges that, in negotiating this settlement, within the context of wider settlement policy including the need by the Crown to consider the rights and interests of others, each party has acted honorably and reasonably in relation to the settlement.

SETTLEMENT

- 4.4. Therefore, on and from the settlement date, –
- 4.4.1. the historical claims are settled; and
 - 4.4.2. the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and
 - 4.4.3. the settlement is final.

DEED OF SETTLEMENT

4: SETTLEMENT

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

REDRESS

- 4.6. The redress, to be provided in settlement of the historical claims, –
- 4.6.1. is intended to benefit Te Korowai o Wainuiārua collectively; but
- 4.6.2. may benefit particular members, or particular groups of members, of Te Korowai o Wainuiārua if the governance entity so determines in accordance with the governance entity's procedures.

IMPLEMENTATION

- 4.7. The settlement legislation will, on the terms provided by sections 15 to 18, 21 and 22 of the draft settlement bill, –
- 4.7.1. settle the historical claims; and
- 4.7.2. exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and
- 4.7.3. provide that the legislation referred to in section 17(2) of the draft settlement bill does not apply –
- (a) to a redress property, the land held in record of title 382148, any exclusive RFR land referred to in section 182(a) of the draft settlement bill, the shared RFR land and the Tahora Bus Stop property, or any land in the exclusive RFR area; or
- (b) for the benefit of Te Korowai o Wainuiārua or a representative entity; and
- 4.7.4. require any resumptive memorial to be removed from any record of title for, a redress property, the land held in record of title 382148, any exclusive RFR land referred to in section 182(a) of the draft settlement bill, the shared RFR land and the Tahora Bus Stop property, or any allotment solely within the exclusive RFR area; and
- 4.7.5. provide that the maximum duration of a trust pursuant to the Trusts Act 2019 does not –
- (a) apply to a settlement document; or
- (b) prescribe or restrict the period during which –
- (i) the governance entity, may hold or deal with property; and

DEED OF SETTLEMENT
4: SETTLEMENT

(ii) the governance entity may exist; and

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

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

EFFECT OF TE AWA TUPUA (WHANGANUI RIVER CLAIMS SETTLEMENT) ACT 2017

4.9. The settlement legislation will, on the terms provided by sections 19 and 20 of the draft settlement bill, provide that –

4.9.1. any part of the bed of the Whanganui River vested in Te Awa Tupua under the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that is included in the description of any land to be vested or transferred under this deed or the settlement legislation will not form part of the land that is vested or transferred; and

4.9.2. unless specifically provided for, nothing in the settlement legislation overrides the provisions of that Act, including the status under the Conservation Act 1987 or the Reserves Act 1977 of part of the bed of the Whanganui River declared under section 42(1) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

4.10. A list of redress properties and deferred selection properties to which section 19 of the draft settlement bill applies as at the date of this deed, is included in part 11 of the attachments.

4.11. If, at any time –

4.11.1. during the pre-transfer period for a property; and/or

4.11.2. while the governance entity (or its nominee, in the case of RFR land) is the registered owner of the property; and

4.11.3. the governance entity considers that the property may not include part of the bed vested in Te Awa Tupua,

the governance entity may, for the purposes of section 19(6) of the draft settlement bill, request in writing for the Crown to obtain a certificate from a licensed cadastral surveyor that certifies that the property does not include part of the bed vested in Te Awa Tupua.

4.12. If the Crown receives a written request from the governance entity in accordance with clause 4.11, the Crown must promptly advise the governance entity whether the Crown considers –

DEED OF SETTLEMENT

4: SETTLEMENT

- 4.12.1. that the property may not include part of the bed vested in Te Awa Tupua (in which case clause 4.13 will apply); or
- 4.12.2. that the property does include part of the bed vested in Te Awa Tupua (in which case no further action under this clause is required).
- 4.13. If the Crown considers that the property may not include part of the bed vested in Te Awa Tupua under clause 4.12.1, the Crown must, as soon as reasonably practicable –
- 4.13.1. engage a licensed cadastral surveyor to –
- (a) confirm whether or not the property includes part of the bed vested in Te Awa Tupua; and
 - (b) if the surveyor confirms that the property does not include part of the bed vested in Te Awa Tupua, provide a certificate to the Crown to that effect; and
- 4.13.2. if provided with a certificate by the surveyor under clause 4.13.1(b), provide the certificate to the Registrar-General in order for the Registrar-General to effect the removal of the notation from the record(s) of title in accordance with section 19(7) of the draft settlement bill.
- 4.14. In clause 4.9 to 4.14 –
- 4.14.1. **bed** has the meaning as given in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017; and
- 4.14.2. **disposal** for the purposes of clause 4.14.5 means the transfer of the fee simple estate in the land; and
- 4.14.3. **licensed cadastral surveyor** has the meaning as given in section 4 of the Cadastral Survey Act 2002; and
- 4.14.4. **notation** means a notation noted on the record of title for a property in accordance with section 19(5) of the draft settlement bill; and
- 4.14.5. **pre-transfer period** means, in respect of a commercial redress property, a deferred selection property or any RFR land, the period –
- (a) commencing on the date that the governance entity and the Crown are treated as having –
 - (i) entered into an agreement for the sale and purchase of any deferred selection property in accordance with this deed; or

DEED OF SETTLEMENT

4: SETTLEMENT

- (ii) formed a contract for the disposal of any RFR land in accordance with the settlement legislation; and
 - (b) expiring on the date that the property is transferred to the governance entity (or any nominee, if relevant, in the case of RFR land) under this deed or the settlement legislation; and
- 4.14.6. **Registrar-General** has the meaning as given in section 5(1) of the Land Transfer Act 2017; and
- 4.14.7. **Te Awa Tupua** means the legal person created by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017; and
- 4.14.8. **Whanganui River** has the meaning as given in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

5 CULTURAL REDRESS

OVERLAY CLASSIFICATION

- 5.1. The settlement legislation will, on the terms provided by sections 42 to 56 of the draft settlement bill, –
 - 5.1.1. declare each of the following areas to be overlay areas subject to an overlay classification:
 - (a) Murumuru Conservation Area (as shown on deed plan OMCR-007-02):
 - (b) Pōkākā Area (as shown on deed plan OMCR-007-03); and
 - 5.1.2. provide the Crown’s acknowledgement of the statement of Te Korowai o Wainuiārua values in relation to each of the overlay areas; and
 - 5.1.3. require the New Zealand Conservation Authority, and any relevant Conservation Board, –
 - (a) when considering a statutory planning document, in relation to an overlay area, to have particular regard to the statement of Te Korowai o Wainuiārua values, and the protection principles, for the overlay area; and
 - (b) before approving a statutory planning document, in relation to an overlay 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 Te Korowai o Wainuiārua values, and the protection principles, for the area; and
 - 5.1.4. require the Director-General of Conservation to take action in relation to the protection principles; and
 - 5.1.5. enable the making of regulations and bylaws in relation to the overlay areas.
- 5.2. The statement of Te Korowai o Wainuiārua values, the protection principles, and the Director-General’s actions are in part 1 of the documents schedule.
- 5.3. Redress which interacts with the Resource Management Act 1991 may be affected by the Crown’s work to reform the resource management system (“the **reforms**”). Should the reforms be enacted the Crown and Te Korowai o Wainuiārua will engage to discuss how the redress may be affected and, if required, will be carried over into the new system to ensure the intent of the redress is upheld.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

STATUTORY ACKNOWLEDGEMENT

5.4. The settlement legislation will, on the terms provided by sections 29 to 37 and 39 to 41 of the draft settlement bill, –

5.4.1. provide the Crown's acknowledgement of the statements by Te Korowai o Wainuiārua of their particular cultural, spiritual, historical, and traditional association with the following areas:

- (a) Adams Conservation Area (as shown on deed plan OMCR-007-13);
- (b) Hawkin's Wetland Scenic Reserve (as shown on deed plan OMCR-007-04);
- (c) Horopito-Ōhakune Rail Conservation Area (as shown on deed plan OMCR-007-14);
- (d) Hukapapa Conservation Area (as shown on deed plan OMCR-007-15);
- (e) Kawautahi Scenic Reserve (as shown on deed plan OMCR-007-05);
- (f) Mangapaka Conservation Area (as shown on deed plan OMCR-007-16);
- (g) Mangapaka Scenic Reserve (as shown on deed plan OMCR-007-17);
- (h) Mangatiti Conservation Area (as shown on deed plan OMCR-007-18);
- (i) Ngā Roto-o-Rangataua Scenic Reserve (as shown on deed plan OMCR-007-06);
- (j) Owhango Domain Recreation Reserve (as shown on deed plan OMCR-007-08);
- (k) Part Matirangi Conservation Area (as shown on deed plan OMCR-007-19);
- (l) Part Ohinetonga Scenic Reserve (as shown on deed plan OMCR-007-07);
- (m) Part Rangataua Conservation Area (as shown on deed plan OMCR-007-09);
- (n) Part Raukawa Scenic Reserve (as shown on deed plan OMCR-007-10);
- (o) Part Rotokahu Scenic Reserve (as shown on deed plan OMCR-007-20);

DEED OF SETTLEMENT
5: CULTURAL REDRESS

- (p) Part Tāngarākau Forest Conservation Area (as shown on deed plan OMCR-007-22);
 - (q) Part Waitōtara Forest Conservation Area (as shown on deed plan OMCR-007-11);
 - (r) Taheke Conservation Area (as shown on deed plan OMCR-007-21);
 - (s) Taunoka Conservation Area (as shown on deed plan OMCR-007-23);
 - (t) Tupapakuraa Conservation Area (as shown on deed plan OMCR-007-24);
 - (u) Waimarino Scientific Reserve (as shown on deed plan OMCR-007-25);
 - (v) Whakapapa River Marginal Strip (as shown on deed plan OMCR-007-12);
and
- 5.4.2. require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
- 5.4.3. 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
- 5.4.4. enable the governance entity, and any member of Te Korowai o Wainuiārua, to cite the statutory acknowledgement as evidence of Te Korowai o Wainuiārua's association with an area.
- 5.5. The statements of association are in part 2 of the documents schedule.

DEED OF RECOGNITION

- 5.6. The Crown must, by or on the settlement date, provide the governance entity with a copy of the deed of recognition, signed by the Minister of Conservation and the Director-General of Conservation, in relation to the following areas:
- (a) Adams Conservation Area (as shown on deed plan OMCR-007-13);
 - (b) Horopito-Ōhakune Rail Conservation Area (as shown on deed plan OMCR-007-14);

DEED OF SETTLEMENT
5: CULTURAL REDRESS

- (c) Hukapapa Conservation Area (as shown on deed plan OMCR-007-15);
 - (d) Mangapaka Conservation Area (as shown on deed plan OMCR-007-16);
 - (e) Mangapaka Scenic Reserve (as shown on deed plan OMCR-007-17);
 - (f) Mangatiti Conservation Area (as shown on deed plan OMCR-007-18);
 - (g) Part Matirangi Conservation Area (as shown on deed plan OMCR-007-19);
 - (h) Part Rotokahu Scenic Reserve (as shown on deed plan OMCR-007-20);
 - (i) Part Tāngarākau Forest Conservation Area (as shown on deed plan OMCR-007-22);
 - (j) Taheke Conservation Area (as shown on deed plan OMCR-007-21);
 - (k) Taunoka Conservation Area (as shown on deed plan OMCR-007-23);
 - (l) Tupapakuraa Conservation Area (as shown on deed plan OMCR-007-24);
 - (m) Waimarino Scientific Reserve (as shown on deed plan OMCR-007-25).
- 5.7. Each area that the deed of recognition relates to includes only those parts of the area owned and managed by the Crown.
- 5.8. The deed of recognition will provide that the Minister of Conservation and the Director-General of Conservation must, if undertaking certain activities within an area that the deed relates to, –
- 5.8.1. consult the governance entity; and
 - 5.8.2. have regard to its views concerning Te Korowai o Wainuiārua's association with the area as described in a statement of association.

PROTOCOL

- 5.9. A Crown Minerals protocol must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister.
- 5.10. The protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

FORM AND EFFECT OF DEED OF RECOGNITION AND PROTOCOL

- 5.11. The deed of recognition will be –
- 5.11.1. in the form in part 3 of the documents schedule; and
 - 5.11.2. issued under, and subject to, the terms provided by sections 38 to 40 of the draft settlement bill.
- 5.12. The Crown Minerals protocol will be –
- 5.12.1. in the form in part 5 of the documents schedule; and
 - 5.12.2. issued under, and subject to, the terms provided by sections 23 to 27 of the draft settlement bill.
- 5.13. A failure by the Crown to comply with a deed of recognition or a protocol is not a breach of this deed.

KAITIAKI AREA

- 5.14. The Crown acknowledges the role of Te Korowai o Wainuiārua as kaitiaki over their area of interest (**kaitiaki area**) being the area as shown on OMCR-007-01.
- 5.15. The settlement legislation will, on terms provided by section 104 of the draft settlement bill, provide for the Crown to acknowledge the longstanding traditional, cultural and historical association of Te Korowai o Wainuiārua with the kaitiaki area.

KAITIAKI PLAN

- 5.16. The settlement legislation will, on the terms set out in sections 104 and 105 of the draft settlement bill, provide that:
- 5.16.1. the governance entity may from time to time prepare a kaitiaki plan which it may lodge with the relevant local authority as an iwi management plan (for the purposes of the Resource Management Act 1991), to guide environmental planning and decision-making within the Te Korowai o Wainuiārua kaitiaki area;
 - 5.16.2. This kaitiaki plan may identify:
 - (a) the relationship of Te Korowai o Wainuiārua with the environment, including cultural and heritage values of Te Korowai o Wainuiārua in relation to the kaitiaki area; and
 - (b) the resource management issues of significance to Te Korowai o Wainuiārua in relation to the kaitiaki area.

DEED OF SETTLEMENT
5: CULTURAL REDRESS

- 5.17. The settlement legislation will, on the terms set out in section 106 of the draft settlement bill, provide that a relevant local authority must, when reviewing or preparing a policy statement or plan:
- 5.17.1. take into account the kaitiaki plan, to the extent that the kaitiaki plan is relevant to resource management issues and relates to the kaitiaki area within the local authority's jurisdiction;
 - 5.17.2. include in the policy statement or plan, a statement of the resource management issues of significance to Te Korowai o Wainuiārua as set out in the kaitiaki plan; and
 - 5.17.3. refer to the kaitiaki plan to the extent that it is relevant in an evaluation of a proposed statement or proposed plan under section 32 of the Resource Management Act 1991.
- 5.18. The Ministry for the Environment will, following a request by the governance entity, provide a review of the draft in preparation of the initial kaitiaki plan.
- 5.19. The kaitiaki plan does not have the effect of granting or creating rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

CONSERVATION REDRESS

- 5.20. Te Korowai o Wainuiārua has customary and cultural interests throughout its area of interest, including in the lands, fauna and flora that are within the public conservation estate. Te Korowai o Wainuiārua aspire to restore the wellbeing of the whenua, biodiversity and communities in their rohe and to continue to take active steps to be kaitiaki of the whenua in their rohe and to exercise rangatiratanga in accordance with their tikanga and protocols. Te Korowai o Wainuiārua seek the restoration of their rangatiratanga and kaitiakitanga over the whenua currently administered by the Department of Conservation.
- 5.21. The whenua, its waters, associated land and flora and fauna are of deep historic, intellectual, physical, and spiritual significance to Te Korowai o Wainuiārua. The streams and forests within their whenua were abundant with freshwater species and the forests provided abundant bird life and other resources. The forests were not only an important source of kai, but they were also a source of traditional rongoa. Mātauranga associated with the collection of resources from ngā awa and ngahere was central to the lives of the people of Te Korowai o Wainuiārua and this mātauranga and associated tikanga and kawa are essential for maintaining customary traditions regarding the gathering and utilisation of resources. These values remain vital to Te Korowai o Wainuiārua today.
- 5.22. Kaitiakitanga is a core value for Te Korowai o Wainuiārua in relation to their whenua. For Te Korowai o Wainuiārua, kaitiakitanga recognised their role as tangata whenua and as stewards and guardians of ngā taonga tuku iho and requires engagement in governance, management and operations and includes: the maintenance and control of the

DEED OF SETTLEMENT
5: CULTURAL REDRESS

environment according to Te Korowai o Wainuiārua established practices; interaction with the environment in a manner consistent with their tino rangatiratanga; the right and opportunity to practise, exercise and extend environmental traditions, cultural values and beliefs; and support for the purity, potency and integrity of their natural environment.

- 5.23. Te Korowai o Wainuiārua strongly believe they have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tūpuna. The continued recognition of these hapū and their traditions and status as kaitiaki of their whenua is integral for the iwi of Te Korowai o Wainuiārua in maintaining their cultural identity and competency.
- 5.24. Te Korowai o Wainuiārua aspire to establish within the Pōkākā Area a sustainable inland island ecosanctuary which would seek to restore habitat and the biodiverse forest resources that once existed and were valued by previous generations. The vision of Te Korowai o Wainuiārua is that the ecosanctuary will also provide a means of reconnection and return to traditional land management practises. The ecosanctuary will seek to restore the traditional habitats and bio-diverse forest resources but also support the breeding, reintroduction, and conservation of local taonga fauna and flora species.

TE KOROWAI O WAINUIĀRUA MINERALS

- 5.25. In this clause 5.25 and in clauses 5.26 to 5.28, –
- 5.25.1. **conservation land** means land that is –
- (a) vested in the Crown or held in fee simple by the Crown; and
 - (b) held, managed or administered by the Department of Conservation under conservation legislation; and
- 5.25.2. **former riverbed** means a riverbed that is dry as a result of –
- (a) natural changes in the flow of the river, tributary, stream, or other natural watercourse; or
 - (b) artificial diversion of water from the river, tributary, stream, or other natural watercourse; and
- 5.25.3. **relevant area** means –
- (a) a riverbed and former riverbed on conservation land that –
 - (i) is within the area of interest; and
 - (ii) is not included in Schedule 4 of the Crown Minerals Act 1991; and

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5: CULTURAL REDRESS

(iii) is not part of the Whanganui River (as defined in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017); and

(b) includes each additional area added as a result of clauses 5.26.4 and 5.27; and

5.25.4. **relevant minerals** means any of the following:

- (a) pākohe (argillite and basaltic andesite);
- (b) ōnewa (greywacke or basalt);
- (c) matā tūhua (black obsidian);
- (d) paru (curing mud with iron salt deposits);
- (e) one-uku (clay);
- (f) papa hoanga (sandstone);
- (g) kokowai uku (an iron rich clay or red ochre); and

5.25.5. **riverbed** means land that the waters of a river, tributary, stream or other natural watercourse cover at its fullest flow without flowing over its banks.

5.26. The settlement legislation will, on the terms provided by sections 114 to 122 of the draft settlement bill, provide –

5.26.1. for the Crown to acknowledge –

- (a) the longstanding cultural, historical, spiritual and traditional, association of Te Korowai o Wainuiārua with the relevant minerals; and
- (b) the Te Korowai o Wainuiārua statement of association with the relevant minerals, set out in part 2 of the documents schedule; and

5.26.2. for any member of Te Korowai o Wainuiārua who has written authorisation from the governance entity to access a relevant area –

- (a) for the purpose of searching for and removing relevant minerals owned by the Crown by hand; and
- (b) without authorisation under the conservation legislation; and
- (c) without a permit under section 8(1)(a) of the Crown Minerals Act 1991; and

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- 5.26.3. for the Director-General to consult with the governance entity when exercising certain powers and functions that are likely to affect the relationship of Te Korowai o Wainuiārua with any of the relevant minerals; and
- 5.26.4. for the Director-General, in consultation with the Minister of Energy and Resources, and the governance entity to agree in writing to add an additional area to the relevant area if that area is conservation land that –
- (a) is believed by the governance entity to contain any of the relevant minerals; and
 - (b) is within the area of interest; and
 - (c) is not included in Schedule 4 of the Crown Minerals Act 1991; and
 - (d) is not part of the Whanganui River or its tributaries (Te Awa Tupua); and
- 5.26.5. that any person exercising a right under clause 5.26.2 must comply with all other lawful requirements, including under the Resource Management Act 1991; and
- 5.26.6. that the rights in clause 5.26.2 do not apply to any part of the relevant area that is –
- (a) an ecological area declared under section 18 of the Conservation Act 1987; or
 - (b) an archaeological site (as defined by section 6 of the Heritage New Zealand Pouhere Taonga Act 2014).
- 5.27. The actions under clause 5.26.4 will have legal effect once the Director-General gives notice (including a map or plan) of an additional area.
- 5.28. The Crown will not seek the return of or assert ownership interests in the relevant minerals removed by an authorised person in accordance with clauses 5.26.2 to 5.26.6 and the settlement legislation.

CONSERVATION PARTNERSHIP AGREEMENT

- 5.29. The Minister of Conservation, Department of Conservation and the governance entity must, by or on the settlement date, sign a partnership agreement.
- 5.30. The partnership agreement guides the relationship and sets out how the Department of Conservation will interact with the governance entity with regard to the matters specified in it.
- 5.31. The partnership agreement will be in the form in part 7 of the documents schedule.

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- 5.32. The parties acknowledge that the Department of Conservation and the governance entity will work together to maintain a positive, collaborative and enduring relationship in the future.
- 5.33. A failure by the Crown to comply with the partnership agreement is not a breach of this deed.

CONSERVATION MANAGEMENT AGREEMENT

- 5.34. The Director-General of Conservation and the governance entity must, by or on the settlement date, sign a management agreement.
- 5.35. The management agreement, under section 53(2)(i) of the Conservation Act 1987, is intended to support the broader vision of the Pōkākā Ecosanctuary project by enabling the governance entity to undertake specified conservation activities that are consistent with the relevant legislation over parts of the Pōkākā Area.
- 5.36. The management agreement will be in the form in part 8 of the documents schedule.
- 5.37. A failure by the Crown to comply with the management agreement is not a breach of this deed.

MEMBERSHIP FOR TONGARIRO / TAUPŌ CONSERVATION BOARD

- 5.38. In clauses 5.39 to 5.52, –
- 5.38.1. **Tongariro-Taupō Conservation Board** and **Board** means the Board established under Part 2A of the Conservation Act 1987 whose area of jurisdiction includes part of the Waimarino and Ruapehu region within the area of interest; and
- 5.38.2. **Whanganui Iwi** means the iwi or group of iwi as represented by and acting through the trustees of the following entities:
- (a) Te Totarahoe o Paerangi;
 - (b) the Whanganui Land Settlement Negotiation Trust, and when that entity is succeeded by a post-settlement governance entity, that post-settlement governance entity;
 - (c) the Uenuku Charitable Trust, and when that entity is succeeded by a post-settlement governance entity, that post-settlement governance entity;
 - (d) the Ngati Hāua Iwi Trust, and when that entity is succeeded by a post-settlement governance entity, that post-settlement governance entity.

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- 5.39. The Minister of Conservation must, on the nomination of the governance entity, appoint one member of the Tongariro-Taupō Conservation Board for a term of three years and for as many subsequent terms until clause 5.40 applies.
- 5.40. The term of the appointee will terminate at the earlier of –
- 5.40.1. the settlement of the historical Treaty of Waitangi claims of all Whanganui Iwi with an interest in the area within the jurisdiction of the Board; or
 - 5.40.2. the settlement of the collective Tongariro National Park negotiations, if the membership of the Board is changed as a result of those negotiations.
- 5.41. The parties consider that the most appropriate time to reconsider Whanganui Iwi representation on the Tongariro-Taupō Conservation Board is at the settlement date of the last Whanganui Iwi with interests in the area within the jurisdiction of the Board. The collective Tongariro National Park negotiations may also consider the membership of the Board.

TONGARIRO- TAUPŌ CONSERVATION MANAGEMENT STRATEGY

- 5.42. In this clause 5.42 and in clauses 5.43 to 5.47 and in clause 5.50, –
- 5.42.1. **additional area** means any land that –
 - (a) includes conservation land (other than the Tongariro National Park); and
 - (b) is within –
 - (i) the boundaries of the Tongariro-Taupō Conservation Management Strategy; and
 - (ii) the area of interest; and
 - (iii) the area of interest of any Whanganui Iwi, as defined in their deed of settlement; and
 - 5.42.2. **Conservation General Policy** means the general policy of that name approved by the Minister of Conservation under section 17B of the Conservation Act 1987; and
 - 5.42.3. **National and Regional Objectives, Policies and Milestones** means the national and regional objectives, policies and milestones that implement the Department of Conservation's general legislative and policy requirements; and
 - 5.42.4. **Ngātokoerua Place** means the area shown on deed plan OMCR-007-46; and

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- 5.42.5. **Ngātokoerua Chapter** means the chapter that will –
- (a) be included in the Tongariro-Taupō Conservation Management Strategy in accordance with clause 5.45 and 5.47 and in clause 5.50; and
 - (b) apply to the Ngātokoerua Place; and
 - (c) comprise the outcomes, policies and milestones that apply exclusively to that Place (within the meaning of the Conservation General Policy); and
- 5.42.6. **Tongariro-Taupō Conservation Management Strategy** means any conservation management strategy prepared and approved under section 17F of the Conservation Act 1987 that is in effect from time to time that includes Ngātokoerua Place in whole or in part.
- 5.43. At the next two reviews of the Tongariro-Taupō Conservation Management Strategy after the settlement date, –
- 5.43.1. the governance entity may propose to the Director-General of Conservation that an additional area be included to the defined place for Ngātokoerua Place; and
 - 5.43.2. the Director-General of Conservation may, subject to clause 5.44, declare an additional area proposed under clause 5.43.1 to be added to the defined place for Ngātokoerua Place.
- 5.44. The Director-General of Conservation may only make a declaration under clause 5.43.2 if the governance entity and the relevant Whanganui Iwi have agreed in writing to the additional area being added to the defined place for Ngātokoerua Place.

CO-AUTHORSHIP OF NGĀTOKOERUA CHAPTER IN THE TONGARIRO-TAUPŌ CONSERVATION MANAGEMENT STRATEGY

- 5.45. The settlement legislation will, on the terms provided by sections 124 to 130 of the draft settlement bill, provide that –
- 5.45.1. within five years of the settlement date, the Director-General of Conservation will advise the governance entity that he or she intends to initiate a review in part of the Tongariro-Taupō Conservation Management Strategy under section 17H of the Conservation Act 1987 for the purpose of including Ngātokoerua Chapter; and
 - 5.45.2. from the date of giving advice under clause 5.45.1, and for all subsequent reviews or amendments of the Tongariro-Taupō Conservation Management Strategy under section 17H or 17I of the Conservation Act 1987:

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- (a) the governance entity and the Director-General of Conservation are, despite sections 17D and 17F of the Conservation Act 1987, jointly responsible for preparing, amending, or reviewing Ngātokoerua Chapter;
- (b) the Director-General of Conservation must notify the governance entity in writing if he or she intends to prepare, amend, or review the Tongariro-Taupō Conservation Management Strategy to the extent that it applies to Ngātokoerua Chapter; and
- (c) the governance entity and the Minister of Conservation are jointly responsible for carrying out the Minister of Conservation's functions under paragraphs (j)(ii), (l)(ii), (n), (o), and (p)(ii) of section 17F of the Conservation Act 1987 in respect of Ngātokoerua Chapter.

5.46. To avoid doubt, clause 5.45 –

5.46.1. does not alter the role, under the Conservation Act 1987, of –

- (a) the New Zealand Conservation Authority in approving the Tongariro-Taupō Conservation Management Strategy; or
- (b) the Tongariro-Taupō Conservation Board in recommending the Tongariro-Taupō Conservation Management Strategy to the New Zealand Conservation Authority for approval; or
- (c) the Director-General of Conservation in determining the boundaries of any conservation management strategy; and

5.46.2. only applies to Ngātokoerua Chapter and does not apply to anything else in the Tongariro-Taupō Conservation Management Strategy, including the National and Regional Objectives, Policies and Milestones.

PŌKĀKĀ ECOSANCTUARY VISION STATEMENT

5.47. The settlement legislation will, on the terms set out in sections 129 and 130 of the draft settlement bill, provide for the Pōkākā Ecosanctuary Vision Statement to be deemed to be included in the Tongariro-Taupō Conservation Management Strategy, until the next full review of the Tongariro-Taupō Conservation Management Strategy.

5.48. The Pōkākā Ecosanctuary Vision Statement is set out in part 4 of the documents schedule.

Obligations of Minister of Conservation and Director-General of Conservation in respect of Pōkākā Ecosanctuary Vision Statement

5.49. The Minister of Conservation and the Director-General of Conservation must have particular regard to the Pōkākā Ecosanctuary Vision Statement when performing

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functions, powers or duties that may impact or affect the Pōkākā Area (as shown in deed plan OMCR-007-03) and to the extent that its contents relate to the exercise of those functions, powers or duties.

Review of Pōkākā Ecosanctuary Vision statement

- 5.50. The settlement legislation will, on the terms set out in section 130 of the draft settlement bill, provide that at the next full review or amendment, and from any subsequent reviews or amendments of the Tongariro-Taupō Conservation Management Strategy the Director-General of Conservation must:
- 5.50.1. notify the governance entity in writing if he or she intends to initiate a proposed review or amendment of the Tongariro-Taupō Conservation Management Strategy under section 17H or 17I of the Conservation Act 1987; and
 - 5.50.2. engage with the governance entity on any proposed revisions to the Pōkākā Ecosanctuary Vision Statement the governance entity wishes to make at the time of that review for inclusion in the Tongariro-Taupō Conservation Management Strategy; and
 - 5.50.3. engage with the governance entity on those proposed revisions to the Pōkākā Ecosanctuary Vision statement before the Tongariro-Taupō Conservation Management Strategy is referred to the Conservation Board under section 17F(i) of the Conservation Act 1987.

NGĀTOKOERUA STRATEGIC ADVISORY COMMITTEE

Ngātokoerua Strategic Advisory Committee established

- 5.51. The settlement legislation will, on the terms provided by sections 131 to 143 of the draft settlement bill, provide:
- 5.51.1. for a strategic advisory committee to be known as the Ngātokoerua Strategic Advisory Committee to be established in relation to:
 - (a) Erua Conservation Area (to be reclassified as a scenic reserve named Ngātokoerua scenic reserve);
 - (b) Part Makatote Scenic Reserve (west of State Highway 4);
 - (c) Pokaka Scenic Reserve; and
 - (d) Manganuioteao Scenic Reserve;
- (in this clause 5.51 collectively referred to as the **area of responsibility**);

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5.51.2. The area of responsibility of the Ngātokoerua Strategic Advisory Committee is depicted in part 2 of the attachments (as shown on deed plan OMCR-007-47). The area of responsibility is the same area as that covered by the Pōkākā Area;

Appointment of members to Ngātokoerua Strategic Advisory Committee

5.51.3. for the Ngātokoerua Strategic Advisory Committee to consist of no more than four members to be appointed by the Minister of Conservation comprising –

(a) two members to be nominated by the governance entity; and

(b) two members to be nominated by the Director-General of Conservation;

5.51.4. that the chair of the Ngātokoerua Strategic Advisory Committee will be appointed by the governance entity and that person must be an existing member of the Ngātokoerua Strategic Advisory Committee;

5.51.5. that an appointer will give notice in writing to the other appointers of any appointment under clauses 5.51.3 and 5.51.4.

5.51.6. that each member of the Ngātokoerua Strategic Advisory Committee:

(a) will be appointed for a term of five years; and

(b) may be reappointed;

5.51.7. that where a member vacates their seat on the Ngātokoerua Strategic Advisory Committee, the Ngātokoerua Strategic Advisory Committee shall, as soon as reasonably practicable, notify the governance entity and the Director-General of Conservation, and the person that nominated the vacating member under clause 5.51.3, shall nominate another person to be a member, to be appointed by the Minister of Conservation, for the remainder of the vacating member's term;

5.51.8. that the Director-General of Conservation will give public notice of any appointment under clauses 5.51.3 and 5.51.7 by way of notice in the *Gazette*;

Core non-revocable powers and functions of Ngātokoerua Strategic Advisory Committee

5.51.9. that the core powers and functions of the Ngātokoerua Strategic Advisory Committee will be to:

(a) provide strategic oversight and advice to the Minister of Conservation, the Director-General of Conservation, and the governance entity on conservation matters affecting the area of responsibility, including:

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- (i) funding priorities;
 - (ii) opportunities for growing conservation outcomes;
 - (iii) any other matters pertinent to the conservation management of the area of responsibility; and
 - (b) exercise functions in relation to the preparation and joint approval of the conservation management plan as set out in clause 5.52; and
 - (c) without limiting clause 5.51.9(a) provide advice:
 - (i) on any conservation management strategy that affects the area of responsibility;
 - (ii) on the preparation of statutory planning documents that affect the area of responsibility; and
 - (iii) on annual planning, including setting of annual conservation priorities, in relation to the area of responsibility;
- 5.51.10. that the powers and functions set out in clause 5.51.9 may not be revoked by the Minister of Conservation;
- 5.51.11. that the Ngātokoerua Strategic Advisory Committee may provide written advice to one or more of the following persons on any conservation matter that affects the area or responsibility:
- (a) the Minister of Conservation;
 - (b) the Director-General of Conservation;
 - (c) the governance entity;
- 5.51.12. that the Minister of Conservation and the Director-General of Conservation will be required to consult with, and have regard to the views of, the Ngātokoerua Strategic Advisory Committee in relation to conservation matters affecting the area of responsibility;
- 5.51.13. that the Director-General of Conservation must, in particular, consult with, and have regard to, the advice of the Ngātokoerua Strategic Advisory Committee in relation to –
- (a) the preparation of statutory planning documents (for example, conservation management strategies); and
 - (b) annual planning, including setting of annual conservation priorities;

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Secondary revocable powers and functions of the Ngātokoerua Strategic Advisory Committee

5.51.14. that, within 12 months of the settlement date, the following powers in respect of the area of responsibility granted to the Minister of Conservation and/or administering bodies under the following provisions of the Reserves Act 1977 will be delegated, in writing, to the Ngātokoerua Strategic Advisory Committee:

- (a) Section 42(1) – delegation of Minister’s power to give or decline express written consent to the cutting or destruction of trees and bush on the reserves, subject to such terms and conditions as the committee may determine. This delegation would only apply to exotic trees and bush;
- (b) Section 45 – delegation of administering body power to, with the prior approval of the Minister, erect, or authorise any voluntary organisation or educational institution to erect, shelters, huts, cabins, lodges, and similar resting or sleeping accommodation on the reserves for the purpose stated in this provision This delegation would only apply where the use is provided for or contemplated in an approved management plan;
- (c) Section 46(2) – delegation of the power to grant the right to bury or inter remains of deceased Māori within ancestral burial grounds contained within the reserves, where such locations have been approved by the Minister;
- (d) Section 49 – Delegation of Minister’s power to grant (or decline to grant) in writing, to any qualified person a right to take specified specimens of flora or fauna or rock mineral or soil from the reserves for scientific or educational purposes, provided the taking does not unduly deplete the number of any species, damage ecological associations, or damage the values of the reserve. This delegation would include the ability to form an opinion as to whether a qualified person has the necessary credentials to carry out a taking for scientific or educational purposes.;
- (e) Section 50(1) – delegation of the Minister’s power to authorise or decline to authorise any person to take and kill any kind of specified fauna that may be found in the reserves, including the power to impose conditions on the authorisation. This delegation includes the power to authorise the use of firearms, traps, nets or other like objects for that purpose. It only applies to non-protected exotic fauna;
- (f) Section 51(1) – delegation of Minister’s power to authorise or decline to authorise in writing the introduction of indigenous flora or fauna into the reserve, having due regard to the principles set out in section 19 of the Reserves Act 1977. Authorisations can only be granted if provided for or contemplated in an approved management plan;

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- (g) Section 55(1) – delegation of the following powers of an administering body, where such decisions are provided for or contemplated in an approved management plan:
- (i) decide it is necessary or desirable to enclose the reserves or any part(s) of the reserves to improve or allow to regenerate, and to improve the reserve or part(s) or allow them to regenerate, provided that the prior approval of the Minister must be obtained to any planting of trees or shrubs;
 - (ii) prohibit the public from entering or encroaching on any part of the reserves being improved or allowed to regenerate;
 - (iii) subject to section 42 of the Reserves Act 1977, lay out and construct footpaths and driveways necessary for the management of the reserves or enable public use and enjoyment; and
 - (iv) make, stop, divert, widen, or alter any bridges, ways or watercourses in, upon, through, across, or over any part of the reserve, subject to the payment of compensation for damage thereby to adjacent lands (subject to the Resource Management Act 1991);
- (h) Section 55(2) – delegation of following powers of an administering body to open portions of the reserves for the specified purposes, where such purposes are provided for or contemplated in an approved management plan:
- (i) with the prior consent of the Minister and having regard to the conservation of natural vegetation and features, enclose any open parts of the reserve which the administering body may decide is necessary or desirable to lay down or renew in grass or graze;
 - (ii) prohibit the public from entering or encroaching on any part laid down, renewed, or grazed in accordance with (i) above;
 - (iii) subject to any lease or licence granted pursuant to section 56(1)(b) of the Reserves Act 1977, prohibit or regulate the carrying on of any trade, business, or occupation within the reserves;
 - (iv) with the prior consent of the Minister and having regard to the conservation of natural vegetation and features, set apart any areas for gardens, baths, picnic ground, camping grounds, parking, or mooring necessary for the convenience of the public using the reserves or for facilities and amenities necessary for public use, and construct or develop these facilities;

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- (v) with the prior consent of the Minister, erect buildings and other structures on such terms as to plans, size, structure, situation, and otherwise;
 - (vi) with the prior consent of the Minister, and subject to the Resource Management Act 1991, and having regard to conserve the natural beauty of any sea, lake, river or stream bounding or within the reserve, do all such things it considers necessary, including the erection of buildings and structures for public use, to enable public benefit and enjoyment; and
 - (vii) with the prior consent of the Minister, set apart and use any part of the reserve as sites for residences for officers or servants, or for rangers, and for other buildings and structures necessary for the proper and beneficial management, administration, and control of the reserves, and for the protection, maintenance, and wellbeing of the reserves;
- (i) Section 56(1) – delegation of the power to, with the prior consent of the Minister and to the extent necessary to give effect to the principles set out in section 19 of the Reserves Act 1977, and where provided for or contemplated by an approved management plan:
- (i) lease to any person, body, voluntary organisation or society any area set apart under section 55(2)(d), subject to the provisions set out in Schedule 1 of the Reserves Act 1977 relating to leases of scenic reserves; and
 - (ii) grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in Schedule 1 of the Reserves Act 1977 and provided that it is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve. The Minister’s prior consent shall not be required where the lease or licence is temporary with a term of less than 6 consecutive days;
- (j) Section 74(1)(b)(i) – delegation of the power to grant licences under section 74(2), provided that a licence to occupy shall not be granted without the consent of the Minister; and
- (k) Section 74(2) – delegation of the power to decide it is necessary or desirable for the management of the reserves for the purpose for which it is classified, to grant licences to occupy the reserves for grazing, gardening, or other similar purposes, or cutting, felling or removing timber or flax, or to win and remove timber or flax or to win and remove kauri gum;

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- 5.51.15. that the powers delegated to the Ngātokoerua Strategic Advisory Committee pursuant to clause 5.51.14 are subject always to:
- (a) the applicable reserve classification under the Reserves Act 1977 of the relevant part of the area of responsibility; and
 - (b) any restriction, requirement or prior approval set out in subclauses 5.51.14(a) to 5.51.14(k) of clause 5.51.14 or otherwise set out in the relevant section(s) of the Reserves Act 1977 referred to in those subclauses;
- 5.51.16. that the power to make concession decisions under section 59A of the Reserves Act 1977 relating to the area of responsibility will be delegated to the Ngātokoerua Strategic Advisory Committee **provided that** this delegation will not extend to decisions on applications by the governance entity or any related subsidiary;
- 5.51.17. that the Minister of Conservation will have the power to revoke or alter any of the delegations set out in clauses 5.51.14 and 5.51.15. However, the Minister will be required to engage with the Ngātokoerua Strategic Advisory Committee before making decisions to alter or revoke any such delegations. Where the Minister is required to engage with the Ngātokoerua Strategic Advisory Committee, the Minister will:
- (a) provide notice to the Ngātokoerua Strategic Advisory Committee of the decisions to be the subject of the engagement as soon as reasonably practicable following identification or determination of those matters;
 - (b) provide the Ngātokoerua Strategic Advisory Committee with sufficient information to undertake informed discussions and provide meaningful input;
 - (c) ensure, as far as possible, that sufficient time is given for the effective participation of the Ngātokoerua Strategic Advisory Committee;
 - (d) approach the engagement with an open mind and genuinely consider the suggestions, views or concerns that the Ngātokoerua Strategic Advisory Committee may have;
 - (e) use reasonable endeavours to identify a mutually agreeable solution, and if requested, meet with the Ngātokoerua Strategic Advisory Committee to discuss possible options for resolution and seek a consensus on the preferred option; and
 - (f) if consensus is not reached within an agreed timeframe, the Minister may exercise his or her decision making powers and functions in relation to any of the matters that are the subject of the engagement;

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Ancillary objectives and activities

- 5.51.18. that the Ngātokoerua Strategic Advisory Committee will have the following ancillary objectives and activities that will guide its operation and activities in relation to its area of responsibility:
- (a) Identifying opportunities for growing conservation outcomes in the area of responsibility and engaging tangata whenua, the local community and others in that work;
 - (b) Supporting new and existing partnerships;
 - (c) Advocating for the area of responsibility;
 - (d) Provision of public information and education about the area of responsibility;
 - (e) Fostering community support for the area of responsibility, including community understanding of iwi associations and values;

Funding and remuneration

- 5.51.19. that the members of the Ngātokoerua Strategic Advisory Committee, that are not officers of any department of State, are entitled to receive remuneration by way of salary, fees, or otherwise and travelling allowances or travelling expenses in accordance with the Fees and Travelling Allowances Act 1951 incurred in acting as members of the Ngātokoerua Strategic Advisory Committee, as if the Ngātokoerua Strategic Advisory Committee were a statutory Board within the meaning of that Act;
- 5.51.20. that the Crown will meet the reasonable administrative costs and expenses of the Ngātokoerua Strategic Advisory Committee;
- 5.51.21. that the Crown will fund the development and approval of the conservation management plan referred to in clause 5.52. This will include funding for the reasonable costs of independent consultants who may be required to provide subject matter expertise that the governance entity, the Department of Conservation or the Tongariro-Taupō Conservation Board cannot otherwise provide. This could include, for example, specific natural, cultural, historic, and recreational advice or information, actual plan preparation and drafting, te reo Māori translation of the conservation management plan, graphics, artwork, design services, communications and engagement services, and project management and administrative support;

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Procedure and meetings of the Ngātokoerua Strategic Advisory Committee

- 5.51.22. that the Ngātokoerua Strategic Advisory Committee must regulate its own procedure, subject to the following limitations:
- (a) the Ngātokoerua Strategic Advisory Committee can only make decisions with the agreement of all of the members who are present and voting at a meeting;
 - (b) the Ngātokoerua Strategic Advisory Committee must hold its first meeting no later than six months after the settlement date;
 - (c) the Ngātokoerua Strategic Advisory Committee must meet as required to perform its functions, but no less than twice a year unless the committee agrees otherwise;
 - (d) a person may attend a meeting of the Ngātokoerua Strategic Advisory Committee in place of a member if appointed to do so by the member;
- 5.51.23. for quorum requirements at any meeting of the Ngātokoerua Strategic Advisory Committee, on the terms provided by section 140 of the draft settlement bill.

CONSERVATION MANAGEMENT PLAN

Procedure for preparation and approval of Ngātokoerua Plan

- 5.52. The settlement legislation will, on the terms provided by sections 144 to 156 of the draft settlement bill, provide that:
- 5.52.1. a conservation management plan for the Ngātokoerua area of responsibility (as shown on deed plan OMCR-007-47) (**Ngātokoerua Plan**) will be prepared and approved in accordance with the process contained in this clause 5.52;
 - 5.52.2. the Reserves Act 1977 applies to the Ngātokoerua Plan as if that plan is a conservation management plan prepared and approved under section 40B of that Act;
 - 5.52.3. despite section 40B of the Reserves Act 1977, sections 17E (except section 17E(9)), 17F, 17G, 17H, and 17I of the Conservation Act 1987 do not apply to the preparation, approval, review or amendment of the Ngātokoerua Plan;

Preparation

- 5.52.4. the Director-General of Conservation must commence preparation of the draft Ngātokoerua Plan within five years after the settlement date;

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- 5.52.5. each draft Ngātokoerua Plan will be prepared by the Director-General of Conservation in consultation with the Ngātokoerua Strategic Advisory Committee, the Tongariro-Taupō Conservation Board, and such other persons or organisations as the Director-General of Conservation considers practicable and appropriate;

Notification

- 5.52.6. no later than six months after commencement of the preparation of the draft Ngātokoerua Plan under clause 5.52.4, the Director-General of Conservation will notify that draft in accordance with section 49(1) of the Conservation Act 1987, and to the appropriate regional councils, territorial authorities and iwi authorities, and that provision will apply as if the notice were required to be given by the Minister of Conservation;

- 5.52.7. every notice under clause 5.52.6 will:

- (a) state that the draft Ngātokoerua Plan is available for inspection at the places and times specified in the notice; and
- (b) call upon persons or organisations interested to lodge with the Director-General of Conservation submissions on the draft Ngātokoerua Plan before the date specified in the notice, being a date not less than two months after the date of the publication of the notice;

Submissions

- 5.52.8. any person or organisation may make written submissions to the Director-General of Conservation on the draft Ngātokoerua Plan in the manner and before the date specified in the notice;

- 5.52.9. the Director-General of Conservation may, after consultation with the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board, obtain public opinion of the draft Ngātokoerua Plan by any other means from any person or organisation;

- 5.52.10. on and from the date a notice was given under clause 5.52.6 until the date specified in the notice under clause 5.52.7(b), the draft Ngātokoerua Plan will be made available by the Director-General of Conservation for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the plan;

Hearing of submissions

- 5.52.11. the Director-General of Conservation will give every person or organisation who or which, in making any submissions on the draft Ngātokoerua Plan, asked to be heard in support of his or her or its submission a reasonable opportunity of

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appearing before a meeting of representatives of the Director-General of Conservation, the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board;

- 5.52.12. representatives of the Director-General of Conservation, the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board may hear submissions from any other person or organisations consulted on the draft Ngātokoerua Plan under clause 5.52.9;
- 5.52.13. the hearing of submissions will be concluded no later than two months after the closing date for submissions identified in clause 5.52.7(b);
- 5.52.14. the Director-General of Conservation will prepare a summary of the submissions received on the draft Ngātokoerua Plan and public opinion made known about it;

Revision

- 5.52.15. after considering such submissions and public opinion the Director-General of Conservation will, in consultation with the representatives of the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board who heard the submissions, revise the draft Ngātokoerua Plan and, no later than four months after the completion of the hearing of submissions, will send to the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board the revised draft Ngātokoerua Plan and the summary of submissions prepared under clause 5.52.14;
- 5.52.16. on receipt of the revised draft Ngātokoerua Plan and the summary of submissions:
- (a) the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board will consider the revised draft Ngātokoerua Plan prepared under clause 5.52.15 and the summary prepared under clause 5.52.14, and may, no later than four months after receiving those documents, request the Director-General of Conservation to further revise the draft Ngātokoerua Plan; and
 - (b) if a request is made under clause 5.52.16(a) the Director-General of Conservation will further revise the draft Ngātokoerua Plan in accordance with the request from the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board, and will, no later than two months after receiving a request under clause 5.52.16(a) send to the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board the further revised draft Ngātokoerua Plan;

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Referral to Conservation Authority and Minister of Conservation

5.52.17. on receipt of the revised draft under clause 5.52.15, or if a request is made under clause 5.52.16(a), on receipt of the further revised draft under clause 5.52.16(b), the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board will refer the draft Ngātokoerua Plan and the summary prepared under clause 5.52.14 to:

- (a) the New Zealand Conservation Authority for comments on matters relating to the national public conservation interest in Ngātokoerua area of responsibility; and
- (b) the Minister of Conservation for his or her comments;

5.52.18. the New Zealand Conservation Authority and the Minister of Conservation will provide any comments on the draft Ngātokoerua Plan to the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board no later than four months after receiving that draft plan for comment;

Approval

5.52.19. after considering any comments received from the New Zealand Conservation Authority and the Minister of Conservation under clause 5.52.18, the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board will make any changes considered necessary and:

- (a) no later than two months after receiving any comments from the New Zealand Conservation Authority and the Minister of Conservation, approve the draft Ngātokoerua Plan; or
- (b) no later than two months after receiving any comments from the New Zealand Conservation Authority and the Minister of Conservation, refer any matter of disagreement in relation to the draft Ngātokoerua Plan to the New Zealand Conservation Authority for determination;

Referral to Conservation Authority in case of disagreement

5.52.20. where the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board refer any matter of disagreement to the New Zealand Conservation Authority under clause 5.52.19(b), the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board will also provide a written statement of the matters of disagreement and the reasons for such disagreement;

5.52.21. no later than three months after referral to it under clause 5.52.19(b), the New Zealand Conservation Authority will make a recommendation on the

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matters of disagreement, and notify that recommendation to the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board;

- 5.52.22. after receiving and considering the recommendation of the New Zealand Conservation Authority under clause 5.52.21, the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board will seek to resolve any matters of disagreement, and will make any changes considered necessary to the draft Ngātokoerua Plan;
- 5.52.23. if the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board have not resolved any matters of disagreement within two months of receiving the recommendation from the New Zealand Conservation Authority under clause 5.52.21, the recommendation of the New Zealand Conservation Authority under clause 5.52.21 will be binding on the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board, and those parties will make any changes to the draft Ngātokoerua Plan that are considered necessary to implement that recommendation; and
- 5.52.24. where the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board have referred any matter of disagreement to the New Zealand Conservation Authority under clause 5.52.19(b), the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board will approve the draft Ngātokoerua Plan no later than four months after receiving the recommendation of the New Zealand Conservation Authority under clause 5.52.21;

Mediation Process

- 5.52.25. at any time during the process set out in clauses 5.52.4 to 5.52.24, any of the Ngātokoerua Strategic Advisory Committee, the Tongariro-Taupō Conservation Board or the Director-General of Conservation may refer any matter of disagreement arising out of that process to a mediator, and the following conditions will apply to such a mediation process:
- (a) no later than three months after the settlement date, the Ngātokoerua Strategic Advisory Committee, the Tongariro-Taupō Conservation Board and the Director-General of Conservation will agree on a mediator to be used in the event of referral to mediation under this clause 5.52.25, and the parties may agree to change the mediator from time to time;
 - (b) where a matter of disagreement arises, the relevant parties in dispute will seek to resolve that matter in a co-operative, open-minded and timely manner before resorting to the mediation process under this clause 5.52.25;
 - (c) where one of the Ngātokoerua Strategic Advisory Committee, the Tongariro-Taupō Conservation Board or the Director-General of

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Conservation considers that it is necessary to resort to the mediation process under this clause 5.52.25, that party will give notice in writing of that referral to the other parties;

- (d) all parties will participate in a mediation process in a co-operative, open-minded and timely manner;
- (e) in participating in a mediation the parties will have particular regard to the purpose of the conservation management plan redress provided under this deed and the conservation purpose for which Ngātokoerua is held;
- (f) where a matter of disagreement is referred to mediation under this clause 5.52.25, the mediation process must be completed no later than three months after the date upon which notice of referral is given under clause 5.52.25(c);
- (g) pending the resolution of any matter of disagreement, the parties will use their best endeavours to continue with the process for the preparation and approval of the Ngātokoerua Plan;
- (h) the parties to the mediation process will bear their own costs in relation to the resolution of any matter of disagreement and the costs of the mediator (and associated costs) will be shared equally between the parties;
- (i) the period of time taken for a mediation process under this clause 5.52.25 will not be counted for the purposes of the timeframes specified in clauses 5.52.4 to 5.52.24 for the preparation and approval of the Ngātokoerua Plan; and
- (j) to avoid doubt, the period of time referred to in clause 5.52.25(i) will not exceed three months;

Reviews of Ngātokoerua Plan

- 5.52.26. the Director-General of Conservation, after consultation with the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board, may at any time initiate a review of the Ngātokoerua Plan or any part of that plan;
- 5.52.27. the Ngātokoerua Strategic Advisory Committee or the Tongariro-Taupō Conservation Board may at any time request that the Director-General of Conservation initiate a review of the Ngātokoerua Plan or any part of that plan and the Director-General of Conservation will consider that request in making a decision under clause 5.52.26;

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- 5.52.28. every review of the Ngātokoerua Plan will be carried out and approved in accordance with the provisions of clauses 5.52.1, 5.52.25, which will apply with any necessary modifications;
- 5.52.29. the following provisions will also apply in relation to reviews of the Ngātokoerua Plan:
- (a) the Ngātokoerua Plan will be reviewed as a whole by the Director-General of Conservation not later than 10 years after the date upon which the plan was last approved; and
 - (b) the Minister of Conservation may, after consultation with the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board, extend that period of review;

Amendments to Ngātokoerua Plan

- 5.52.30. the Director-General of Conservation, after consultation with the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board, may at any time initiate an amendment of the Ngātokoerua Plan, or any part of that plan;
- 5.52.31. except as provided in clause 5.52.32, every amendment to the Ngātokoerua Plan will be carried out in accordance with the provisions of clauses 5.52.1 to 5.52.25, which will apply with any necessary modifications;
- 5.52.32. where the proposed amendment is of such a nature that the Director-General of Conservation, the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board consider that it will not materially affect the objectives or policies expressed in the Ngātokoerua Plan or the public interest in the area concerned:
- (a) the Director-General of Conservation will send the proposal to the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board;
 - (b) the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board may decide to amend the Ngātokoerua Plan as set out in the proposal; and
 - (c) if the Ngātokoerua Strategic Advisory Committee and the Tongariro-Taupō Conservation Board decide to amend the Ngātokoerua Plan, they will approve the amended Ngātokoerua Plan no later than two months after receiving the proposal; and
- 5.52.33. any time frame set out in this clause 5.52 may be extended with the agreement of the Director-General of Conservation, Ngātokoerua Strategic Advisory

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Committee and the Tongariro-Taupō Conservation Board and the Director-General of Conservation shall notify any person or organisation affected by an agreed extension.

CULTURAL MATERIALS PLAN

- 5.53. The settlement legislation will, on the terms provided by sections 108 to 113 of the draft settlement bill, provide for the Minister of Conservation (or delegate) and the governance entity to , within five years of the settlement date (or such later date as the Minister and governance entity may agree), jointly develop and agree a cultural materials plan setting out –
- 5.53.1. how the governance entity will provide a member of Te Korowai o Wainuiārua with written authorisations to collect the following cultural materials from within the area of interest:
- (a) plants:
 - (b) plant materials; and
- 5.53.2. the circumstances in which Te Korowai o Wainuiārua may possess dead protected wildlife.

Review and amendment

- 5.54. The governance entity may propose that new species/materials are included in the cultural materials plan on an incremental basis and the Director-General of Conservation will engage with the governance entity on the feasibility of the proposal.
- 5.55. The Director-General of Conservation will engage with the governance entity to amend the cultural materials plan:
- 5.55.1. if an unforeseen event (such as a fire) takes place that affects sites included in the plan;
 - 5.55.2. if, through monitoring, it is found that the impacts of a harvest under the plan is having a significant negative impact on the values for which the affected conservation land is held; or
 - 5.55.3. if there is a change in the status of a species under the plan (including if it is classified as threatened or at risk).
- 5.56. The cultural materials plan, or any part of the cultural materials plan, may be amended from time to time by agreement of the governance entity and the Minister of Conservation.

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- 5.57. The cultural materials plan will be reviewed in whole at least once every five years, but will continue to confer the ability of the governance entity to enable members of Te Korowai o Wainuiārua to gather cultural materials as contemplated by clause 5.53.

RELATIONSHIP AGREEMENTS

- 5.58. On or before the settlement date, the governance entity will enter into relationship agreements with:
- 5.58.1. KiwiRail Holdings Limited;
 - 5.58.2. Ministry for the Environment;
 - 5.58.3. Ministry of Education;
 - 5.58.4. Ministry of Social Development/Te Manatū Whakahiato Ora;
 - 5.58.5. New Zealand Police; and
 - 5.58.6. Oranga Tamariki – Ministry for Children.
- 5.59. Each relationship agreement will be in the form set out in part 6 of the documents schedule.

RELATIONSHIP AGREEMENT WITH HORIZONS REGIONAL COUNCIL

- 5.60. Separate to the deed of settlement with the Crown, Te Korowai o Wainuiārua and Horizons Regional Council have committed to developing a relationship agreement to be entered into by the governance entity and Horizons Regional Council.
- 5.61. Te Korowai o Wainuiārua and Horizons Regional Council intend that the future relationship agreement will:
- 5.61.1. enable Horizons Regional Council and the governance entity to maintain a positive, collaborative and enduring relationship into the future; and
 - 5.61.2. include any other topics as agreed with Horizons Regional Council and Te Korowai o Wainuiārua.

RELATIONSHIP AGREEMENT WITH WAKA KOTAHİ NZ TRANSPORT AGENCY

- 5.62. Separate to the deed of settlement, Waka Kotahi NZ Transport Agency (the Transport Agency) and the governance entity have committed to developing a relationship agreement to be entered into by the Transport Agency and the governance entity no later than six months after this deed is signed.

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- 5.63. The Transport Agency and the governance entity intend that the future relationship agreement will (amongst other things):
- 5.63.1. formally recognise and record the parties' desire for a strategic relationship; and
 - 5.63.2. foster a positive and effective working relationship between the parties on land transport matters within the Te Korowai o Wainuiārua area of interest.

WHAKAAETANGA TIAKI TAONGA

- 5.64. The Culture and Heritage Parties and the governance entity must, by or on the settlement date, sign the Whakaaetanga Tiaki Taonga.
- 5.65. 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.
- 5.66. The Whakaaetanga Tiaki Taonga will be in the form in part 6 of the documents schedule.
- 5.67. A failure by the Crown to comply with the Whakaaetanga Tiaki Taonga is not a breach of this deed.
- 5.68. 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.
- 5.69. Appendix B of the Whakaaetanga Tiaki Taonga is issued pursuant to the terms provided by section 28 of the draft settlement bill.

LETTER OF INTRODUCTION TO NATIONAL EMERGENCY MANAGEMENT AGENCY

- 5.70. 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 11 of the documents schedule to the National Emergency Management Agency (NEMA) to raise the profile of Te Korowai o Wainuiārua with NEMA in relation to their work. Te Korowai o Wainuiārua are seeking to confirm areas of mutual interest which includes how best to enable Māori participation within the emergency management system and contributing to NEMA's overall approach to building a more resilient Aotearoa in response to national disasters.

LETTER OF INTRODUCTION TO NGĀ TAONGA SOUND & VISION

- 5.71. 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 12 of the documents schedule to Ngā Taonga Sound & Vision to raise the profile of Te Korowai o Wainuiārua with Ngā Taonga Sound & Vision in relation to their work. Ngā

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Taonga Sound & Vision actively seeks to engage with iwi and kaitiaki of taonga in their collections.

TE PURAPURA O TAWHIRI

- 5.72. Te Purapura o Tawhiri is a collective framework of relevant Crown agencies and the governance entity who will work collaboratively on matters of common interest within the rohe of Te Korowai o Wainuiārua. It is intended to be focussed on the enhancement of the well-being, revitalisation and quality of life of the people of Te Korowai o Wainuiārua. Te Purapura o Tawhiri's purpose is to assist the parties to work together collaboratively to promote the physical, cultural, economic and social well-being of Te Korowai o Wainuiārua and, where appropriate, the wider community in the area of interest. The terms of Te Purapura o Tawhiri are set out in part 6 of the documents schedule.
- 5.73. On or before the settlement date, the governance entity and the Crown agencies must sign Te Purapura o Tawhiri agreement.

TE PURAPURA O TAIAO

- 5.74. Te Purapura o Taiao is a collective framework of the relevant Crown agency and entities and the governance entity who will work collaboratively on matters of common interest within the rohe of Te Korowai o Wainuiārua. Te Purapura o Taiao is a forum enabling an annual hui that will provide an avenue for the parties to work collaboratively to achieve shared environmental priorities and goals. The terms of Te Purapura o Taiao are set out in part 6 of the documents schedule.
- 5.75. On or before the settlement date, the governance entity and the Crown agencies and entities must sign Te Purapura o Taiao agreement.

LETTER OF RECOGNITION FROM THE MINISTRY FOR PRIMARY INDUSTRIES

- 5.76. The Crown, through the Ministry for Primary Industries, recognises Te Korowai o Wainuiārua, as tangata whenua –
- 5.76.1. are entitled to have input into, and participate in, fisheries management processes that affect fish stocks in their area of interest and that are managed by the Ministry for Primary Industries under fisheries legislation; and
- 5.76.2. have a special relationship within their area of interest with all species of fish and aquatic life and all such species being taonga to Te Korowai o Wainuiārua, and an interest in sustainable utilisation of all species of fish and aquatic life.
- 5.77. The Director-General of the Ministry for Primary Industries will write to the governance entity, in the form set out in part 9 of the documents schedule, by the settlement date, outlining –

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- 5.77.1. that the Ministry for Primary Industries recognises Te Korowai o Wainuiārua as tangata whenua within their area of interest and has a special relationship with all species of fish and aquatic life within their area of interest;
- 5.77.2. how Te Korowai o Wainuiārua can have input and participation into Ministry for Primary Industries' fisheries planning processes;
- 5.77.3. how Te Korowai o Wainuiārua can implement the Fisheries (Kaimoana Customary Fishing) Regulations 1998 within their area of interest;
- 5.77.4. that the Ministry for Primary Industries will consult with the governance entity as representatives of Te Korowai o Wainuiārua where the area of interest is directly affected by the development of policies and operational processes that are led by the Ministry for Primary Industries in the area of fisheries and aquaculture; agriculture and forestry; and biosecurity; and
- 5.77.5. any other matters as agreed with the Ministry for Primary Industries and Te Korowai o Wainuiārua.

APPOINTMENT AS AN ADVISORY COMMITTEE TO THE MINISTER FOR OCEANS AND FISHERIES

- 5.78. The Minister for Oceans and Fisheries must, by the settlement date, appoint the trustees of the governance entity as an advisory committee to the Minister for Oceans and Fisheries under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 in relation to the catchments of the Manganui o te Ao, Whakapapa, Papamanuka, Retaruke, and the Waimarino, rivers.

LETTER OF COMMITMENT

- 5.79. By the settlement date, the Ministry of Business, Innovation and Employment will enter into a letter of commitment with the governance entity, in the form set out in part 10 of the documents schedule.

CULTURAL REDRESS PROPERTIES

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

In fee simple

- 5.80.1. the fee simple estate in each of the following sites:
 - (a) 60 Ward Street, Raetihi property;
 - (b) Former Mangaeturoa School property;
 - (c) Makaranui site A;

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- (d) Mangatiti Road, Ruatiti property;
- (e) SH4/Ward Street, National Park property;
- (f) Waimarino Urupā property; and

In fee simple subject to an easement

- 5.80.2. the fee simple estate in the Raetihi Road and Bridge property subject to the governance entity granting to Ruapehu District Council a registrable easement in gross for a right to drain sewage in the form in part 13.3 of the documents schedule; and

As a scenic reserve subject to an easement

- 5.80.3. the fee simple estate in the Ramanui property as a scenic reserve, with the governance entity as the administering body, subject to the governance entity granting a registrable right of way easement in gross in the form in part 13.1 of the documents schedule; and

As a scenic reserve

- 5.80.4. the fee simple estate in each of the following sites as a scenic reserve, with the governance entity as the administering body:
- (a) Makaranui site B;
 - (b) Ngapakihi property;
 - (c) Pīpīriki property;
 - (d) Putikituna property;
 - (e) Raetihi property;
 - (f) Tangahoe property;
 - (g) Tāngarākau Forest property;
 - (h) Whangamōmona property; and

APPOINTMENT OF TRUSTEES AS MANAGER OF MARGINAL STRIPS

- 5.81. The settlement legislation will, on the terms provided in section 88 of the draft settlement bill, provide that –

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- 5.81.1. the governance entity is appointed as the manager of any marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Mangatiti Road, Ruatiti property in the governance entity; and
- 5.81.2. the governance entity may apply to the Minister of Conservation for consent to transfer management of a marginal strip to an affiliated entity (as that term is defined in section 88(11) of the draft settlement bill) prior to transferring the fee simple estate in the land adjoining the marginal strip to that entity; and
- 5.81.3. the Minister of Conservation may appoint an affiliated entity as manager of the marginal strip on the terms and conditions outlined in the draft settlement bill.

JOINT CULTURAL REDRESS PROPERTIES VESTED IN THE GOVERNANCE ENTITY AND THE NGĀTI HĀUA GOVERNANCE ENTITY

- 5.82. The settlement legislation will, on the terms provided by sections 82 and 83 of the draft settlement bill, provide that –
 - 5.82.1. the fee simple estates in each of the Tahorapāroa property and the Taumatamāhoe property will vest as undivided half shares, with one half share of each estate vested in each of the following as tenants in common –
 - (a) the governance entity;
 - (b) the Ngāti Hāua governance entity; and
 - 5.82.2. each of the Tahorapāroa property and the Taumatamāhoe property will vest as a scenic reserve with the reserves to be administered by a joint management body comprising equal representatives of the governance entity and the Ngāti Hāua governance entity and the Reserves Act 1977 will apply as if the reserves were vested in the body under section 26 of that Act; and
 - 5.82.3. each of the Tahorapāroa property and the Taumatamāhoe property will vest on the later of the following dates –
 - (a) the settlement date; and
 - (b) the settlement date under the Ngāti Hāua settlement legislation.

JOINT CULTURAL REDRESS PROPERTY VESTED IN THE GOVERNANCE ENTITY AND THE WHANGANUI LAND SETTLEMENT GOVERNANCE ENTITY

- 5.83. The settlement legislation will, on the terms provided by section 80 of the draft settlement bill, provide that –
 - 5.83.1. the fee simple estate in the Ohoutahi property will vest as undivided half shares, with one half share vested in each of the following as tenants in common –

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- (a) the governance entity;
 - (b) the Whanganui Land Settlement governance entity; and
- 5.83.2. the Ohoutahi property will vest as an historic reserve to be administered by a joint management body comprising equal representatives of the governance entity and the Whanganui Land Settlement governance entity and the Reserves Act 1977 will apply as if the reserves were vested in the body under section 26 of that Act; and
- 5.83.3. the Ohoutahi property will vest on the later of the following dates –
- (a) the settlement date; and
 - (b) the settlement date under the Whanganui Land Settlement settlement legislation.

PROVISIONS AFFECTING CULTURAL REDRESS PROPERTIES GENERALLY

- 5.84. Each cultural redress property is to be –
- 5.84.1. as described in schedule 3 of the draft settlement bill; and
 - 5.84.2. vested on the terms provided by –
 - (a) sections 63 to 100 of the draft settlement bill; and
 - (b) part 2 of the property redress schedule; and
 - 5.84.3. subject to any encumbrances, or other documentation, in relation to that property –
 - (a) required by clauses 5.80, 5.82 and 5.83 to be provided by the governance entity; or
 - (b) required by the settlement legislation; and
 - (c) in particular, referred to by schedule 3 of the draft settlement bill.

POTENTIAL PURCHASE OF PŌKĀKĀ STOPPED ROAD PROPERTY

- 5.85. In clauses 5.86 to 5.88, **Pōkākā stopped road property** means the land shown on deed plan OMCR-007-45 (subject to survey).
- 5.86. The parties acknowledge that the governance entity and the Ruapehu District Council intend to enter into negotiations for the purchase by the governance entity of the Pōkākā

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stopped road property, being a property of cultural significance to Te Korowai o Wainuiārua.

5.87. Section 101 of the draft settlement bill will provide that despite section 345 of the Local Government Act 1974, the governance entity and the Ruapehu District Council may enter into an unconditional agreement for sale and purchase of the Pōkākā stopped road property.

5.88. If the governance entity and the Ruapehu District Council have entered into an unconditional agreement for sale and purchase in relation to the purchase of the Pōkākā stopped road property within 5 years from the settlement date, then the Pōkākā stopped road property will be transferred on the terms provided by –

5.88.1. the unconditional agreement for sale and purchase agreed between the parties; and

5.88.2. section 101(2) of the draft settlement bill providing that immediately before the transfer of the Pōkākā stopped road property, the road is stopped.

OFFICIAL GEOGRAPHIC NAMES

5.89. 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
Tahora	Tahorapāroa	BH31 556 782	Locality
Tahora Saddle	Tahorapāroa Saddle	BH31 556 744	Pass
Mount Humphries (Whakaihuwaka)	Whakaihuwaka Maunga	BJ32 563 468	Hill
Mount Dawson	Ōruru Maunga	BH33 835 653	Hill
Lake Hawkes	Lake Pohoare	BH33 883 640	Lake

5.90. The settlement legislation will provide for the official geographic names on the terms provided by sections 57 to 60 of the draft settlement bill.

CROWN PROTECTED AREA NAME

5.91. The settlement legislation is to provide that:

5.91.1. the name of Tahora Scenic Reserve is changed to Tahorapāroa Scenic Reserve; and

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5.91.2. the name of Erua Conservation Area is changed to Ngātokoerua Scenic Reserve.

CULTURAL FUND

5.92. The Crown will provide a cultural fund of \$6,850,000 in addition to the financial and commercial redress amount, which will be payable –

5.92.1. as to \$2,750,000, within 10 business days of the date of introduction of the draft settlement bill to the House of Representatives; and

5.92.2. as to \$4,100,000, on the settlement date; and

the governance entity may, at its discretion, apply all or some of this amount towards cultural revitalisation purposes.

CULTURAL REDRESS GENERALLY NON-EXCLUSIVE

5.93. 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.

5.94. However, the Crown must not enter into another settlement that provides for the same redress as set out in clause 5.80.

6 WHANGANUI NATIONAL PARK COLLECTIVE NEGOTIATIONS

- 6.1. For the hapū and iwi of Te Korowai o Wainuiārua, the lands within Whanganui National Park are of great cultural, spiritual, historical, and traditional importance. Their people have continued their close associations with the Whanganui River and its tributaries, and have kainga, pā, and cultivations along their banks. The waterways and the whenua in the park are central to the identify and ways of life of the hapū and iwi of Te Korowai o Wainuiārua, and connect them to the wairua tapu, Ngāuruhoe, Ruapehu, and Tongariro.
- 6.2. The vast majority of the Crown Land located within the Te Korowai o Wainuiārua tribal estate is in national parks and conservation areas. The Crown's acquisition of the largest land blocks that form the bulk of the Whanganui National Park (including the Waimarino, Taumatamāhoe, and Whakaihuwaka blocks) was conducted contrary to the principles of the Treaty of Waitangi.
- 6.3. The Whanganui National Park also includes many sites that are culturally and spiritually significant to Uenuku, Tamakana, and Tamahaki. Following the Crown's purchases of land that comprise the park, the hapū and iwi of Te Korowai o Wainuiārua are separated from their kainga and wāhi tapu.
- 6.4. Te Korowai o Wainuiārua considers the Whanganui National Park to be an area where their primary focus is conservation and restoration of the local flora and fauna, rongoā (medicine) and taonga species including harakeke (flax) and wildlife such as kererū and matuku (heron).
- 6.5. Te Korowai o Wainuiārua seek, in recognition of their mana, the restoration of their tino rangatiratanga and kaitiakitanga over their interest in the Whanganui National Park by the provision of redress that includes –
 - 6.5.1. fresh and appropriate arrangements for the ownership and legal status of the Whanganui National Park that are consistent with kawa and tikanga and the partnership of Te Korowai o Wainuiārua and the Crown;
 - 6.5.2. tangata whenua and the Crown acting in partnership in the governance and integrated management of the Whanganui National Park, in accordance with the kawa, tikanga and values of Te Korowai o Wainuiārua and other tangata whenua;
 - 6.5.3. raising public awareness and understanding about the establishment of the Whanganui National Park and the contribution and sacrifices of Te Korowai o Wainuiārua and other tangata whenua;
 - 6.5.4. formal access to traditionally significant flora through cultural materials plans to provide for the collection of rongoā and other important flora; and support to develop potential commercial and employment opportunities, including for example eco-tourism;

DEED OF SETTLEMENT

6: WHANGANUI NATIONAL PARK COLLECTIVE NEGOTIATIONS

- 6.5.5. appropriate protection and conservation of the Whanganui National Park, in keeping with the kawa, tikanga and values of Te Korowai o Wainuiārua.
- 6.6. Te Korowai o Wainuiārua has the aspiration that ownership and/or occupation rights in respect to and recognition of Te Korowai o Wainuiārua association with sites of exclusive significance will be achieved through the forthcoming collective negotiations.

WHANGANUI NATIONAL PARK COLLECTIVE IWI NEGOTIATIONS

- 6.7. Other than Crown Acknowledgments and Apology, this deed does not provide for any cultural redress from the Crown in relation to any of the historical claims that relate to Whanganui National Park. This redress is yet to be developed in settlement negotiations in conjunction with Te Korowai o Wainuiārua and other iwi and hapū with interests in Whanganui National Park. The collective agreements may also include a historical background statement which provides context to the settlement.
- 6.8. The governance entity and the mandated representatives of other iwi and hapū with interests in Whanganui National Park intend to negotiate cultural redress in relation to Whanganui National Park.
- 6.9. The lands within the Whanganui National Park boundaries are of immeasurable historical, cultural and spiritual importance to Te Korowai o Wainuiārua. The Crown acknowledges the significance and critical importance of the Whanganui National Park, and that redress is fundamental to Te Korowai o Wainuiārua.
- 6.10. The Crown acknowledges that the ownership and management of historical marae sites along the Whanganui River in the Whanganui National Park, particularly Tteke and Mangapapapa, and the removal of historical marae sites along the Whanganui River from the ownership of Te Korowai o Wainuiārua, have been sources of substantial grievance for Te Korowai o Wainuiārua, and in particular for Tamahaki. The Crown also acknowledges that the management of certain historical marae sites may not reflect their current usage by Te Korowai o Wainuiārua.
- 6.11. The Crown is committed to negotiating redress in good faith over the Whanganui National Park with Te Korowai o Wainuiārua and other hapū and iwi with interests in the park.

7 TONGARIRO NATIONAL PARK COLLECTIVE NEGOTIATIONS

- 7.1. In the 1880s, the Crown purchased the western slopes of Ruapehu within the Waimarino Block, and later included this land within the Tongariro National Park. The acquisition of this block was crucial to the creation of the Tongariro National Park. In the last century, the park's boundaries have been expanded and today a large proportion of the park includes the rohe of Te Korowai o Wainuiārua.
- 7.2. These lands were of great traditional, historical, cultural and spiritual importance to Te Korowai o Wainuiārua and their loss has been keenly felt. The Waimarino block comprised almost a third of the Te Korowai o Wainuiārua rohe and contained valuable resources for traditional use and was strategically important to the iwi of Te Korowai o Wainuiārua. The Crown's purchase of Waimarino was one of the largest Crown acquisitions in the North Island and was conducted in a manner that was in breach of the Treaty of Waitangi.
- 7.3. Te Korowai o Wainuiārua consider that their interests in the Tongariro National Park have never been adequately recognised by the Crown and they have not had adequate opportunity to be involved in Park management.
- 7.4. Te Korowai o Wainuiārua seek, in recognition of their mana, the restoration of their tino rangatiratanga and kaitiakitanga over their interests in the Tongariro National Park by the provision of redress that includes –
- 7.4.1. fresh and appropriate arrangements for the ownership and legal status of the Tongariro National Park that are consistent with kawa and tikanga and the partnership of Te Korowai o Wainuiārua and the Crown;
 - 7.4.2. tangata whenua and the Crown acting in partnership in the governance and integrated management of the Tongariro National Park, in accordance with the kawa, tikanga and values of Te Korowai o Wainuiārua and other tangata whenua;
 - 7.4.3. raising public awareness and understanding about the establishment of the Tongariro National Park and the contribution and sacrifices of Te Korowai o Wainuiārua and other tangata whenua;
 - 7.4.4. acknowledgement of the Te Korowai o Wainuiārua kaitiaki status and redress that will increase Te Korowai o Wainuiārua ability to exercise an empowered kaitiakitanga role (not merely to be consulted). Specifically, Te Korowai o Wainuiārua seek recognition of kaitiaki status in respect of lands and resources;
 - 7.4.5. formal access to traditionally significant flora through cultural materials harvest plans to provide for the collection of rongoā and other important flora; and support to develop potential commercial and employment opportunities, including for example eco-tourism; and

DEED OF SETTLEMENT

7: TONGARIRO NATIONAL PARK COLLECTIVE NEGOTIATIONS

- 7.4.6. appropriate protection and conservation of the Tongariro National Park, in keeping with the kawa, tikanga and values of Te Korowai o Wainuiārua.
- 7.5. Te Korowai o Wainuiārua has the aspiration that ownership and/or occupation rights in respect to and recognition of Te Korowai o Wainuiārua association with sites of exclusive significance will be achieved through the forthcoming collective negotiations.

TONGARIRO NATIONAL PARK COLLECTIVE IWI NEGOTIATIONS

- 7.6. Other than Crown Acknowledgments and Apology, this deed does not provide for any cultural redress from the Crown in relation to any of the historical claims that relate to Tongariro National Park, as that is yet to be developed in settlement negotiations in conjunction with Te Korowai o Wainuiārua and other iwi and hapū with interests in Tongariro National Park. The collective agreements will also include a historical background statement which provides context to the settlement.
- 7.7. The governance entity and the mandated representatives of other iwi and hapū with interests in Tongariro National Park intend to negotiate cultural redress in relation to Tongariro National Park.
- 7.8. The lands within the Tongariro National Park boundaries, including the Waimarino lands and the maunga, are of immeasurable historical, cultural, and spiritual importance to Te Korowai o Wainuiārua. The Crown acknowledges the significance and critical importance of the Tongariro National Park to Te Korowai o Wainuiārua, and that redress associated with the Park is fundamental to Te Korowai o Wainuiārua.
- 7.9. The Crown is committed to negotiating redress in good faith over the Tongariro National Park with Te Korowai o Wainuiārua and other hapū and iwi with in interests in the park.

8 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

- 8.1. The Crown must pay the governance entity on the settlement date \$12,804,739, being the financial and commercial redress amount of \$21,700,000 less –
- 8.1.1. the on-account payment of \$6,510,000 referred to in clause 8.2; and
 - 8.1.2. \$2,385,261 being the total transfer values of the commercial redress properties.

ON-ACCOUNT PAYMENT

- 8.2. The Crown will pay to the governance entity on account of the financial and commercial redress amount:
- 8.2.1. within 10 business days after the date of this deed, the sum of \$4,340,000; and
 - 8.2.2. within 10 business days of the date of the introduction of the draft settlement bill to the House of Representatives, the sum of \$2,170,000.

COMMERCIAL REDRESS PROPERTIES

- 8.3. Each commercial redress property is to be –
- 8.3.1. transferred by the Crown to the governance entity on the settlement date –
 - (a) as part of the redress to settle the historical claims, and without any other consideration to be paid or provided by the governance entity or any other person; and
 - (b) on the terms of transfer in part 7 of the property redress schedule; and
 - 8.3.2. as described, and is to have the transfer value provided, in part 3 of the property redress schedule.
- 8.4. The transfer of each commercial redress property will be subject to, and where applicable with the benefit of, the encumbrances provided in part 3 of the property redress schedule in relation to that property.

LICENSED LAND

- 8.5. The settlement legislation will, on the terms provided by sections 157 and 174 to 180 of the draft settlement bill, provide for the following in relation to the commercial redress property that is licensed land:

DEED OF SETTLEMENT

8: FINANCIAL AND COMMERCIAL REDRESS

- 8.5.1. its transfer by the Crown to the governance entity:
- 8.5.2. it is to cease to be Crown forest land upon registration of the transfer;
- 8.5.3. the governance entity to be, on the settlement date, in relation to the licensed land, –
 - (a) a confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed; and
 - (b) entitled to the rental proceeds since the commencement of the Crown forestry licence:
- 8.5.4. the Crown to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 terminating the Crown forestry licence, in so far as it relates to the licensed land, at the expiry of the period determined under that section, as if –
 - (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land to Māori ownership; and
 - (b) the Waitangi Tribunal's recommendation became final on settlement date:
- 8.5.5. the governance entity to be the licensor under the Crown forestry licence, as if the licensed land had been returned to Māori ownership on the settlement date under section 36 of the Crown Forest Assets Act 1989, but without section 36(1)(b) applying: and
- 8.5.6. for rights of access to areas that are wāhi tapu.

DEFERRED SELECTION PROPERTIES

- 8.6. The governance entity may during the deferred selection period for each deferred selection property, give the Crown a written notice of interest in accordance with paragraph 5.1 of the property redress schedule.
- 8.7. Part 5 of the property redress schedule provides for the effect of the notice given under clause 8.6 and sets out a process where the property is valued and may be acquired by the governance entity.
- 8.8. Each of the following deferred selection properties is to be leased back to the Crown, immediately after its purchase by the governance entity, on the terms and conditions provided by the lease for that property in part 14 of the documents schedule (being a registrable ground lease for the property, ownership of the improvements remaining unaffected by the purchase):
 - 8.8.1. National Park Police Station (land only);

DEED OF SETTLEMENT

8: FINANCIAL AND COMMERCIAL REDRESS

- 8.8.2. National Park School site (land only);
 - 8.8.3. Raetihi Police Station (land only); and
 - 8.8.4. Raetihi Primary School site (land only).
- 8.9. Clause 8.10 applies in respect of a 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.
- 8.10. If this clause applies to a DSP school house site –
- 8.10.1. 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 –
 - 8.10.2. the deferred selection property that is the related school site will include the DSP school house site; and
 - 8.10.3. all references in this deed to a 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.
- 8.11. In the event that any property (or part of any property) listed in clause 8.8 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 property (or the relevant part of the property), give written notice to the governance entity advising it that the property (or the relevant part of the property) is no longer available for selection by the governance entity in accordance with clause 8.6. The right under clause 8.6 ceases in respect of the property (or the relevant part of the property) on the date of receipt of the notice by the governance entity under this clause. To avoid doubt, following service of a notice under this clause 8.11:
- 8.11.1. where the notice is served in respect of part only of a property listed in clause 8.8, the balance of that property will continue to be available for selection by the governance entity in accordance with clause 8.6; and
 - 8.11.2. the governance entity will continue to have a right of first refusal in relation to the property (or the relevant part of the property) in accordance with clause 8.21.

PART MAKATOTE SCENIC RESERVE SITE A

- 8.12. If the governance entity elects to purchase the deferred selection property that is Part Makatote Scenic Reserve Site A, the transfer will be subject to the governance entity, on or by the settlement date for that property, providing the Crown with a registrable right of

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8: FINANCIAL AND COMMERCIAL REDRESS

way easement in gross on the terms and conditions set out in part 13.2 of the documents schedule.

SHARED DEFERRED SELECTION PROPERTY

8.13. The governance entity may –

8.13.1. if the Crown has given a notice under paragraph 6.1.3 of the property redress schedule; and

8.13.2. during the shared DSP period for the Raurimu Station property,

give the Crown a written notice of interest in accordance with paragraph 6.2 of the property redress schedule.

8.14. Parts 5 and 6 of the property redress schedule provide for the effect of the notice given under clause 8.13 and set out a process where the Raurimu Station property is valued and may be acquired by the governance entity, or the Ngāti Hāua governance entity, or both entities as tenants in common.

8.15. Any right that the governance entity has under clause 8.13 is shared with the Ngāti Hāua governance entity.

APPOINTMENT OF TRUSTEES AS MANAGER OF MARGINAL STRIPS

8.16. The settlement legislation will, on the terms provided in section 171 of the draft settlement bill, provide that the governance entity is appointed as the manager of any marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer to the governance entity of:

8.16.1. the following purchased deferred selection properties on and from the date of transfer of that property:

(a) Station Road Main Block, National Park:

(b) Land adjacent to Waimarino Reserve, National Park:

(c) Makakaho Rd, Makakaho:

(d) Mangatiti Rd, Ruatiti:

(e) Preservation of Scenery, SH4, Makotuku River; and

8.16.2. the following commercial redress property on and from the date of transfer of that property:

(a) the Former Waikune Prison; and

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8: FINANCIAL AND COMMERCIAL REDRESS

- 8.17. The settlement legislation will, on the terms provided by section 171(3) of the draft settlement bill, provide that in relation to the licensed land, the governance entity is appointed as the manager of any marginal strip reserved by the grant of the Crown forestry licence on and from the date that the Crown forestry licence is surrendered over the land adjoining that marginal strip.
- 8.18. The settlement legislation will, on the terms provided in section 170 of the draft settlement bill, provide that –
- 8.18.1. any marginal strip reserved from the transfer of the following purchased deferred selection properties is reduced to a width of 5 metres:
- (a) Land adjacent to Waimarino Reserve, National Park:
 - (b) Station Road Main Block, National Park; and
- 8.18.2. the marginal strip reserved from the transfer of the following purchased deferred selection property is reduced to a width of 5 metres in area B as shown on the map in part 10 of the attachments:
- (a) Preservation of Scenery, SH4, Makotuku River, Raetihi.
- 8.19. The settlement legislation will, on the terms and conditions provided in section 172 of the draft settlement bill, provide that –
- 8.19.1. the governance entity may apply to the Minister of Conservation for consent to transfer management of a marginal strip to an affiliated entity (as that term is defined in section 172(9) of the draft settlement bill) prior to transferring the fee simple estate in the land adjoining the marginal strip to that entity; and
- 8.19.2. the Minister of Conservation may appoint an affiliated entity as manager of the marginal strip on the terms and conditions outlined in the draft settlement bill.

SETTLEMENT LEGISLATION

- 8.20. The settlement legislation will, on the terms provided by sections 157 to 173 of the draft settlement bill, enable the transfer of the commercial redress properties, the deferred selection properties and the shared deferred selection property.

EXCLUSIVE RFR FROM THE CROWN

- 8.21. The governance entity is to have a right of first refusal in relation to a disposal of exclusive RFR land, being –
- 8.21.1. land in the exclusive RFR area that, on the settlement date,
- (a) is vested in the Crown; or

DEED OF SETTLEMENT

8: FINANCIAL AND COMMERCIAL REDRESS

- (b) the fee simple for which is held by the Crown; or
 - (c) is a reserve vested in an administering body that derived title from the Crown and that would, on application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
 - 8.21.2. land listed in part 4 of the attachments that, on the settlement date,
 - (a) is vested in the Crown; or
 - (b) the fee simple of which is held by the Crown or the Crown body specified in the table in part 4 of the attachments as landholding agency for the land;
 - (c) is a reserve vested in an administering body that derived title from the Crown and that would, on application of section 25 or 27 of the Reserves Act 1977, revert in the Crown.
 - 8.22. The right of first refusal is –
 - 8.22.1. to be on the terms provided by sections 181 to 213 of the draft settlement bill; and
 - 8.22.2. in particular, to apply –
 - (a) for a term of 182 years on and from the settlement date; but
 - (b) only if the exclusive RFR land is not being disposed of in the circumstances provided by sections 191 to 201 or under any matter referred to in section 202(1) of the draft settlement bill.
- SHARED RFR WITH TE KĀHUI MARU TRUST: TE IWI O MARUWHARANUI AND THE NGĀTI HĀUA GOVERNANCE ENTITY**
- 8.23. In clauses 8.24 and 8.25 –
 - 8.23.1. **commencement date** has the meaning given in section 181 of the draft settlement bill in relation to the shared RFR land; and
 - 8.23.2. **RFR date** has the meaning given in section 181 of the draft settlement bill in relation to the shared RFR land.
 - 8.24. The governance entity, the Te Kāhui Maru Trust: Te Iwi o Maruwharanui and the Ngāti Hāua governance entity are to have a shared right of first refusal in relation to a disposal of land defined as “shared RFR land” in the Ngāti Maru (Taranaki) Claims Settlement Act 2022, which –

DEED OF SETTLEMENT

8: FINANCIAL AND COMMERCIAL REDRESS

- 8.24.1. is the land listed in part 5 of the attachments, that on the commencement date –
- (a) is vested in the Crown; or
 - (b) is held in fee simple by the Crown; or
 - (c) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
- 8.24.2. includes land obtained in exchange for a disposal of shared RFR land in the circumstances specified in section 197(1)(c) or 198 of the draft settlement bill; and
- 8.24.3. includes any land that, before the RFR date for shared RFR land, was obtained in exchange for a disposal of shared RFR land under sections 135(1)(c) or 136 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022 or an equivalent provision in the Ngāti Hāua settlement legislation; but
- 8.24.4. does not include any land within the meaning of clause 8.24.1, if, on the RFR date for the shared RFR land, the land –
- (a) has ceased to be RFR land in any of the circumstances described in section 122(3)(a), (b) or (c) of the Ngāti Maru (Taranaki) Claims Settlement Act 2022 or an equivalent provision in the Ngāti Hāua settlement legislation; or
 - (b) is subject to a contract formed under section 128 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022 or an equivalent provision in the Ngāti Hāua settlement legislation.
- 8.25. The shared right of first refusal is –
- 8.25.1. to be on the terms provided by sections 181 to 213 of the draft settlement bill; and
- 8.25.2. in particular, to apply –
- (a) for a term of 180 years on and from the commencement date; and
 - (b) only if the shared RFR land is not being disposed of in the circumstances provided by sections 191 to 201 or under a matter referred to in section 202(1) of the draft settlement bill.

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8: FINANCIAL AND COMMERCIAL REDRESS

SHARED RFR WITH THE TE KĀHUI MARU TRUST: TE IWI O MARUWHARANUI

- 8.26. In clauses 8.27 and 8.28 –
- 8.26.1. **commencement date** has the meaning given in section 181 of the draft settlement bill in relation to the Tahora Bus Stop property; and
- 8.26.2. **RFR date** has the meaning given in section 181 of the draft settlement bill in relation to the Tahora Bus Stop property.
- 8.27. The governance entity and the Te Kāhui Maru Trust: Te Iwi o Maruwharanui are to have a shared right of first refusal in relation to a disposal of land defined as the “Tahora Bus Stop property” in the Ngāti Maru (Taranaki) Claims Settlement Act 2022, which –
- 8.27.1. is the land listed in part 7 of the attachments, that on the commencement date –
- (a) is vested in the Crown; or
 - (b) is held in fee simple by the Crown; and
- 8.27.2. includes land obtained in exchange for a disposal of the Tahora Bus Stop property in the circumstances specified in sections 197(1)(c) or 198 of the draft settlement bill; and
- 8.27.3. includes any land that, before the RFR date for the Tahora Bus Stop property, was obtained in exchange for a disposal of the Tahora Bus Stop property under sections 135(1)(c) or 136 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; but
- 8.27.4. does not include any land within the meaning of clause 8.27.1, if, on the RFR date for the Tahora Bus Stop property, the land –
- (a) has ceased to be RFR land in any of the circumstances described in section 122(3)(a), (b) or (c) of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; or
 - (b) is subject to a contract formed under section 128 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022.
- 8.28. The shared right of first refusal is –
- 8.28.1. to be on the terms provided by sections 181 to 213 of the draft settlement bill; and
- 8.28.2. in particular, to apply –
- (a) for a term of 180 years on and from the commencement date; and

DEED OF SETTLEMENT

8: FINANCIAL AND COMMERCIAL REDRESS

- (b) only if the Tahora Bus Stop property is not being disposed of in the circumstances provided by sections 191 to 201 or under a matter referred to in section 202(1) of the draft settlement bill.

SHARED RFR WITH THE NGĀTI HĀUA GOVERNANCE ENTITY OVER RAURIMU STATION PROPERTY

- 8.29. In clauses 8.30 and 8.31, **commencement date** means:
 - 8.29.1. if the settlement date occurs before the settlement date under the Ngāti Hāua settlement legislation, the earlier of:
 - (a) the date that is 5 years after the settlement date; and
 - (b) the settlement date under the Ngāti Hāua settlement legislation; and
 - 8.29.2. if the settlement date occurs on or after the settlement date under the Ngāti Hāua settlement legislation, the settlement date.
- 8.30. The governance entity and the Ngāti Hāua governance entity are to have a shared right of first refusal in relation to a disposal of the Raurimu Station property, which –
 - 8.30.1. is the land listed in part 6 of the attachments, that on the commencement date is held in fee simple by Landcorp Holdings Limited; and
 - 8.30.2. includes land obtained in exchange for a disposal of the Raurimu Station property in the circumstances specified in sections 197(1)(c) or 198 of the draft settlement bill.
- 8.31. The shared right of first refusal is –
 - 8.31.1. to be on the terms provided by sections 181 to 213 of the draft settlement bill; and
 - 8.31.2. in particular, to apply –
 - (a) for a term of 182 years on and from the commencement date; and
 - (b) only if the Raurimu Station property is not being disposed of in the circumstances provided by sections 191 to 201, or under a matter referred to in section 202(1) of the draft settlement bill.

9 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

- 9.1. The Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 9.2. The settlement legislation will provide for all matters for which legislation is required to give effect to this deed of settlement.
- 9.3. The draft settlement bill proposed for introduction to the House of Representatives –
 - 9.3.1. 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
 - 9.3.2. must be in a form that is satisfactory to Te Korowai o Wainuiārua and the Crown.
- 9.4. Te Korowai o Wainuiārua and the governance entity must support the passage of the draft settlement bill through Parliament.

SETTLEMENT CONDITIONAL

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

EFFECT OF THIS DEED

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

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9: SETTLEMENT LEGISLATION, CONDITIONS AND TERMINATION

TERMINATION

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

10 GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

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

HISTORICAL CLAIMS

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

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- 10.2.2. includes every claim to the Waitangi Tribunal to which clause 10.2.1 applies that relates exclusively to Te Korowai o Wainuiārua or a representative entity, including the following claims:
- (a) Wai 73 – Waimarino Lands Claim;
 - (b) Wai 458 – Ohotu 1C2 Block Claim;
 - (c) Wai 555 – Taumatamahoe Block Claim;
 - (d) Wai 843 – Waimarino Block and Waikune Prison Claim;
 - (e) Wai 954 – Tamakana Waimarino (No.1) Block Claim;
 - (f) Wai 1072 – Ngāti Ruakopiri Waimarino Block Alienation Claim;
 - (g) Wai 1073 – Ngāti Kowhaikura Waimarino and Ruapehu Blocks Claim;
 - (h) Wai 1084 – Te Tangata Whenua o Uenuku Foreshore and Seabed Claim;
 - (i) Wai 1181 – Urewera 2A2 Block Claim;
 - (j) Wai 1189 – Ngāti Kahukurapango and Ngāti Matakaha Land Claim;
 - (k) Wai 1192 – Ngāti Maringi Land Claim;
 - (l) Wai 1197 – Ngāti Tumanuka Waimarino Lands Claim;
 - (m) Wai 1202 – Whanganui River Trust Board Act Representation Claim;
 - (n) Wai 1224 – Uenuku Tuwharetoa Lands and Minerals Claim;
 - (o) Wai 1261 – Ngāti Tara Lands Claim;
 - (p) Wai 1388 – Tamakana, Ruakopiri and Maringi Mana Whenua Claim;
 - (q) Wai 1393 – Te Whare Ponga Taumatamahoe Inc Society and Te Whare Ponga Whanau Trust Claim;
 - (r) Wai 1394 – Tahana Whanau Claim;
 - (s) Wai 1614 – Waimarino 4A1A, 4B Part 2, 4A and 4A5 Blocks (Waikune Trust) Claim;
 - (t) Wai 1633 – Raetihi 2B 3B Blocks Claim;
 - (u) Wai 1738 – Waimarino Block (Bristol) Claim;

DEED OF SETTLEMENT

10: GENERAL, DEFINITIONS, AND INTERPRETATION

- (v) Wai 2203 – Waimarino No. 3 Non-sellers Reserve (Cribb and Rapana) Claim;
 - (w) Wai 2204 – Waimarino 3, Waimarino 4 and Ngapakihi Blocks Claim; and
- 10.2.3. includes every other claim to the Waitangi Tribunal to which clause 10.2.1 applies, so far as it relates to Te Korowai o Wainuiārua or a representative entity, including the following claims:
- (a) Wai 48 – The Whanganui ki Maniapoto Claim;
 - (b) Wai 81 – Waihaha and Other Lands Claim;
 - (c) Wai 146 – King Country Lands Claim;
 - (d) Wai 167 – Whanganui River Claim;
 - (e) Wai 221 – Waimarino No. 1 Block and Railway Lands Claim;
 - (f) Wai 428 – Pipiriki Township Claim;
 - (g) Wai 759 – Whanganui Vested Lands Claim;
 - (h) Wai 836 – Makotuku Block IV Claim;
 - (i) Wai 1029 - Taurewa Blocks Public Works Acquisition Claim;
 - (j) Wai 1170 – Tangata Whenua o Uenuku Land Claim;
 - (k) Wai 1229 – Atihau Lands Claim;
 - (l) Wai 1594 – Descendants of Te Hore Te Waa Nukurarae Claim;
 - (m) Wai 1607 – Ngāti Kurawhatia Lands Claim;
 - (n) Wai 1637 – Te Atihau a Paparangi (Taiaroa and Mair) Claim.
- 10.3. However, historical claims does not include the following claims:
- 10.3.1. a claim that a member of Te Korowai o Wainuiārua, or a whānau, hapū, or group referred to in clause 10.7.2, may have that is, or is founded on, a right arising as a result of being descended from a tupuna who is not referred to in clause 10.7.1;
 - 10.3.2. a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 10.3.1;

DEED OF SETTLEMENT

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- 10.3.3. any claim a member of Ngāti Hekeāwai/Te Patutokotoko, Ngāti Hau, Ngāti Kura, Ngāti Kurawhatia, Ngāti Pare, or Ngāti Ruru may have, to the extent that a claim is, or is founded on, a right arising from being descended from a tupuna other than Tamahaki, Tamakana, and Uenuku ki Manganui-o-te-Ao, nā Tukaihoru.
- 10.4. To avoid doubt, clause 10.2.1 is not limited by clauses 10.2.2 or 10.2.3.
- 10.5. To avoid doubt, nothing in this deed or the settlement legislation will –
- 10.5.1. extinguish or limit any aboriginal title or customary right that Te Korowai o Wainuiārua may have; or
- 10.5.2. constitute or imply an acknowledgement by the Crown that any aboriginal title or customary right exists; and
- 10.5.3. except as provided in this deed or the settlement legislation –
- (a) affect a right that Te Korowai o Wainuiārua may have, including 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 in relation to aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; or
 - (b) be intended to affect any action or decision under the deed of settlement between Māori and the Crown dated 23 September 1992 in relation to Māori fishing claims; or
 - (c) affect any action or decision under any legislation and, in particular, under the following legislation giving effect to the deed of settlement referred to in clause 10.5.3(b), including –
 - (i) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992;
 - (ii) the Fisheries Act 1996;
 - (iii) the Māori Fisheries Act 2004;
 - (iv) the Māori Commercial Aquaculture Claims Settlement Act 2004.

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

TE KOROWAI O WAINUIĀRUA

10.7. In this deed, **Te Korowai o Wainuiārua** means –

10.7.1. the collective group composed of individuals who descend from a Te Korowai o Wainuiārua tupuna; and

10.7.2. every whānau, hapū, or group to the extent that it is composed of individuals referred to in clause 10.7.1, including the following descent groups:

- (a) Ngāti Atamira;
- (b) Ngāti Hae;
- (c) Ngāti Hau;
- (d) Ngāti Hekeāwai;
- (e) Ngāti Hineiti;
- (f) Ngāti Hinekoropango;
- (g) Ngāti Hinekumara;
- (h) Ngāti Hinekura;
- (i) Ngāti Hineraro;
- (j) Ngāti Hinerua;
- (k) Ngāti Hinetaro;
- (l) Ngāti Hinewai;
- (m) Ngāti Kahukurapane;
- (n) Ngāti Kahukurapango;
- (o) Ngāti Kahutuna;
- (p) Ngāti Kaponga;
- (q) Ngāti Kowhaikura;

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- (r) Ngāti Kura;
- (s) Ngāti Kuratangiwharau;
- (t) Ngāti Kurawhatia;
- (u) Ngāti Maringi;
- (v) Ngāti Matakaha;
- (w) Ngāti Ngarongoa;
- (x) Ngāti Paekawa;
- (y) Ngāti Paku;
- (z) Ngāti Pare;
- (aa) Ngāti Parekītai;
- (bb) Ngāti Poumua;
- (cc) Ngāti Puku;
- (dd) Ngāti Rangi ki Manganui-o-te-Ao;
- (ee) Ngāti Ratuhi;
- (ff) Ngāti Rongotehengia;
- (gg) Ngāti Ruakopiri;
- (hh) Ngāti Ruru;
- (ii) Ngāti Taipoto;
- (jj) Ngāti Takapupapa;
- (kk) Ngāti Tamahaki;
- (ll) Ngāti Tamahuatahi;
- (mm) Ngāti Tamakana;
- (nn) Ngāti Taongakorehu;
- (oo) Ngāti Tara;

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- (pp) Ngāti Tauengarero;
- (qq) Ngāti Taumatamahoe;
- (rr) Ngāti Te Aomapuhia;
- (ss) Ngāti Tuawhiti;
- (tt) Ngāti Tuhoro;
- (uu) Ngāti Tukaioia;
- (vv) Ngāti Tukapua;
- (ww) Ngāti Tukoio;
- (xx) Ngāti Tumanuka;
- (yy) Ngāti Tutei-o-te-rangi;
- (zz) Ngāti Tuwharekai;
- (aaa) Ngāti Uenuku;
- (bbb) Ngāti Waikaramihi;
- (ccc) Ngāti Whaikiterangi;
- (ddd) Ō Te Rangitautahi;
- (eee) Rakaetoia;
- (fff) Tangatakore;
- (ggg) Te Patutokotoko; and

10.7.3. every individual referred to in clause 10.7.1.

10.8. For the purposes of clause 10.7.1 –

- 10.8.1. a person is **descended** from another person if the first person is descended from the other by –
 - (a) birth; or
 - (b) legal adoption; or

DEED OF SETTLEMENT

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- (c) Māori customary adoption in accordance with the tikanga (customary values and practices) of Te Korowai o Wainuiārua; and

10.8.2. **Te Korowai o Wainuiārua tupuna** means an individual who:

- (a) exercised customary rights by virtue of being descended from:
 - (i) Tamakana; or
 - (ii) Tamahaki; or
 - (iii) Uenuku ki Manganui-o-te-Ao, nā Tukaihoru; and
- (b) a recognised tupuna of any of the descent groups listed in clause 10.7.2; and
- (c) exercised customary rights predominantly in relation to the Te Korowai o Wainuiārua area of interest after 6 February 1840.

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

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

MANDATED NEGOTIATORS AND SIGNATORIES

10.9. In this deed –

10.9.1. **mandated negotiators** means:

- (a) the following individuals:
 - (i) Aiden Gilbert, Waikune, Chairman, Negotiator;
 - (ii) Chris McKenzie, Tokoroa, Lead Negotiator;
 - (iii) Paora Haitana, Pipiriki, Negotiator; and

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

- (a) Aiden Gilbert, Waikune, Chairman, Negotiator;
- (b) Chris McKenzie, Tokoroa, Lead Negotiator ;
- (c) Paora Haitana, Pipiriki, Negotiator.

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10: GENERAL, DEFINITIONS, AND INTERPRETATION

ADDITIONAL DEFINITIONS

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

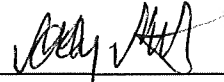
INTERPRETATION

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


DEED OF SETTLEMENT

SIGNED as a deed on 29 July 2023


SIGNED for and on behalf
of Te Korowai o Wainuiārua by
the mandated signatories in the
presence of –



Aiden Gilbert

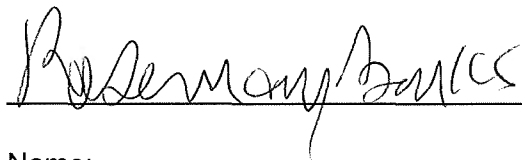


Chris McKenzie



Paora Haitana

WITNESS



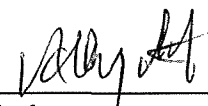
Name:

Occupation:

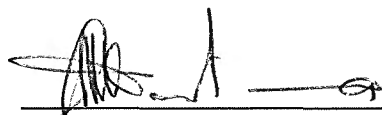
Address:

284 Amberley Beach Rd
Amberley


SIGNED by the trustees of
TE KOROWAI O WAINUIĀRUA TRUST
in the presence of -



Chairperson



Trustee



Trustee



Trustee

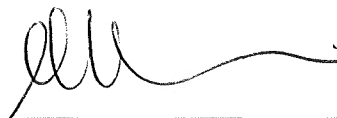
DEED OF SETTLEMENT



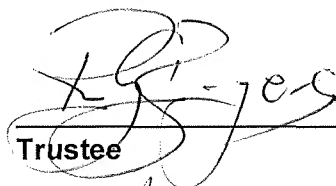
Trustee



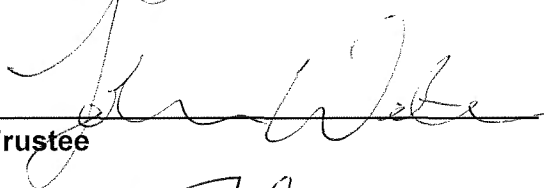
Trustee



Trustee



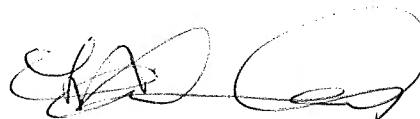
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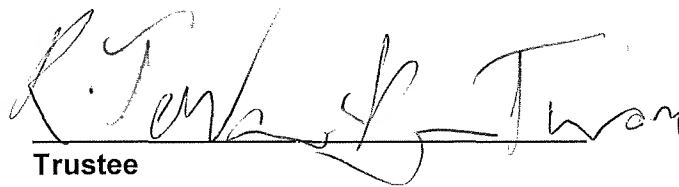
Trustee



Trustee



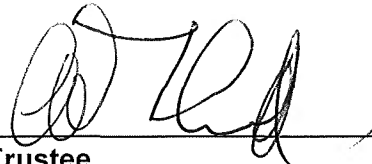
Trustee



Trustee



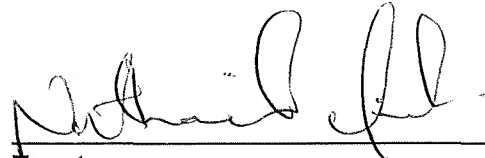
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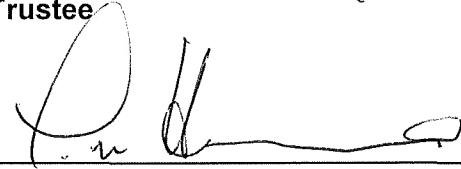


Trustee

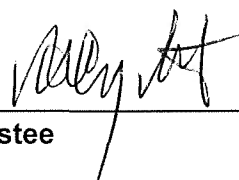


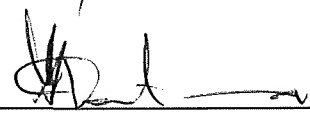
DEED OF SETTLEMENT


Trustee

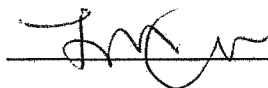

Trustee


Trustee


Trustee


Trustee

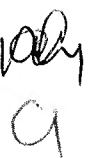
WITNESS



Name: Lu McGregor

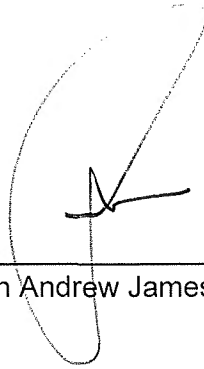
Occupation: Negotiation Manager

Address: Christchurch



DEED OF SETTLEMENT

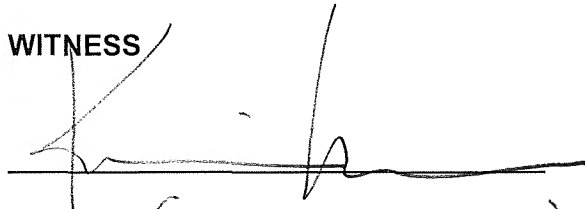
SIGNED for and on behalf of THE CROWN by –



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

Hon Andrew James Little

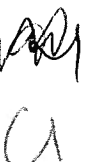
WITNESS



Name: *Gavin Chief Ngatahaka*

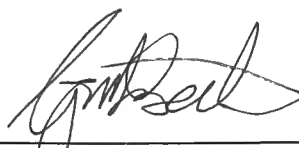
Occupation:

Address:



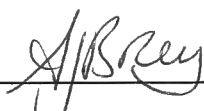
DEED OF SETTLEMENT

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



Hon Grant Murray Robertson

WITNESS



Name: ANGEA BRAY

Occupation: PUBLIC SERVICE

Address: PARLIAMENT BLDGS